



**NPIA**  
National Policing  
Improvement Agency

**PRACTICE  
IMPROVEMENT**

# Manual of Guidance on

# KEEPING THE PEACE

# 2010

Produced on behalf of the Association of Chief Police Officers  
and the Association of Chief Police Officers in Scotland  
by the National Policing Improvement Agency

This guidance contains information to assist policing in England, Wales and Northern Ireland. **It is NOT PROTECTIVELY MARKED under the Government Protective Marking Scheme.**

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The National Policing Improvement Agency (NPIA) is committed to making a valuable contribution to improving public safety. ACPO and the NPIA would like to express their thanks to all those involved in the drafting of this document. All of the responses during the consultation phase of this project were appreciated and contributed to the final document.

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## Preface

This manual of guidance has been developed by the National Policing Improvement Agency (NPIA) on behalf of the Association of Chief Police Officers (ACPO) following consultation with the Police Service, partner agencies and other stakeholders.

The world of protest has changed and public order practice and training must change with it. The police have to balance the competing rights of those who wish to protest with the rights of the wider community, and our duty to protect people and property from the threat of harm or injury. Balancing such competing rights is challenging, particularly in a world with such a wide spectrum of protests, instant communication and complex burden of legislation. Officers remain accountable to the law, and public order policing must be able to adapt dynamically to changing times yet remain consistent in the implementation of command and tactics.

It is essential that commanders at all levels have a clear understanding of their role during an operation and accept that their decisions and the rationale for them may be publicly scrutinised. They must be able to demonstrate effective leadership and be clear in their direction to ensure the effective implementation of the policing style in any given situation.

**ACPO (2010) Manual of Guidance on Keeping the Peace** has been, and will continue to be, an essential reference for all officers involved in public order policing. The manual provides a framework for the management of operations and deployment of resources at a local, regional and national level. It is also a reference for those involved in planning and commanding public order and public safety events. It remains the comprehensive guide and will continue to evolve to meet future demands and challenges.

Chief Constable Meredydd Hughes  
Head of ACPO Uniformed Operations Business Area

A handwritten signature in black ink that reads "Meredydd Hughes". The signature is written in a cursive, flowing style.

# Introduction

The information contained in **ACPO (2010) Manual of Guidance on Keeping the Peace** relates to the policing of large-scale national and regional events and the routine policing of local community events. This type of policing is centred on the management of crowds and includes the policing of planned and spontaneous public events, including protest, and the policing of any events which result in, or may result in, public disorder.

The manual is sponsored by the ACPO Uniformed Operations Business Area and replaces **ACPO (2008) Manual of Guidance on Keeping the Peace** (as endorsed by ACPOS), and **PSNI (2008) Manual of Guidance on Keeping the Peace and Public Order Criminal Justice Strategy**. It has been updated to reflect the impact of changes in the policing environment. Where variations in policing standard or practice exist for Northern Ireland or Scotland, an outline of the specific variation and its implications is provided in the appendix applicable to the policing region.

This guidance should be used as a reference for those involved in the command and planning of public order operations. It provides a framework for the management of operations and deployment of resources at a national, regional or local level.

This manual of guidance does not provide advice on the procurement of public order equipment, which should take account of scientific advice from the Home Office and ACPO to support and strengthen national interoperability and procurement.

This manual is not intended to be exhaustive or restrictive and does not preclude the innovative use of strategies and tactics which are lawful, human rights compliant and which have been adequately risk assessed. Similarly, it does not provide guidance in event organisation or management. However, partner agencies (eg, event organisers, stewarding companies, emergency services, local authorities) may benefit from having access to this document.

For information on the role of police in public safety, see **ACPO (2009) Public Safety Policy**.

For guidelines on the safe management of specific events, see **DCMS (2008) Guide to Safety at Sports Grounds, Fifth Edition** (also referred to as the '**Green Guide**') or **HSE (1999) The Event Safety Guide: A Guide to Health, Safety and Welfare at Music and Similar Events, Second Edition** (also referred to as the '**Purple Guide**') and **Home Office (2006) The Good Practice Safety Guide for Small and Sporting Events Taking Place on the Highways, Roads and Public Places**.

# 1

## Core Principles and Command Considerations

**This chapter sets out the core principles which govern and direct public order policing activities. It includes a table of respective considerations for the Gold and Silver Commanders.**

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## Core Principles of Public Order

- 1.1 The following principles should be applied to the planning and command of public order incidents and are further developed in this manual of guidance.
- 1.2 **Policing Style and Tone**
  - At the commencement of policing operations, commanders should set the policing style and tone and be aware of the potential impact upon public perceptions;
  - The police should be approachable and accessible;
  - The police should be impartial and fair;
  - All policing operations should be based upon the notion of 'policing by consent'.
- 1.3 **Communication**
  - Engagement and dialogue should be used, whenever possible, to demonstrate a 'no surprises' approach;
  - Links with communities, groups, event organisers and other relevant parties should be established and maintained in order to build trust and confidence;
  - Messages should be unambiguous, use plain language and be planned and coordinated;
  - A positive relationship with the media is an opportunity to explain police activity.
- 1.4 **Use of the Conflict Management Model (CMM)**
  - The CMM is the key framework for operational decision making;
  - Recorded audit trails should be used to show clear rationale.
- 1.5 **Command**
  - Public Order Commanders must be trained and operationally competent;
  - Commanders should always consider whether to seek specialist advice;
  - Command structure should be appropriate to the needs of the operation and sufficiently resilient for its purpose.
- 1.6 **Proportionate Responses**
  - Commanders should be able to demonstrate consideration and application of relevant human rights principles;
  - Police powers should be used appropriately and proportionately;
  - Planning should be based on information and intelligence;
  - Commanders should consider use of force implications within the public order context, planning for minimum use of force.

## Considerations for the Gold Commander

1.7 The following is a list of considerations for the Public Order Gold Commander. It is not an exhaustive list and should be used in conjunction with any additional considerations arising from the unique nature of an operation.

<b>Information and Intelligence</b>	<ul style="list-style-type: none"> <li>• Basis of threat assessment and information/intelligence available (ie, identity, capability and intent).</li> <li>• Has the intelligence requirement been documented?</li> <li>• Have intelligence protocols and lines of communication been identified?</li> <li>• Potential or confirmed critical incident?</li> </ul>
<b>Police Role</b>	<ul style="list-style-type: none"> <li>• Is the event a protest event?</li> <li>• Is there a need for the police to attend?</li> <li>• What is the police role at the event?'</li> <li>• Will the police also have an advisory role to partners/SAG?</li> <li>• Is there a need to develop contingency plans?</li> </ul>
<b>Partner Role</b>	<ul style="list-style-type: none"> <li>• Which partners are involved in event?</li> <li>• What is the role of partners?</li> <li>• Is there a need for an SAG?</li> <li>• Is there a need for an SCG?</li> </ul>
<b>Advisers</b>	<ul style="list-style-type: none"> <li>• Does Gold require advice, for example:             <ul style="list-style-type: none"> <li>– legal, including human rights;</li> <li>– public order tactical advice (ie, setting/reviewing tactical parameters);</li> <li>– media liaison?</li> </ul> </li> </ul>
<b>Governance and Review</b>	<ul style="list-style-type: none"> <li>• Arrangements to coordinate and review operation:             <ul style="list-style-type: none"> <li>– meeting structure(s);</li> <li>– lines of communication;</li> <li>– command protocols;</li> <li>– timescales;</li> <li>– peer review;</li> <li>– debrief(s).</li> </ul> </li> </ul>

<b>OPERATIONAL REQUIREMENTS</b>	
<b>Development of Strategy</b>	<ul style="list-style-type: none"> <li>• Has Gold provided a strategy? Review any working strategy that Silver may have developed.</li> <li>• Consider the following when drafting strategy: <ul style="list-style-type: none"> <li>– avoid generic strategies;</li> <li>– create ‘headline’ strategic intentions which reflect the role of the police, local strategic objectives and set the tone (eg, policing style).</li> </ul> </li> <li>• Include narratives to explain each intention in plain English.</li> <li>• Has Gold set or ratified any tactical parameters to give strategic direction? Commanders should consider consulting a tactical adviser to discuss the effects of the parameters on the formulation of tactics. Where tactical parameters are set, they should be clearly articulated and regularly reviewed.</li> </ul>
<b>Scale of Response</b>	<ul style="list-style-type: none"> <li>• Is the police response and command structure appropriate to mitigate threats caused by the event/incident?</li> <li>• Is the police response and command structure influenced by: <ul style="list-style-type: none"> <li>– size of the event;</li> <li>– time and duration;</li> <li>– numbers attending;</li> <li>– location;</li> <li>– available intelligence;</li> <li>– resources required;</li> <li>– threat assessment;</li> <li>– level of media interest;</li> <li>– political implications;</li> <li>– wider policing implications;</li> <li>– community implications, expectations and confidence;</li> <li>– organisational reputation;</li> <li>– any history of the event?</li> </ul> </li> </ul>

<b>Force Capacity and Capability</b>	<ul style="list-style-type: none"> <li>• What are the implications on force capacity and capability, for example: <ul style="list-style-type: none"> <li>– command resilience, facilities and support;</li> <li>– equipment and availability;</li> <li>– communications facilities;</li> <li>– specialist advisers;</li> <li>– internal mobilisation capability;</li> <li>– planning team, logistics support, risk assessors;</li> <li>– intelligence capability;</li> <li>– investigative capability and support;</li> <li>– press liaison;</li> <li>– specialist skills (eg, roped access, EGTs, FITs, SECCO);</li> <li>– is there a need for mutual aid?</li> </ul> </li> </ul>
<b>Command</b>	<ul style="list-style-type: none"> <li>• Are Silver/Bronze occupationally and operationally competent?</li> <li>• Is there resilience within the command structure?</li> </ul>
<b>TACTICAL PLAN</b>	
<b>Legal and Policy</b>	<ul style="list-style-type: none"> <li>• Consider legality and derivation of powers.</li> <li>• Which human rights Articles are likely to be engaged and how?</li> <li>• If a protest event, does the Tactical Plan seek to facilitate peaceful assembly?</li> <li>• Has Silver developed a specific stop and search policy for the operation?</li> </ul>
<b>Communication</b>	<ul style="list-style-type: none"> <li>• Does the Tactical Plan aim for no surprises and to build trust and confidence?</li> <li>• Does the command structure support effective communication (eg, media, communities, briefing)?</li> <li>• Dialogue/Engagement: <ul style="list-style-type: none"> <li>– have plans been developed for communicating with the public and communities that are likely to be affected, and for briefing the media?</li> <li>– is engagement phased (ie, before, during, after the operation)?</li> <li>– is a memorandum of understanding (MOU) being sought?</li> </ul> </li> <li>• Staff Briefings: <ul style="list-style-type: none"> <li>– what are the key messages?</li> <li>– do briefings include <ul style="list-style-type: none"> <li>• force policy and operational parameters (ie, use of force, stop</li> </ul> </li> </ul> </li> </ul>

	<p>and search, officer identification)</p> <ul style="list-style-type: none"> <li>• UK Press Card, role of media</li> <li>• parameters and tipping points (eg, intervention(s), stop and search, containment)</li> <li>• policing style and public perceptions?</li> </ul> <p>– how are briefing messages carried through to operational activity? – what are the methods of briefing mutual aid resources (if any)?</p>
<b>Use of Force</b>	<ul style="list-style-type: none"> <li>• Does the Tactical Plan consider use of force, for example: <ul style="list-style-type: none"> <li>– plan to minimise recourse to use of force;</li> <li>– policing style (in accordance with Gold strategy and any tactical parameters);</li> <li>– least intrusive options;</li> <li>– crowd (engagement, dynamics, response, perceptions);</li> <li>– staff capability;</li> <li>– clarity of decision making and instructions;</li> <li>– tipping points for escalation/de-escalation of use of force or policing style (based on review of threat/risk);</li> <li>– consequences of collective use of force;</li> <li>– authority requirement?</li> </ul> </li> </ul>
<b>Containment</b>	<ul style="list-style-type: none"> <li>• If containment is an option, does the Tactical Plan demonstrate consideration of <i>Austin and Saxby v Commissioner for the Metropolis</i> (2009) UKHL 5?</li> </ul>
<b>Welfare Issues</b>	<ul style="list-style-type: none"> <li>• Are health and safety considerations recorded and control measures in place?</li> <li>• Is there a need to consult welfare partners (eg, Police Federation, staff association)?</li> </ul>

## Considerations for the Silver Commander

<b>Intelligence</b>	<ul style="list-style-type: none"> <li>• Source and NIM grading of information/intelligence.</li> <li>• Are there additional intelligence requirements and if so, what sources are being considered?</li> <li>• Is an Intelligence Cell required?</li> <li>• Should Bronze (Intelligence) be appointed?</li> <li>• Is a clear audit trail of decision making in place (eg, Loggist appointed)?</li> </ul>
<b>Threat Assessment</b>	<ul style="list-style-type: none"> <li>• What is the assessment of threat based on information/intelligence currently available?</li> </ul>
<b>Police Role</b>	<ul style="list-style-type: none"> <li>• Nature of the police role (ie, facilitation of protest)?</li> <li>• Is there a need to develop contingency plans?</li> <li>• What is the tipping point for contingency plans?</li> </ul>
<b>Partner Role</b>	<ul style="list-style-type: none"> <li>• Which partners are involved in the event?</li> <li>• What is the role of partners?</li> <li>• Is there a need for an SAG?</li> </ul>
<b>Gold</b>	<ul style="list-style-type: none"> <li>• Has Gold been appointed?</li> <li>• Has Gold provided a strategy or does Silver need to develop a working strategy?</li> <li>• What are the tactical parameters set by Gold (if any)?</li> </ul>
<b>Advisers</b>	<ul style="list-style-type: none"> <li>• Does Silver require specialist advice, for example: <ul style="list-style-type: none"> <li>– legal, including human rights;</li> <li>– public order tactical;</li> <li>– media relations?</li> </ul> </li> <li>• Which command roles should have access to advisers, at what phase of the operation, and what level of access?</li> </ul>
<b>Scale of Response</b>	<ul style="list-style-type: none"> <li>• Has the police response and command structure been assessed in line with: <ul style="list-style-type: none"> <li>– accreditation requirements;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>– size of event;</li> <li>– time and duration;</li> <li>– numbers attending;</li> <li>– location;</li> <li>– available intelligence;</li> <li>– resources required;</li> <li>– threat assessment;</li> <li>– level of media interest;</li> <li>– political implications;</li> <li>– wider policing implications;</li> <li>– community implications, expectations and confidence;</li> <li>– organisational reputation;</li> <li>– any history of the event?</li> </ul> <ul style="list-style-type: none"> <li>• What command structure is required?</li> <li>• Appointment of trained and operationally competent Bronze (geographic/functional)?</li> </ul>
<b>Resources</b>	<ul style="list-style-type: none"> <li>• Resource and specialist resource requirements (eg, PSU levels, briefing officers, intelligence, finance, mounted police, dogs, CBRN)?</li> </ul>
<b>TACTICAL PLAN</b>	
<b>Legal and Policy</b>	<ul style="list-style-type: none"> <li>• What is the objective of the proposed action?</li> <li>• What is the legal basis for the proposed action?</li> <li>• Is the action necessary and proportionate?</li> <li>• Is there a less intrusive alternative?</li> </ul>
<b>Protest</b>	<ul style="list-style-type: none"> <li>• Is this a protest event? See protest flow charts, <b>Appendix 2</b>.</li> </ul>
<b>Communication</b>	<ul style="list-style-type: none"> <li>• Does the operation require the development of a communication plan?</li> <li>• Should Bronze (Communication) be appointed?</li> <li>• Does the Tactical Plan aim for no surprises and building trust and confidence?</li> <li>• Community and Public Engagement: <ul style="list-style-type: none"> <li>– community engagement plan;</li> <li>– community intelligence from normal or directed engagement with communities;</li> <li>– community impact assessments;</li> <li>– mediators/independent advisory groups;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>– partner engagement;</li> <li>– should Bronze (Community) be appointed?</li> <li>• Protest Groups/Organisers: <ul style="list-style-type: none"> <li>– engagement plan;</li> <li>– structured and recorded contact;</li> <li>– phased dialogue (before, during, after event);</li> <li>– diverse use of media, including social media;</li> <li>– is an MOU sought?</li> </ul> </li> <li>• Media: <ul style="list-style-type: none"> <li>– briefings;</li> <li>– embedding;</li> <li>– staff awareness of UK Press Card;</li> <li>– should Bronze (Media) be appointed?</li> </ul> </li> </ul>
<p><b>Command Considerations for Use of Force</b></p>	<ul style="list-style-type: none"> <li>• Plan to minimise recourse to use of force;</li> <li>• Policing style (in accordance with Gold strategy and any tactical parameters);</li> <li>• Least intrusive options;</li> <li>• Crowd (engagement, dynamics, response, perceptions);</li> <li>• Staff capability;</li> <li>• Clarity of decision making and instructions;</li> <li>• Tipping points for escalation/de-escalation of use of force or policing style (based on review of threat/risk);</li> <li>• Consequences of collective use of force;</li> <li>• Authority requirement?</li> </ul>
<p><b>Tactical Considerations</b></p>	<ul style="list-style-type: none"> <li>• Stop and Search: <ul style="list-style-type: none"> <li>– is there an intelligence case for use?</li> <li>– authority required?</li> <li>– staff briefing?</li> <li>– specific operational policy?</li> </ul> </li> <li>• Containment – specific considerations of <i>Austin and Saxby v Commissioner for the Metropolis</i> (2009) UKHL 5 (eg, time limitations, welfare, public perceptions, media, vulnerable or distressed persons), see <b>Appendix 1</b>.</li> <li>• Use of overt photography;</li> <li>• Protocols for deployment of FITs and/or EGTs;</li> <li>• Policing style;</li> </ul>

	<ul style="list-style-type: none"> <li>• Dispersal: <ul style="list-style-type: none"> <li>– displacement of risk?</li> <li>– exit routes?</li> <li>– crowd response?</li> <li>– public perceptions?</li> </ul> </li> </ul>
<b>Intervention Policy</b>	<ul style="list-style-type: none"> <li>• Is there a need for an intervention policy to be documented?</li> <li>• Staff briefings?</li> <li>• Tipping points?</li> <li>• Should interventions be pre-planned or at the discretion of Bronze?</li> </ul>
<b>Criminal Justice Plan</b>	<ul style="list-style-type: none"> <li>• Should Bronze (Crime) be appointed and at what stage?</li> <li>• Are deployments in accordance with policing style?</li> <li>• Are parameters set for taking/retaining images?</li> <li>• Consider Regulation of Investigatory Powers Act 2000 (RIPA).</li> </ul>
<b>Contingencies</b>	<ul style="list-style-type: none"> <li>• Have the 'what ifs' been considered?</li> <li>• Have contingencies been threat and risk assessed?</li> <li>• Have use of force considerations been reviewed?</li> <li>• Have warning messages been developed?</li> <li>• Is an Intervention Plan required or has one been developed?</li> </ul>
<b>Welfare</b>	<ul style="list-style-type: none"> <li>• As far as practicable, has the impact of police action on the health and safety of officers and the public been considered and recorded, and have control measures been put in place?</li> <li>• Involve staff associations – especially Federation in Gold meetings.</li> </ul>
<b>Staff Briefings</b>	<ul style="list-style-type: none"> <li>• What are the key messages?</li> <li>• Have any mutual aid officers been briefed?</li> <li>• Should Bronze (Briefing) be appointed?</li> <li>• Are staff aware of the policing style for this operation?</li> <li>• Are staff aware of their specific responsibilities regarding the use of force?</li> <li>• Have messages regarding officer identification been reinforced?</li> <li>• Are staff aware of any media issues (eg, UK Press Card, media role, embedded journalists)?</li> </ul>



# 2

## Public Order Policing

**This chapter sets out the legal governance to which public order policing must abide. It details the Human Rights Act 1998 and its legislative and common law implications on public order policing powers. This chapter also provides guidance on the role of police and partnership working, and the importance of effective communication. Acknowledgement is given to HMIC for its contribution to this chapter.**

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## Legal Framework

- 2.1 **Note:** Regional variations to domestic public order apply to this section; see **Appendix 4** (Northern Ireland) and **Appendix 5** (Scotland).
- 2.2 This section includes case references, a list of which can be found at the end of the section.

### Overarching principles

The police have statutory and common law powers in relation to public order policing.

The use of all police powers under public order legislation and common law must be in accordance with the European Convention on Human Rights (ECHR).

The Human Rights Act 1998 requires the police to act compatibly with the ECHR.

### Policing within a Human Rights Context

- 2.3 The Human Rights Act 1998 requires all public authorities, including the police and police authorities, to act in a way which is compatible with the European Convention on Human Rights (ECHR) unless, as a result of one or more provisions of primary legislation, they could not have acted differently.
- 2.4 The police have statutory powers and duties in relation to the policing of protest, including those set out in the Public Order Act 1986, the Criminal Justice and Public Order Act 1994, the Criminal Law Act 1967, the Police and Criminal Evidence Act 1984, and common law powers and duties, including powers to prevent breaches of the peace.
- 2.5 The use of all police powers under public order legislation and common law must be in accordance with the ECHR. Section 3 of the Human Rights Act 1998 requires that the police must interpret and apply their powers in a manner which is compatible with the Convention.
- 2.6 The ECHR Articles incorporated into UK domestic law which are relevant to public order policing include:
- ECHR Article 2 (the right to life);
  - ECHR Article 3 (the prohibition on inhuman and degrading treatment);
  - ECHR Article 5 (the right to liberty and security);
  - ECHR Article 8 (the right to respect for private and family life);
  - ECHR Articles 9, 10 and 11 (freedom of thought, conscience and religion, expression, assembly and association respectively); and
  - Article 1 of First Protocol to the ECHR (right to peaceful enjoyment of property).

### The Right to Peaceful Assembly (Basics: The Right to Protest)

- 2.7 ECHR Articles 9, 10 and 11 protect the right to manifest a religion or belief, to freedom of expression and to freedom of assembly and association respectively. Taken together, these Articles form the basis of an individual's right to participate in peaceful protest.
- 2.8 The right to freedom of peaceful assembly under ECHR Article 11 protects the right to protest in a peaceful way. It includes static protests, marches, parades and processions, demonstrations and rallies. It does not include participation in violent protests.

ECHR Article 11 places both negative and positive duties on the police:

The **negative duty** means that the police must not prevent, hinder or restrict peaceful assembly except to the extent allowed by ECHR Article 11 (2).

The **positive duty** means that, in certain circumstances, the police are under a duty to take reasonable steps to protect those who want to exercise their rights peacefully.

- 2.9 The right to freedom of peaceful assembly places both negative and positive duties on the police. The **negative duty** means that police must not prevent, hinder or restrict peaceful assembly except to the extent allowed by ECHR Article 11 (2). The police must not impose unreasonable indirect restrictions on persons exercising their rights to peaceful assembly, for example, imposing the condition that a counter-demonstration takes place after the demonstration it is opposing has dispersed or imposing a condition on the location of a protest which effectively negates the purpose of the protest. Pre-emptive measures taken by the police which restrict the exercise of the right to peaceful assembly will be subject to particular scrutiny.
- 2.10 The police have a **positive duty**, in certain circumstances, to safeguard the right to peaceful assembly. Where there is a threat of disruption or disorder from others, the police are under a duty to take reasonable steps to protect those who want to exercise their rights peacefully. This does not mean that there is an absolute duty to protect those who want to protest, but the police must take reasonable measures in particular circumstances (*Plattform Ärzte Für das Leben; Bukta*).

### Starting Point for Policing Public Protest: The Presumption in Favour of Peaceful Assembly

ECHR Article 11 (freedom of assembly and association)

The starting point for policing public protest = the presumption in favour of facilitating peaceful assembly.

There is no legal basis in domestic law for describing a public protest as inherently unlawful.

As a lawful activity the majority of peaceful protests may not require police attendance. It will be for the police commander to determine the nature of any police response required to meet police duties under ECHR Article 11.

- 2.11 Under section 11 of the Public Order Act 1986, in certain circumstances organisers of public processions are required to provide notice to the police of the event's location and any routes that the procession will be following. Failure to provide such notice results in the organisers being in breach of the Act, but does not render the protest/procession unlawful.
- 2.12 Commonly held or customary processions and protests, whether they routinely follow the same route or a different route each time, are exempt from the requirement for notice.
- 2.13 There is no legal basis in domestic law for describing a public protest as inherently unlawful: the common law offence of unlawful assembly was explicitly abolished under section 9 of the Public Order Act 1986 and neither the Public Order Act nor the law on obstruction of the highway renders a protest in and of itself unlawful.
- 2.14 A breach of the notification requirement in section 11 of the Public Order Act does not render a protest unlawful under the Act or mean that an otherwise peaceful procession falls outside the protection of ECHR Article 11. Firstly, the section applies only to public processions and not to other assemblies. Secondly, it does not make criminal the mere participation in such a procession: by failing to meet the notification requirements, only the organisers will commit an offence.
- 2.15 In the same way, the mere obstruction of a highway does not render a public assembly unlawful. Many activities obstruct the highway or cause disruption to traffic in major cities. It is only unreasonable obstructions of the highway which are unlawful.
- 2.16 The key question is whether the intentions of those organising the procession or assembly are peaceful. Peaceful in this context includes conduct that annoys or offends persons opposed to the idea or claims a

public procession or assembly is promoting. Peaceful intentions should be presumed unless there is compelling evidence that those organising or participating in a particular event will themselves use, advocate or incite violence.

- 2.17 The possibility of extremists with violent intentions, not members of the organising association, joining the demonstration does not take away the right to peaceful assembly. Even if there is a real risk of a public assembly or procession resulting in disorder by the developments outside the control of those organising it, such a procession or assembly does not for this reason alone fall outside the scope of protection guaranteed by ECHR Article 11.

### **Restricting the Right to Peaceful Protest**

- 2.18 The rights and freedoms provided under Articles 9, 10 and 11 ECHR are qualified rights. This means that they may be interfered with or restricted in certain circumstances if necessary and for a legitimate aim.

The police can impose restrictions on the freedoms of belief, expression and peaceful assembly provided any such restriction is:

- In accordance with the law;
- In pursuit of one or more legitimate aims specified in paragraph 2 of the Article in question;
- Necessary; and
- Proportionate.

- 2.19 Sections 12 and 14 of the Public Order Act 1986 allow the police to impose conditions on a public procession or assembly if the police reasonably believe that it may result in:

- Serious public disorder;
- Serious damage to property;
- Serious disruption to the life of the community;
- Or the purpose of those organising it is the intimidation of others.

- 2.20 A restriction on a peaceful protest will not satisfy the requirement that it should be necessary in a democratic society just because the majority are in favour of it: a balance must be achieved which ensures the fair and proper treatment of minorities and avoids any abuse of a dominant position (*Chassagnou*).

### Principle of Proportionality

- 2.21 The principle of proportionality requires there to be a link between the purpose for the restriction and the measures employed to achieve that purpose. Consider the following:
- Is the purpose sufficiently important to justify the restriction (ie, are there relevant and sufficient reasons to justify the restriction)?
  - Will the measures proposed achieve that purpose?
  - Are the measures to be taken the least restrictive to achieve the intended purpose?
  - Do the measures maintain a fair balance between the rights of the protesters and the general interests of the community?
- 2.22 If the answer to all four questions is **yes**, then the conditions or restrictions imposed on a public procession or public assembly under sections 12 or 14 of the Public Order Act 1986 will be proportionate.
- 2.23 Under section 12 of the Act, conditions which may be imposed by the police on a public procession include restrictions on the route of the procession or prohibiting a procession from entering a particular area. Under section 14, conditions which may be imposed on a public assembly are however restricted to the **location** of the assembly; the **maximum number** of persons who can participate and the **duration** of the assembly.
- 2.24 If the police attempt to impose restrictions which do not comply with ECHR Articles 9 (2), 10 (2) or 11 (2), those restrictions will be an unlawful interference with the rights protected and are likely to constitute a violation of these Articles.

### Protests on Private Land

- 2.25 The right to peaceful assembly under ECHR Article 11 generally only applies in public places. If individuals protest on private land without the permission of the occupier, they are trespassing.
- 2.26 ECHR Article 10 does not grant any freedom of forum for the exercise of that right. Regard must also be given to the rights of owners of private property under Article 1 of Protocol No 1 to the ECHR (*Appleby*). Thus, protesters do not have the right to select the exact location on which to demonstrate.

### Banning a Public Procession

There is a power to ban a public procession under the Public Order Act 1986. There is no power to ban a public assembly.

Banning a public procession will only be justified in extreme circumstances where there is a real threat of disorder which cannot be prevented by other less stringent measures. The mere fact that a public procession may annoy others, or even offend them, is not a sufficient basis for banning it.

- 2.27 Section 13 of the Public Order Act 1986 allows a chief constable to apply to the local council for an order prohibiting the holding of a public procession for a period of up to three months where the chief constable reasonably believes in the particular circumstances that the powers to impose conditions on a public procession will not be sufficient to prevent serious public disorder. The council must obtain the consent of the Secretary of State before making a banning order.
- 2.28 The blanket application of a ban of all public processions in a particular district raises issues regarding proportionality, as there is no ability when such a ban is imposed to consider the particular circumstances of each individual procession.

### The Rights to Freedom of Belief and Expression

- 2.29 The right to freedom of thought, conscience and religion under ECHR Article 9 and freedom of expression under Article 10 includes the freedom to manifest one's religion or beliefs and to hold opinions and to receive and impart information and ideas.
- 2.30 Freedom of expression applies not only to information, ideas or opinions that are popular or favourable or regarded as inoffensive or a matter of indifference but also to those that offend, shock or disturb.
- 2.31 The manner as well as the content of expression is protected under ECHR Article 10 – words, pictures, electronic transmissions, video and conduct intended to convey ideas or information, such as wearing particular clothes, is protected.
- 2.32 Lawful restrictions may be imposed on the rights to freedom of belief and expression. Expressions of racist opinions or ideas, statements which incite violence and hate speech are not protected by ECHR Articles 9 or 10.

### Restricting the Right to Freedom of Expression

- 2.33 ECHR Article 10 is a qualified right. This means that lawful restrictions may be imposed on the exercise of the right to freedom of expression provided any such restriction is imposed in accordance with the law; has one or more legitimate aims such as public safety, the prevention of disorder or crime or the protection of the rights of others; and is necessary and proportionate.
- 2.34 There is little scope under ECHR Article 10 (2) for restrictions on political speech or on debate of questions of public interest (*Wingrove*).
- 2.35 There may be occasions when persons overstep their rights to freedom of belief and expression and, through the public expression or publication of their views, opinions or beliefs, commit criminal offences. There are a number of powers available to the police to restrict or prevent the public expression of such views and opinions. Some of the key powers and relevant offences are discussed below.

### Breach of the Peace

- 2.36 A breach of the peace is committed when an individual causes harm, or appears likely to cause harm, to a person, or in that person's presence, to his/her property, or puts that person in fear of such harm being done; and/or when an individual acts in a manner the likely consequence of which would be to provoke violence in others (*Howell*).

The basic principle is that a police officer may take reasonable action to stop a breach of the peace which is occurring, or to prevent one which the police officer reasonably anticipates will occur in the near future.

To be compatible with the ECHR, action must be intended to ensure public safety, to prevent disorder or crime or to protect the rights of others **and** must be necessary and proportionate.

Police action should target the persons responsible for the breach of the peace – action taken which is not directed at the person committing the breach will generally be unlawful (*Laporte*).

- 2.37 Action cannot be taken against individuals on the basis that they are acting in a manner the likely consequence of which would be to provoke violence in others if their conduct is reasonable or the actual or potential violence provoked in others is 'wholly unreasonable'. The guiding principle is that lawful conduct will rarely, if ever, be other than reasonable; and conversely, a violent reaction to the lawful conduct of others will rarely, if ever, be other than wholly unreasonable (*Redmond-Bate; Percy (1995)*).

- 2.38 Where – and only where – there is a reasonable belief that there are **no** other means whatsoever to prevent a breach of the peace, the lawful exercise by innocent third parties of their rights may be restricted by the police. This is a test of necessity, which can only be justified in truly extreme and exceptional circumstances.
- 2.39 Before the police can take any steps which restrict in any way the lawful exercise of rights by innocent third parties, they must take all other possible steps (including making proper and advance preparations) to ensure that the breach, or imminent breach, is prevented and the rights of third parties are protected (*Austin 2007*).

### **Offences of Intentional Harassment, Alarm or Distress and Harassment, Alarm or Distress (sections 4A and 5 of the Public Order Act 1986)**

ECHR Article 10 (1) protects in substance and in form a right to freedom of expression which others may find insulting or offensive.

Individuals taking part in a peaceful protest will only come within the terms of sections 4A or 5 of the Public Order Act 1986 where their conduct moves into the realms of threatening, abusive or insulting behaviour which is calculated to insult and is unreasonable.

When assessing whether words or behaviour amount to offences under sections 4A or 5, the following factors should be considered:

1. The content of the words or behaviour;
2. The context/circumstances of the words or behaviour;
3. The intention of the person speaking or acting;
4. The probable impact.

- 2.40 The types of conduct which may be capable of amounting to threatening, abusive or insulting words or behaviour include threats made towards innocent bystanders or individuals carrying out public service duties and the throwing of missiles by a person taking part in a demonstration or other public gathering where no injury is caused.
- 2.41 The constituent elements of section 5 of the Public Order Act 1986 offence are:
- **Action** – a person uses threatening, abusive or insulting words or behaviour, disorderly behaviour or displays any writing, sign or other visible representation which is threatening, abusive or insulting.

- **Intent** – a person intends such words, behaviour, writing or representation to be threatening, abusive or insulting (section 6 of the Act) or is aware that they may be so.
- **Impact** – the suspect action was within hearing or sight of a person likely to be caused harassment, alarm or distress.

2.42 The courts have held that a police officer can be caused harassment, alarm or distress. However, police officers are expected to display a degree of fortitude and for an officer to be caused harassment, alarm or distress, the conduct complained of must go beyond that which he or she would regularly come across in the ordinary course of police duties (*Orum*).

2.43 It is a defence to the offence to prove that:

- The person had no reason to believe that there was anyone within hearing or sight who was likely to be caused harassment, alarm or distress;
- The person was inside a dwelling and had no reason to believe that the words or behaviour, or the writing or visible representation would be heard or seen by a person outside that dwelling; or
- The person's conduct was reasonable. (The test is whether the individual's conduct was objectively reasonable.)

2.44 Section 31 (1) (b) and (c) of the Crime and Disorder Act 1998 make the offences under section 4A and 5 racially or religiously aggravated. A person commits an offence which is 'racially or religiously aggravated' if the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership (or presumed membership) of that group.

2.45 If an individual's conduct is gratuitously insulting and he or she intends it to be, or is aware that it might be, it will in most cases follow that the conduct is objectively unreasonable, especially where the conduct was motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group (*Norwood*).

2.46 The key is to distinguish between the **message** or opinion being communicated and the **manner** in which it is conveyed. It is conduct or behaviour which is gratuitous and calculated to insult that is the subject of the offence rather than the public expression of an offensive message or opinion (*Percy 2001*).

### Fear or Provocation of Violence

2.47 It is an offence under section 4 of the Public Order Act 1986 to use threatening, abusive or insulting words or behaviour, or to display or distribute threatening, abusive or insulting material, which is intended to cause fear of or provoke immediate unlawful violence. Section 31 (1) of the Crime and Disorder Act 1998 makes this offence racially or religiously aggravated if it is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership (or presumed membership) of that group.

When assessing whether words or conduct amount to an incitement to violence, the following factors should be considered:

- The content of the words or behaviour.
- The context of the words or behaviour.
- The intention of the person speaking or acting.
- The probable impact.

### Incitement to Racial or Religious Hatred

2.48 Restrictions on the expression of racist ideas or opinions, statements which incite violence and hate speech are legitimate under ECHR Article 10 (2) and ECHR Article 17.

The Public Order Act 1986 makes it an offence to use threatening, abusive or insulting words or behaviour, or to display threatening, abusive or insulting written material, which is intended to stir up racial or religious hatred, or, due to the particular circumstances, racial or religious hatred is likely to be stirred up.

2.49 **Racial hatred** means hatred against a group of persons defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins. Jews and Sikhs have been deemed by the courts to be racial groups. Muslims and Christians, for example, have been considered as religious rather than racial groups.

2.50 It is a defence for an individual to prove that he or she did not intend his or her words or behaviour, or written material, to stir up racial hatred or if he or she was not aware that his or her words or actions or written material might be threatening, abusive or insulting.

- 2.51 **Religious hatred** means hatred against a group of persons defined by reference to religious belief or lack of religious belief. The reference to 'religious belief or lack of religious belief' is a broad one, and is in line with the freedom of thought, religion and conscience guaranteed by ECHR Article 9. It includes, although this list is not definitive, those religions widely recognised in the UK such as Christianity, Islam, Hinduism, Judaism, Buddhism, Sikhism, Rastafarianism, Baha'ism, Zoroastrianism and Jainism. Equally, branches or sects within a religion can be considered as religions or religious beliefs in their own right. It also includes groups of persons defined by reference to a lack of religious belief, such as Atheists and Humanists. The offences are designed to include hatred against a group where the hatred is not based on the religious beliefs of the group (or even on a lack of any religious belief) but based on the fact that the group does not share the particular religious beliefs of the perpetrator.
- 2.52 Section 29 (J) of the Public Order Act 1986 provides that the offences of stirring up religious hatred are not intended to limit or restrict discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of those who hold such beliefs.

### Supporting or Glorifying Terrorism

Section 1 of the Terrorism Act 2006 makes it an offence to publish a statement intending members of the public to be directly or indirectly encouraged to commit, prepare or instigate acts of terrorism.

- 2.53 Statements that are likely to be understood as indirectly encouraging the commission or preparation of acts of terrorism include statements which glorify the commission or preparation of terrorist offences (whether in the past, in the future or generally); and statements from which members of the public could reasonably infer that what is being glorified is conduct that should be emulated by them (section 1 of the Act).

### Using Freedom of Expression to Destroy the Human Rights of Others

The right to freedom of expression guaranteed under ECHR Article 10 may not be used to abuse or destroy the rights of others.

ECHR Article 17 prevents extremists from using rights such as freedom of expression or peaceful assembly to engage in activities aimed at destroying or negating the rights and freedoms of others.

- 2.54 ECHR Article 17 only applies to those rights, such as the freedoms of belief, expression and assembly, which are capable of being exercised so as to destroy the rights of others. 'The general purpose of Article 17 is to prevent totalitarian groups from exploiting in their own interests the principles enunciated by the [ECHR].' (*Glimmerveen*).

### Threats to Life

- 2.55 ECHR Article 2 requires the State not only to refrain from the intentional and unlawful taking of life, but also to take appropriate steps to safeguard the lives of those within its jurisdiction.

Where the police know, or ought to know, of the existence of a real and immediate risk to the life of an individual from the criminal acts of another, they must take reasonable measures in the circumstances to avoid the risk.

- 2.56 Under ECHR Article 2, the police have in certain circumstances, a positive duty to take preventive operational measures to protect an individual whose life may be at risk from the criminal acts of another individual (*Osman*).
- 2.57 Bearing in mind the difficulties involved in policing modern societies, the unpredictability of human conduct and the operational choices which must be made in terms of priorities and resources, such an obligation must be interpreted in a way which does not impose an impossible or disproportionate burden on the authorities (*Osman*).
- 2.58 There will be a violation of the positive duty under Article 2 where it is established that the police did not do all that could reasonably be expected of them to avoid a real and immediate risk to life of which they had or ought to have had knowledge.

### Police Use of Force

The European Court of Human Rights has made a distinction between the use of force which is intended to be lethal, or as a result of which death occurs, and other uses of force. Article 2 will be invoked whenever death occurs at the hands of the State (or serious injury in a situation where death could have occurred) irrespective of the police contact or type of force or weapon used. The European Court has held that this will apply to:

- The use of force which is intended to result in the death of a person and which has that effect;
- The use of force which results in the death of a person and which could have been reasonably foreseen to have that consequence;

- The use of force that results in serious injury to a person, where death could have occurred (*McCann*).

In any of the above situations, force can only be used where it is no more than absolutely necessary. Any use of force must be reasonable in the circumstances. This means that:

1. The use of force must be necessary for a purpose permitted by law, such as self-defence, defence of another, to prevent crime or to effect a lawful arrest. Force should be the last resort.
2. The amount of force used must also be reasonable and proportionate. This means that the degree of force used must be the minimum required in the circumstances to achieve the lawful objective. Otherwise, it is likely that the use of force will be excessive and unlawful.

- 2.59 There are situations where police officers may be required to use force and the law recognises this.
- 2.60 The primary responsibility for using force rests with individual officers, who are answerable to the law.
- 2.61 The use of force by police officers is governed by common law, the Criminal Law Act 1967, the Police and Criminal Evidence Act 1984 and the rights and freedoms contained within the ECHR.
- 2.62 The requirement that domestic law and ECHR Articles 2, 3 and 8 impose is that, if possible, non-violent means should be used to resolve an incident before force is used.
- 2.63 Torture, inhuman and/or degrading treatment or punishment are all prohibited absolutely by ECHR Article 3, irrespective of the circumstances (including the need to combat terrorism) (*Ireland*) and the victim's behaviour (*Tomasi*).
- 2.64 Recourse to physical force against a person which has not been made necessary by his or her own conduct is in principle an infringement of ECHR Article 3 (*Rachwalski*).
- 2.65 ECHR Article 8 protects, among other things, the right to physical integrity and is capable of protecting individuals against forms of ill-treatment which do not reach the high threshold of ECHR Article 3.

2.66 The Criminal Law Act 1967, the Police and Criminal Evidence Act 1984 and common law apply to all uses of force by the police and require that any use of force should be 'reasonable' in the circumstances.

2.67 Reasonable in these circumstances means:

1. Necessary for a purpose permitted by law;
2. The amount of force used must also be reasonable and proportionate. This means that the degree of force used must be the minimum required in the circumstances to achieve the lawful objective. Otherwise it is likely that the use of force will be excessive and unlawful.

2.68 Whenever the use of force is necessary, both the general public and members of the Police Service expect that police forces will:

- Respect and protect human life, and minimise damage and injury;
- Exercise restraint in such use and ensure that their responses are proportionate and necessary in the circumstances and consistent with the legitimate objective to be achieved; and
- Ensure that assistance and aid are rendered to any injured or affected persons at the earliest practicable opportunity.

2.69 Staff responsible for planning and conducting public order operations where the use of force is a possibility should plan and conduct them so as to minimise, to the greatest extent possible, recourse to the use of force.

2.70 Excessive use of force is unlawful.

### **Commander Considerations Regarding Use of Force**

2.71 Commanders should have a broad awareness of the need to balance competing rights of individuals and/or groups, and the impact their decision making has on crowd dynamics and public perception.

2.72 Commanders responsible for the planning and control of operations where the use of force is a possibility shall, so far as possible, plan to minimise recourse to the use of force. For example, commanders should consider:

- Setting the policing style and dress code. For example, Code 1 dress and shield deployment may be a justifiable level of protection, but may also send a message to the crowd that should be reserved for higher levels of threat.
- Any less intrusive tactical options that are available before officers are deployed into a scenario that may require them to use force.

- The consequences of placing police into direct contact with the crowd and whether this in itself may increase the need to use force.
- Mechanical substitutes (eg, barriers) that do not require direct contact between police and the crowd.
- The potential response (eg, alienation and increase in tension), crowd dynamics (eg, exit routes) and public perception when deploying officers.
- Whether staff are sufficiently trained, experienced and competent for specific deployments.
- Clarity of command decisions, including the foreseeable levels of force that officers may use. For example, officers directed to disperse a crowd may individually use force to do so. While those officers would have to justify that use of force, the commander should also consider whether they foresaw the use of force, whether use of force was necessary and whether any further clarity was required regarding the level of force to be used.

## Use of Stop and Search Powers

2.73 In strictly limited circumstances, the police have the power to stop and search individuals and vehicles under a wide range of legislation, including section 1 of the Police and Criminal Evidence Act 1984, section 60 of the Criminal Justice and Public Order Act 1994 and the Terrorism Act 2000. PACE Code A governs the exercise of these powers and contains certain principles governing stop and search which, if not observed, may draw into question the use of these powers. See Police and Criminal Evidence Act 1984 Code A for the exercise by police officers of statutory powers of stop and search (31 December 2008).

Silver command should define the powers under which officers exercise stop and search.

The Tactical Plan should set out protocols for the authorisation and use of sections 60 and 60 (AA) of the Criminal Justice and Public Order Act 1994.

The use of stop and search powers should be included in Silver command briefings.

2.74 **ACPO (2008) Practice Advice on Stop and Search in Relation to Terrorism** provides further information on police stop and search powers.

- 2.75 **Note:** In January 2010, the European Court of Human Rights found that stop and search powers under section 44 of the Terrorism Act 2000 were too broadly expressed, breached ECHR Article 8 (the right to private and family life) and are, therefore, 'not in accordance with the law'. A request to appeal was refused in June 2010 and the decision became final (*Gillan*).
- 2.76 The Home Secretary announced on 8 July 2010 that routine use of section 44 would, therefore, no longer continue. Section 43 (where reasonable suspicion is required) should be used for searching individuals and section 44 authorisations would continue to be considered in respect of vehicles only (as section 43 does not currently include vehicles), but only where the authorisations were 'necessary' for the prevention of acts of terrorism (rather than 'expedient', as set out in the legislation), and only where the powers were exercised on the basis of reasonable suspicion.
- 2.77 The Home Secretary made clear that this was an interim position pending the outcome of a review of wider counter-terrorism legislation, programmes and measures, in which section 44 would be included. At the time of publication of this manual of guidance, a report to Parliament is expected in Autumn 2010.

### Use of Containment as a Crowd Control Measure

- 2.78 The use of containment as a crowd control measure in public order operations must satisfy the criteria set out below (*Austin*).
- 2.79 If the use of containment does not meet this criteria, its use may be found to be arbitrary and in violation of ECHR Article 5.

Police use of containment as a crowd control measure will not infringe the right to liberty of individual members of the crowd **provided** the tactic is:

- Resorted to in good faith;
- Proportionate to the situation making the measure necessary; and
- Enforced for no longer than is reasonably necessary.

### Case References

- 2.80 The following case law references are attributed to this section:
- *Plattform Ärzte Für das Leben v Austria* (1988) EHRR 204;
  - *Bukta and Others v Hungary* (2007) (App. No. 25691/04);
  - *Chassagnou and Others v France* (1999) 29 EHRR 615;
  - *Appleby v UK* App No. (2003) 37 EHRR 783;
  - *Wingrove v UK* (1997) 24 EHRR 1;

- *R v Howell* (1982) QB 416;
- *R (Laporte) v Chief Constable of Gloucestershire Constabulary* (2004) EWHC 253; (2006) UKHL 55;
- *Redmond-Bate v DPP* (1999) Crim LR 998;
- *Percy v DPP* (1995) 1 WLR 1382;
- *Austin and Saxby v Commissioner for the Metropolis* (2007) EWCA Civ 989;
- *DPP v Orum* (1989) 1 WLR 88;
- *Norwood v DPP* (2003) EWCH 1564;
- *Percy v DPP* (2001) EWHC Admin 1125;
- *Glimmerveen and Hagenbeek v Netherlands* (1979) 18 DR 187;
- *Osman v UK* (2000) 29 EHRR 245;
- *McCann and Others v United Kingdom* (1995) 21 EHRR 97;
- *Ireland v UK* (1978) 2 EHRR 25;
- *Tomasi v France* (1992) 15 EHRR 1;
- *Rachwalski and Ferenc v Poland* App No. 47709/99 (28 July 2009);
- *Gillan and Quinton v UK* App No. (2010) 50 EHRR;
- *Austin and Saxby v Commissioner for the Metropolis* (2009) UKHL 5.

## Role of the Police

- 2.81 The term ‘public order policing’ should be interpreted widely to capture the policing of large-scale national and regional events and the routine policing of local community events. Public order policing is centred on the management of crowds and includes the policing of planned and spontaneous public events, including protest, and the policing of incidents resulting in public disorder.
- 2.82 Public order policing derives from the police core duties of:
- Protecting life and property;
  - Preserving order;
  - Preventing the commission of offences; and
  - Bringing offenders to justice.
- 2.83 The police have a duty to respond to any incident of disorder. Chief officers should make preparations to ensure the capability to respond to demand is identified through their force’s Strategic Threat and Risk Assessment.
- 2.84 Frequently, the police may have a presence at planned events such as:
- Sporting events;
  - Concerts;
  - Public processions and demonstrations (eg, peaceful protest);
  - Community events (eg, carnivals).
- 2.85 The police may also respond to events that are unlawful, or pose an immediate threat to public safety, for example:

- Dog fights;
- Public nuisance;
- Spontaneous disorder;
- Unlicensed music events (eg, raves).

2.86 When planning a police response, it is imperative that commanders have a clear understanding of the role that the police will perform during the operation. Once committed to undertaking a role outside the core or otherwise statutory and common law duties and obligations, forces and their individual commander(s) may be held accountable for any police activity or inactivity relating to that commitment.

2.87 Force strategies, operational plans and tactical options should, at all times, consider the powers and policies that are available to help resolve the incident or operation. This may include the specific legal powers that police officers have, as defined in law, or policies agreed at a local, regional or national level. Selecting the appropriate powers and policies will enable a strategy to be developed that addresses the threat in a proportionate manner and ensures accountability by demonstrating the decision-making rationale behind the strategy.

2.88 The organiser(s) of an event have overall responsibility for the management of the event, including the responsibility for public safety. ***Home Office (2006) Good Practice Safety Guide for Small and Sporting Events Taking Place on the Highway, Roads and Public Places*** provides guidance to event organisers.

2.89 The relevant police force will determine whether there is a need for police presence at the event.

## Partnership Working

### Establishing Partners and Stakeholders

2.90 The Gold strategy should specify the role of the police in the operation, and the responsibilities and requirements of other partners and stakeholders. To achieve this the strategy should identify:

- All relevant partners and stakeholders;
- Any Memorandum of Understanding (MOU) and protocols to aid joint partnership working;
- Methods of maintaining up-to-date two-way communications between partners;
- Communities that may be affected, and any related considerations;
- The appropriate complaints body in order to work together to highlight any potential concerns;
- Partners that may be able to assist with relevant community engagement;
- The results of any multi-agency risk assessment(s).

- 2.91 In the case of a multi-agency operation, a Strategic Coordination Group (chaired by the Gold Commander) should be established, see **ACPO (2009) Guidance on Emergency Procedures**.
- 2.92 Establishing multi-agency protocols during operational planning or as part of a wider partnership agreement is recommended.

### Multi-Agency Protocols

- 2.93 Partner agencies should be involved in the planning and resolution of operations and incidents as appropriate. Where partner agencies are involved, protocols should be clearly defined and agreed between the Gold Commander and counterpart roles within all partner agencies. This will ensure that each agency understands its role and responsibilities in the operation, and will support an effective line of communication between agencies.
- 2.94 Multi-agency protocols should clarify:
- Who is in command, when and where?
  - What jurisdiction does each of the agencies involved have in the planning or response to the incident?
  - What procedures are the agencies involved working to?
  - Whether there are any specific procedures that need to be considered.
  - What capability the partner agencies have in responding to the incident?
  - What specific powers partner agencies have that can help to resolve the incident as quickly as possible and bring a return to the steady state?

### Safety Advisory Groups

- 2.95 **Note:** Regional variations to domestic public order apply to this section; see **Appendix 4** (Northern Ireland) and **Appendix 5** (Scotland).
- 2.96 **ACPO (2009) Public Safety Policy** explains that the Police Service is often viewed as the first point of reference for those who organise public events, the assumption being that the Police Service can authorise or ban them. That is not the case, and it is vital that this perception is changed.
- 2.97 Chief officers should encourage borough and district councils and metropolitan authorities to establish a standing Safety Advisory Group (SAG). The SAG should comprise senior officers or executives from the Fire and Rescue Service, Ambulance Service, Highways Authority, Police, any other relevant organisation, and should be chaired by the local authority (LA).

- 2.98 The SAG acts as the first point of reference for all those who are intending to organise a public event, on or off the highway. It should provide advice and guidance regarding the specific areas of responsibility for both the organisers and the other agencies involved and also share best practice examples with organisers.
- 2.99 There is no legal requirement for the organisers to refer events to the SAG, nor to comply with its advice and guidance. Clearly, the event would benefit from such collaboration and it is good practice for event organisers to liaise with the SAG, or to provide a documented, rationalised justification for not complying with the advice offered by the SAG.
- 2.100 Events, particularly those of a commercial nature, should not require police attendance. However, dependent upon the nature and size of the event, the police may be involved in the scrutiny of the planning as part of the Safety Advisory Group process.
- 2.101 In certain circumstances, alternative action by the police may be appropriate when a pre-planned event is considered to be unsafe or likely to result in significant disorder. Such action could be (but not limited to):
- Letter to organisers advising of potential danger and their liabilities;
  - Use of section 13 of the Public Order Act 1986 to prohibit public processions;
  - Application for injunction.
- 2.102 While the SAG may express its view as to whether the police should attend an event, ultimately it is the responsibility of the relevant force to determine whether a police presence is appropriate and necessary.

## Communication

- 2.103 Effective communication is critical to the success of policing operations and should aim to facilitate the following:
- A no surprises approach;
  - Building trust and confidence;
  - Establishing and maintaining links with communities, groups, partners and other stakeholders;
  - The most appropriate policing style;
  - Identifying and mitigating any potential for disorder.
- 2.104 Communication issues can be complex and a documented plan may assist to coordinate activity. Plans may include:
- An outline of phased activity;
  - Which internal and external stakeholders need to be considered;
  - Who has responsibility for communicating with which groups;
  - How will various groups with diverse needs be communicated with;
  - What range/role of media is being considered;
  - Consideration of a memorandum of understanding.

# 3

## Planning and Deployment

**This chapter outlines the general principles of the Conflict Management Model (CMM). Information on effective briefing and debriefing, and the principles of managing post-incident procedures and post-incident public liaison are also included.**

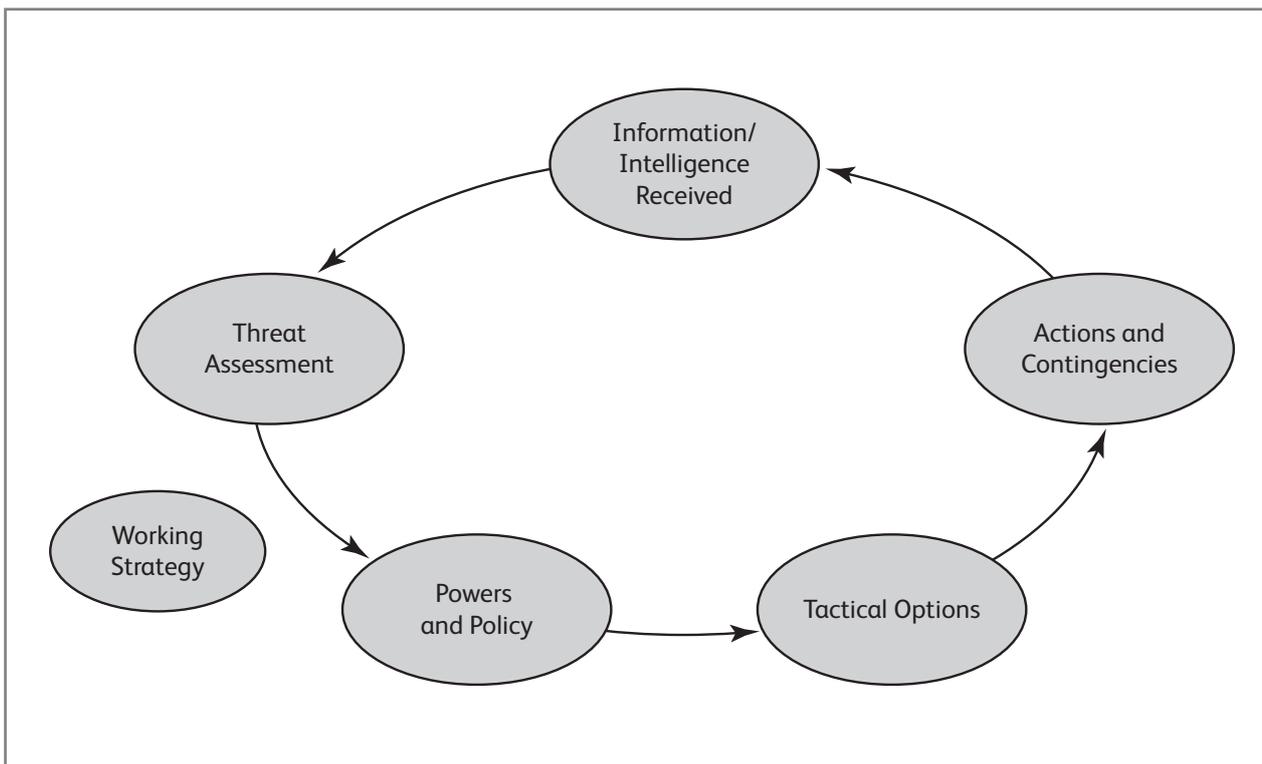
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## Conflict Management Model

- 3.1 This section is based on the principles taken from **ACPO (2009) *Manual of Guidance on Command and Control***, which provides further guidance on the individual stages of the CMM.
- 3.2 The CMM is a decision-making and operational planning tool that is widely known and used throughout the Police Service. The CMM can be applied before, during and after any public order operation, and provides commanders, officers, planners and advisers with a structured framework for rationalising and recording the decision-making process and managing a reasonable and proportionate police response. **Figure 1** illustrates how the CMM may form the basis for operational planning and assist with strategic, tactical and operational decision making, and post-event analysis.

Figure 1 The Conflict Management Model



- 3.3 Each stage of the CMM is driven by information and provides the user with an area for focus and consideration. The application of the CMM is a continuous, cyclical process which is constantly subjected to review in the light of new information and assessment that will, ultimately, affect the police response. At the heart of the model is the need to return to a steady state.

- 3.4 As far as is practicable, the user should record his or her decision-making rationale against the applicable stage of the model. In some circumstances it may not be practical or possible, given the speed at which some incidents evolve, to articulate each rationalised decision in accordance with the model when the overriding requirement is for immediate decision making and action. In these circumstances it will be necessary and appropriate for officers undertaking both command and tactical response to use the professional knowledge, skills and experience they have developed across their police service and life experience.
- 3.5 None of the stages of the CMM should be seen as the sole responsibility of the police. The prevention of disorder and restoration of order in the community relies upon the appropriate partnership assistance and cooperation. Although the titles of the CMM stages fit comfortably with police procedures, they clearly identify activities which are the responsibility of other agencies, or which can be achieved by groups within the community.

### Information and Intelligence Received Stage

- 3.6 Information refers to all forms of information obtained, recorded or processed by the police, including personal data and intelligence. Intelligence is information that has been subject to a defined evaluation and risk assessment process in order to assist police decision making, see ***Home Office (2005) Code of Practice on the Management of Police Information (MOPI)***.
- 3.7 At times it is necessary for the police to act on a degree of assumption based on the information and intelligence already known. It is essential that any information or intelligence used is up to date, widely resourced and accurate. New information and intelligence should be taken into account, and police actions reviewed accordingly.
- 3.8 It is important to establish and maintain an effective information gathering process from an early stage. The completion of community impact assessments and tension reports, along with the act of entering into dialogue with protest groups and other event organisers is key to making any assessment of information.

### Managing Information

- 3.9 The National Intelligence Model (NIM) is the recommended intelligence structure contained in ***ACPO (2005) Guidance on the National Intelligence Model*** and ***ACPOS (2006) Manual of Guidance on the National Intelligence Model***. NIM is used by the police to collect, evaluate, and analyse information. The structure may be adapted to suit the unique requirements of a force, basic command unit (BCU) or police operation.

- 3.10 An Intelligence Unit should be established to support assessments of threat, risk and community impact prior to and throughout the duration of the operation. In protracted or more complex incidents there may also be a need to establish a dedicated Intelligence Cell to support the commander. A primary role of the Intelligence Cell would be to develop information, from both national and local sources, into intelligence.
- 3.11 Bronze (Intelligence) should be appointed and understand the requirements of the CMM and the need for constant review of the effectiveness of any ongoing operation and its impact.

### **Force-Wide Strategic Threat and Risk Assessment**

- 3.12 Every police force should undertake a strategic threat and risk assessment, based on the principles of NIM, to support tasking and coordinating processes, and to ensure that operations are not conducted in isolation.
- 3.13 Strategic threat and risk assessments provide a link between relevant regional and/or national assessments and the local threats and operational planning for BCUs. It is important that BCU Commanders are involved in aspects of any threat assessments that are relevant to their geographic area.
- 3.14 There is a distinction between a force's wider strategic threat and risk assessment and the threat assessment applicable to public order policing, which relates to a single police operation or spontaneous incident. An explanation of threat assessment can be found in **Threat Assessment Stage** (3.22).

### **Community Impact Assessment**

- 3.15 The term 'community' is used in this guidance to describe groups comprising individuals, families, community groups and businesses that may be affected by a police response. Protest groups, camp sites, sporting events and music festivals should also be regarded as communities for the purposes of this guidance.
- 3.16 A community impact assessment (CIA) is used to identify how an issue or incident impacts upon a community or groups within a community. The CIA should inform strategic and tactical planning and decision making.
- 3.17 The extent and detail that the CIA covers is a matter for the Gold Commander to determine. Issues which may comprise a CIA include:
- History which may be relevant to the operation or community;
  - Unique and current nature of the communities being assessed (eg, vulnerabilities, families, groups and businesses);

- Police and inter-agency factors (eg, partnership arrangements, resources, communication issues, media involvement);
  - Future issues, including how or when the incident may evolve, developing needs of families, community groups and businesses. This may also include how the police response will be perceived by the community (ie, adequate, proportionate, appropriate).
- 3.18 The CIA is a dynamic document which should be reviewed regularly and updated, taking account of emerging issues. It should be completed in liaison with the relevant BCU Commander who is in command of the local tasking and coordination processes. Liaison with Safer Neighbourhood Teams or specialist community engagement staff (eg, faith officers, 'Prevent' engagement staff) may also assist the police.
- 3.19 If an event has the potential to affect a number of force areas, the National Community Tension Team (NCTT) is able to provide local, regional and national support in the compilation of relevant CIAs.
- 3.20 For further information on community impact assessments, see **ACPO (2007) Practice Advice on Critical Incident Management** and **ACPO (2006) Murder Investigation Manual**.
- 3.21 Further information on managing information and intelligence can be found in **ACPO (2005) Guidance on the National Intelligence Model** and **ACPO (2010) Guidance on the Management of Police Information, Second Edition (MOPI)**. In Scotland, see **ACPOS (2007) Guidance on the Management of Police Information**.

## Threat Assessment Stage

- 3.22 In the context of the CMM, the threat assessment stage links the analyses of threat and risk, each of which are defined for the purposes of this guidance as follows.
- 3.23 **Threat** may be summarised as the source of actual or potential harm (ie, anything that can cause harm).
- 3.24 **Risk** refers to the possibility of harm occurring, and has been widely accepted as the measurement of both likelihood and impact of an event which could cause harm. The following questions/prompts may form part of a risk assessment:
- How likely is it that the threat will happen?
  - How imminent is the threat?
  - What would be the impact if the threat occurred?
  - What resources are necessary to deal with the potential threat?
  - What resources are actually available to deal with the potential threat?

### Assessment of Threat in Public Order

- 3.25 The purpose of a threat assessment is to provide commanders with clarification of what is known, the likely threats/risks, and the police responsibility for mitigation. It should be noted that threat assessment refers to the wider considerations associated with policing public order, rather than health and safety risks, see **4 Command**.
- 3.26 The focus when assessing threat should be on information gathering and collation, together with the analysis of threats and risks. Intelligence structures should be activated and actions taken to resolve gaps in intelligence. Threat assessment will highlight prioritised risks.
- 3.27 Threat assessment is based on fact, information and intelligence and, ultimately, forms the basis on which the proportionality of the police response will be judged. In undertaking a threat assessment, commanders should consider the following:
- Information and intelligence known at the time and whether it is recognised to be fact or assumption;
  - The source of the threat and the intent/objective;
  - The type of threat (eg, threat to life, weapons, violence, damage, disruption, fear, disturbance);
  - The capability of the threat, and timescale;
  - The impact and consequences of the realised threat;
  - The individuals, groups or communities that would be affected by the threat (eg, CIA); and
  - The resources that will be required to respond to the threat.
- 3.28 Threat assessment is only as effective as the information and intelligence it is based on. It should be dynamic (ie, reviewed and updated on an ongoing basis). The capability and capacity of officers analysing and interpreting the threat assessment will also affect its quality.
- 3.29 There are few risk/threat assessment tools that have been fully validated and approved by ACPO. Officers are expected to exercise professional judgement based on the unique circumstances they are presented with at the time.

## Powers and Policy Stage

- 3.30 In the development of the Gold strategy, commanders should consider the powers and policies available to help resolve an incident, thereby ensuring a proportionate police response. Selecting the appropriate powers and policies, and documenting an audit trail of rationale behind the strategy, will provide evidence of a proportionate response.
- 3.31 In defining strategic intentions, powers and policy considerations should include:
- Police duties and other statutory/common law obligations;
  - Human rights obligations;
  - Legal basis for police action;
  - Relevant ACPO, ACPOS or force policy, or applicable code(s) of practice;
  - Use of force implications;
  - Whether the operation involves surveillance and if so what level of authority is required under legislation or force policy (see Regulation of Investigatory Powers Act 2000 (RIPA) or the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA).
- 3.32 All police officers have an individual responsibility for ensuring that they are properly informed about the extent of their legal powers and the context within which those powers can be exercised. In particular, commanders should be fully conversant with the Human Rights Act 1998, and should consider seeking the advice of a legal adviser or Public Order Tactical Adviser as part of the decision-making process.

## Tactical Options Stage

- 3.33 Once a strategy has been set, the identification and consideration of tactical options will help to develop a tactical plan that contains the most suitable option(s) to deliver the strategy.
- 3.34 The Tactical Plan should be flexible enough to adapt to a change in circumstances/threat. It should provide a clear description of chosen tactical options across a range of operational contexts, and identify any contingency plans. The plan should be subject to regular review to ensure it remains a reasonable and proportionate policing response while continuing to meet strategic intentions. The development of the Tactical Plan rests with the Silver Commander, who may seek advice from a Public Order Tactical Adviser. The Silver Commander should also keep a clear audit trail of decision making.

## Actions and Contingencies Stage

- 3.35 Once the Tactical Plan is in place, the Bronze Commander will implement the relevant part of the Silver Commander's plan by the use of appropriate tactics within their geographical or functional area of responsibility. Implementation of the Tactical Plan involves choosing actions and contingencies that are reasonable and proportionate to the circumstances, and assigning those actions to the relevant Police Support Units (PSUs) and other police resources.
- 3.36 Contingencies are the 'what ifs' of a Tactical Plan and should be considered in the same manner as any other police actions. The nature of policing makes it impractical to identify every possible outcome of a given situation. However, commanders should identify a range of reasonably foreseeable scenarios and their impact on the policing operation.
- 3.37 Commanders should ensure that officers are clear on the actions they are required to carry out, the legal basis for each action, the tactical objective they are to accomplish, and any relevant operational parameters. This should include clear communication of policing style and how this may be escalated or de-escalated in response to the circumstances. Effective and consistent briefing, debriefing processes and command protocols will be crucial in the success of a police response, see **Briefing and Debriefing** (3.38).

## Briefing and Debriefing

- 3.38 Effective briefing and debriefing enhances operational performance; for this purpose all command-level courses consist of elements of briefing and debriefing training.
- 3.39 Commanders should consider the most appropriate briefing/debriefing style, based on the number of staff involved and the complexity of the information to be passed on. Briefing and debriefing does not necessarily have to be conducted verbally or in person. Geographic location or timing may render other methods (eg, e-based, audio recorded or written) more suitable. Commanders may consider the use of dedicated briefing and debriefing teams.

## Briefing

- 3.40 All staff should be thoroughly briefed prior to participating in an operation. Adequate time should be allocated for this purpose. Briefings should be concise and documented as part of an operation audit trail.

3.41 The IIMARCH Model is an effective briefing model commonly used by the police. It stands for:

	Examples
<b>I – Information</b>	Operation timeline, location details, brief history (if applicable), evaluated intelligence, partner and community issues, results of community impact assessment (CIA).
<b>I – Intention</b>	Gold strategy, Tactical Plan, available powers and policy.
<b>M – Method</b>	Tactical plan, available powers and policy and contingency plans.
<b>A – Administration</b>	Identity of commanding officers, specific officer duties, operational policies (eg, protocols, arrest, media), partner responsibilities. Duty times and locations, briefing times and locations, health and safety, policing style and dress code.
<b>R – Risk Assessment</b>	Individual assessment of all relevant risks.
<b>C – Communications</b>	Mutual aid command protocols, communications plan, radio equipment and channels, call signs, information for public dissemination, contact information.
<b>H – Human Rights</b>	Relevant ECHR Articles, rationale for justification of operation, disclosure details.

3.42 Briefings should be consistent, particularly where large numbers of officers or mutual aid officers are involved. For example, forces may benefit from the use of pre-recorded internet briefings. The operational briefing is provided by the Silver Commander and is distributed to all mutual aid forces and posted onto force intranet sites to ensure consistency of information.

3.43 When briefings are attended by the media or non-police representatives, careful consideration should be given to the content of the briefing, to avoid inadvertently disclosing tactical and sensitive information, or the identification of officers who may ordinarily work in covert roles. Briefings should set the style and tone for an operation.

### Operation Order

- 3.44 The Operation Order is a document that links basic information regarding the event or incident together with the structure of the police response and, primarily, the operational resource requirement. It may also be used as a briefing tool developed by the Silver Commander to outline the Tactical Plan.
- 3.45 The Operation Order should be developed in accordance with the parameters set by the Gold strategy. The order itself may be delegated to a planning team consisting of geographically relevant/local commander(s) and other officers experienced in the planning process.
- 3.46 The Operation Order should reflect the duration and complexity of the operation and identify contingency plans. It should be approved by the Gold Commander.
- 3.47 The purpose of an Operation Order is to focus and coordinate the police response towards specific objectives, by describing how resources are to be deployed.
- 3.48 The Operation Order should not replace the briefing. It should, wherever possible, be available prior to, and used in conjunction with, the briefing.

### Debriefing

- 3.49 Debriefing should be a standard phase of every operation, and inform planning for future operations. The purpose of debriefing is not to apportion blame. It is an opportunity to identify:
- Information and intelligence;
  - Potential or required improvement to systems, equipment and resources;
  - Good practice;
  - Training needs;
  - Follow-up actions, where relevant;
  - Learning for future operations.
- 3.50 Developing a pattern of 'hot' debriefs (ie, immediately following the operation) can assist forces in identifying and recording good practice for future operations.
- 3.51 Where events continue over a period of days, debrief at the conclusion of tours of duty should be held to address immediate operational, intelligence or welfare issues.
- 3.52 **Note:** Disclosure implications may arise in both criminal and civil proceedings with respect to briefings and debriefings.

## Post-Incident Procedures

- 3.53 This section should be read in conjunction with **ACPO (2010) Manual of Guidance on the Management, Command and Deployment of Armed Officers**, which provides detailed guidance on the post-incident procedure for firearms-related incidents. Guidance from the 2010 manual should be considered, adapted and applied accordingly to public order scenarios where referral to the Independent Police Complaints Commission (IPCC) is being considered, or in other instances where it is felt to be appropriate.

### Criteria for Post-Incident Procedure

- 3.54 Post-incident procedures in public order should be commenced in any situation where there has been an operation or spontaneous police response which has the potential to cause serious damage to confidence in policing. Examples include operations that have:
- Resulted in death or serious injury;
  - Revealed failings in command; and/or
  - Where police actions may have caused danger to officers or the public.
- 3.55 Cases which result in death or serious injury are subject to mandatory referral to the relevant independent investigative authority, as follows:
- IPCC (England and Wales);
  - Procurator Fiscal (Scotland);
  - Police Ombudsman (Northern Ireland).
- 3.56 Cases that reveal failings in command, have caused danger to the public, or are in the public interest should be voluntarily referred to the relevant independent investigative authority. Refer to force policy and/or relevant investigative authority for the criteria for voluntary referral.

### Post Incident Manager

- 3.57 Where the above criteria for commencement of post-incident procedures are applicable, a Post Incident Manager (PIM) should be appointed to facilitate the investigation and ensure integrity of process. The PIM also ensures the principal officer's needs are addressed in a manner which does not compromise the investigative process.
- 3.58 The PIM should be an independent commander, trained in post-incident management procedures.

### Officers Conferring

- 3.59 The dynamic nature of public order policing may prohibit officers from being able to fully complete personal records or remember every detail of the operation/incident. During a major public order event, it may be

other police personnel (eg, drivers) who are better placed to record operational detail.

- 3.60 Where practicable, a post-operation debrief to gather and record all information available is a crucial element in the gathering of information and intelligence, and the identification of good practice and lessons to be learned. See **Briefing and Debriefing** (3.38). Regrouping of officers also provides the opportunity to provide medical aid if required.
- 3.61 However, as a matter of general practice, an officer should not confer with other officers prior to making his or her personal account. This is the case whether an initial or subsequent account is to be provided. The officer should individually record what his or her honestly held belief of the situation was at the time the event took place.
- 3.62 If for any reason a need to confer should arise, a conferring officer should ensure transparency and public confidence is maintained by documenting any discussion that has taken place, paying particular attention to the following details:
- Time, date and place where conferring took place;
  - The issues discussed;
  - With whom; and
  - The reasons for such discussion.
- 3.63 The issue of whether and under what circumstances officers should be allowed to confer with each other is an extremely important one. Recognising that officer regrouping may be unavoidable, an individual officer may wish to consider his or her personal position before deciding whether or not to confer with colleagues.

## Public Liaison Post Incident

- 3.64 **Note:** Regional variations to domestic public order apply to this section; see **Appendix 4** (Northern Ireland) and **Appendix 5** (Scotland).
- 3.65 There will be occasions when the reason for police action may not be apparent to the public. This may cause concern or anxiety, for example, to onlookers, relatives, neighbours and subjects innocent of any wrongdoing.
- 3.66 In such circumstances commanders should consider providing a suitable explanation for the actions taken. This may include visiting the people particularly affected (ideally by a supervisor directly involved in the incident, so long as this does not cause a conflict of interest) or distributing an information leaflet setting out the circumstances of the police action. Some form of apology may be required on occasions.

- 3.67 Depending on the effectiveness of the operation, forces may wish to ensure that the people affected are aware of all the support available to them. In appropriate circumstances, they should be made aware of their options for seeking redress (for example, the police complaints process).
- 3.68 The Independent Police Complaints Commission (IPCC) provides statutory guidance for England and Wales on how to make a complaint against the police. ***IPCC (2010) How to make a complaint against the police*** is available from <http://www.ipcc.gov.uk>

# 4

## Command

**This chapter sets out the principles of public order command and the public order command structure. It describes the roles, responsibilities and planning principles of the Gold (strategic), Silver (tactical) and Bronze (operational) Commander. Explanations of key command issues such as commander accreditation, log keeping and command protocols are also included.**

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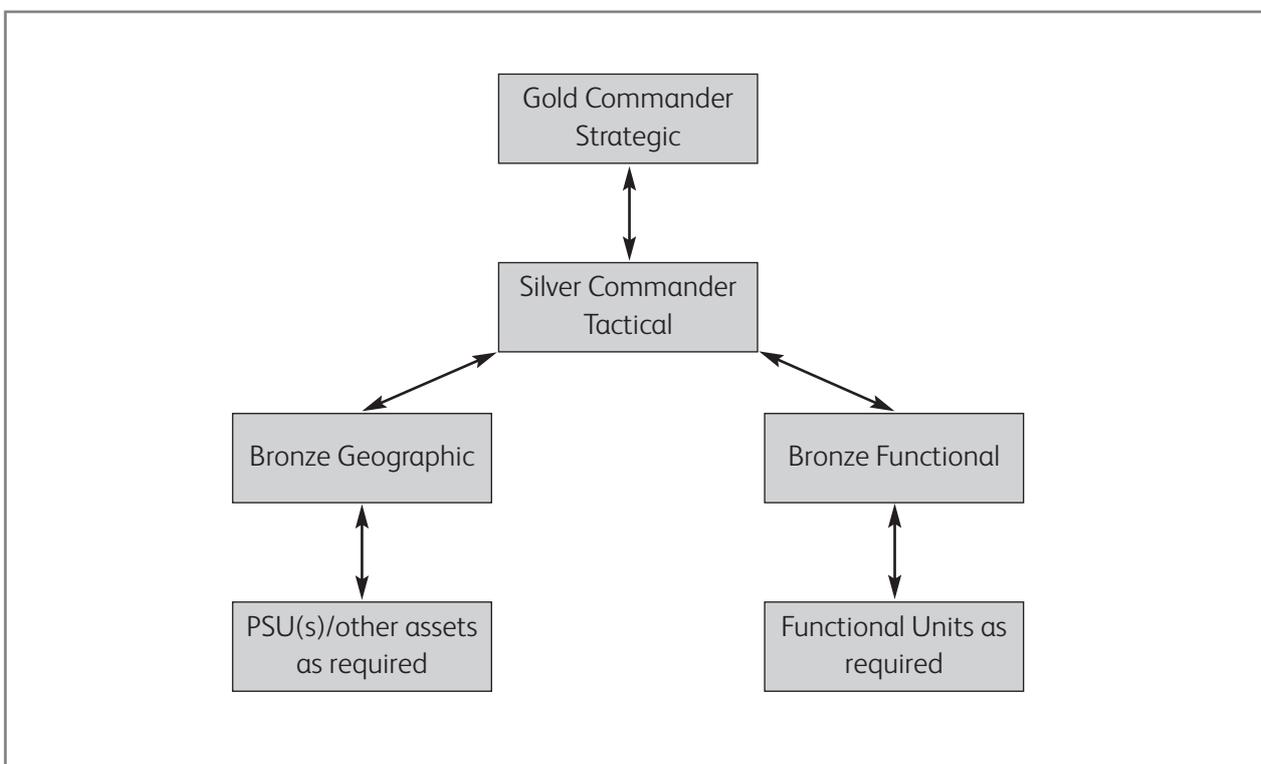
## Public Order Command

- 4.1 The term 'command' is used within the Police Service to describe the authority of an organisation to direct the actions of its personnel and the use of its equipment. The command role is carried out by those who have been given authority through their role for a specific operation or incident. Commanders should be aware that their role is to make decisions, give clear directions and ensure that those directions are carried out.
- 4.2 The basic command structure used within the UK Police Service operates at three levels, strategic, tactical and operational. When translated into public order command roles, they are referred to as Gold (strategic), Silver (tactical) and Bronze (operational).

### Public Order Command Structure

- 4.3 The public order command structure, see **Figure 2**, is based on the Gold, Silver and Bronze command structure. It is designed to be used for all planned and spontaneous police responses. Forces should have a process in place to ensure the decision to implement this structure is made by a trained and operationally competent public order commander, based on the operational threat assessment.

Figure 2 Public Order Command Structure



- 4.4 The structure is role rather than rank specific, however, the leadership and command experience of the individuals selected to carry out these key roles should be carefully considered.

### Command of Large-Scale Operations

- 4.5 Regional variations exist for this section. Commanders should refer to force policy.
- 4.6 A Police Support Unit (PSU) is a numerically fixed body of officers equipped and trained to Common Minimum Standards. The basic formation of a PSU allows for the effective deployment of resources as a standard unit. The PSU consists of three serials and must be commanded by an inspector who has successfully completed PSU Commander training.
- 4.7 When large numbers of PSUs are being deployed, a scalable Bronze structure, based on the Basic Mobilisation Unit (BMU), may be used. The BMU consists of a group of three PSUs under the command of a Bronze accredited Commander.
- 4.8 **ACPO (2006) Guidance on the Police National Mobilisation Plan (PNMP)**, **ACPO (2009) Guidance on Interoperability** and **ACPO (2009) Guidance on Emergency Procedures** provide further information on the mobilisation of a major police response.

### Cross-Border Mobilisations

- 4.9 Where an event or incident may impact upon more than one force or where substantial resources are deployed in support of another force, a protocol between forces should be considered to ensure a coordinated delivery of the policing response. The protocol may cover issues such as:
- Planning;
  - Training;
  - Command;
  - Communications;
  - Media;
  - Complaints.
- 4.10 The receiving force (for local, regional or national mobilisations) must ensure that commanders are appropriately briefed for the operation. Such a briefing should include strategic intentions, command structure, command protocols, specific roles and responsibilities, tactical plan, policing style, local procedures and policies (this should also include specific legislation being used).

- 4.11 **ACPO (2009) Guidance on Command and Control** provides further guidance for the command of complex, multi-seated or cross-boundary operations. Further information on cross-border mobilisations can be found in the Mutual Aid section of **Appendix 1**.
- 4.12 It is crucial in such operations that differences in terminology and working practices are addressed through command protocols and effective briefing processes.

### Accreditation of Commanders

- 4.13 **Note:** Regional variations to domestic public order apply to this section; see **Appendix 4** (Northern Ireland) and **Appendix 5** (Scotland).
- 4.14 Public order operations must be commanded by appropriately trained and operationally competent commanders. Forces should have processes in place to assess whether operations meet the criteria to mandate the accreditation of commanders. Chief officers must also ensure that arrangements exist whereby appropriately selected, trained and operationally competent commanders are available to command public order operations.

### Training and Operational Competence

- 4.15 When an officer from England, Wales or Northern Ireland attends and successfully completes a course of instruction based on command modules in the national public order training curriculum, they are assessed to be occupationally competent to perform that command role.
- 4.16 Chief officers are responsible for ensuring that individuals who pass the course and are assessed as occupationally competent are subject to a continuous professional development programme. Commanders must demonstrate themselves to be operationally competent by performing the role for which they have been trained in accordance with nationally agreed standards. A commander's operational competence should be assessed by his or her force.

### Reaccreditation

- 4.17 The process of reaccreditation requires that commanders annually produce a portfolio of evidence.
- 4.18 Public Order Commanders who perform a Bronze role should attend public order training in line with their own force policy.
- 4.19 Individual forces may provide further supplementary local training to support the local and regional issues identified in their respective public order strategic threat assessments.

- 4.20 Forces should retain records of any command accreditation and reaccreditation so as to evidence and support the continuous professional development of commanders.

### **Initial Command of Spontaneous Incidents**

- 4.21 There may be occasions where an incident requiring immediate operational deployment comes to the attention of the police. In this instance the initial (ie, immediate and temporary) command will usually sit with the person having ready access to information, communications and resources (eg, the force Control Room Supervisor).
- 4.22 The command of the incident rests with the initial commander until such time as command is transferred. Forces should have structures in place that ensure the ready availability of public order silver and bronze commanders. This should include the arrangement to enable transfer of command to a dedicated Silver Commander, so that others may return to their normal duties as soon as practicable.
- 4.23 A working strategy may start to be developed once information and intelligence is received, and formalised once a threat assessment has taken place. Where a spontaneous incident occurs, it is unlikely that the Gold Commander will be the person responsible for setting strategy, and the activity will be undertaken by the initial commander using the information and intelligence available at that time. Once appointed, the dedicated Gold Commander will take overall responsibility for the strategy, its assessment, review and delivery based on new and emerging information.
- 4.24 Where a dedicated Silver Commander has been appointed prior to the appointment of Gold, he or she will be responsible for developing and reviewing the strategy, which may include the setting of tactical parameters. The Silver Commander should ensure that all officers are sufficiently briefed, information flows are established and all officers are given as full a briefing as possible in the time available.
- 4.25 The Gold Commander should be in place as soon as practicable in order to review, agree or amend the strategy and any tactical parameters set.
- 4.26 Spontaneous incidents may require responses within shortened timescales and with reduced resources, but commanders should still be aware/have knowledge of the principles and considerations contained within this guidance, and follow them where possible or practicable.

## Transfer of Command

4.27 The transfer of Gold or Silver command roles should take place as soon as practicable, once the following have been established:

- Knowledge of the circumstances and available intelligence;
- Ability to communicate;
- Appropriate tactical advice; and
- A suitable environment from which to exercise the command function.

4.28 The transfer of roles at any level in the command structure should be documented and include the time and date of transfer. It should also include confirmation that relevant information and intelligence has been reviewed, and that the new commander understands the situation and decisions taken thus far. Officers involved in the incident should be made aware of any changes in command, in so far as is practicable and where relevant to their role.

## Log Keeping

4.29 Where practicable, a record (eg, written or audio/video recorded) should be maintained by each level of command to provide an audit trail of decisions and supporting rationale. Rationale may include:

- Human Rights considerations (rights engaged, necessity, proportionality, legality of any interference and likely outcomes);
- Course of action adopted (including options considered and rejected).

4.30 The log may be subject to disclosure. It should be used for one operation only, and created and maintained in accordance with Government Protective Marking Scheme (GPMS) guidelines.

4.31 **Appendix 3** provides a suggested standard for log keeping.

## Command Protocols

4.32 Command protocols allow each commander assigned to an operation, to see:

- How they rely upon and complement other commanders; and
- Examples of when their role should be considered (eg, firearms, reserve deployment).

4.33 A key element in the effective command and control of an operation is the ability of the command team to adjust quickly to changing circumstances. One way of achieving this is through the development of command protocols.

- 4.34 The intention of command protocols is to maximise clarity of command in order to reduce risk and direct decision making.
- 4.35 Command protocols may include the following:
- The overall aim/strategy of the operation;
  - Clarification on roles, responsibilities and resource allocation;
  - How the command team will react to changes;
  - Operational contingency plans;
  - How the proportionate use of legal powers will be ensured;
  - How the deployment of specialist equipment and resources will be managed;
  - Where necessary, how the public order command team will work with other deployed command teams (eg, firearms);
  - How commanders will communicate with each other, and with officers on the ground;
  - How commanders will communicate with the media;
  - Procedures for the transfer of command from one commander to another; and
  - The relationship between the formal command team and existing force systems and processes.
- 4.36 In the case of cross-boundary operations, where variations may exist between forces, it may be necessary to agree operational terminology.
- 4.37 Command protocols should provide commanders and deployed officers with an understanding of what they are required to achieve; how they will combine with others to achieve their objectives; and the arrangements for appropriate transfer of command.
- 4.38 At times, rapid intervention may be required to avoid imminent threat to the public or property. In this instance it is important for forces to have pre-agreed command protocols already in place. For example, a pre-agreed command protocol may identify the range of circumstances in which officers should take decisive action that may otherwise interfere with the human rights of individuals.
- 4.39 Where there is a multi-agency or interdisciplinary element to an operation, command protocols may assist in clarifying areas of responsibility and command function, channels of communication, terminology/call signs and primacy of command at various stages of the operation.

## Role of the Gold Commander (Strategic)

- 4.40 The Gold Commander's strategy is the foundation that all subsequent planning and deployment rely upon. For this reason, the Gold Commander's leadership ability and strategic oversight is paramount to the successful planning and deployment of an operation.
- 4.41 The Gold Commander determines the strategic objectives and retains strategic oversight and overall command responsibility throughout the operation. The Gold Commander sets the tactical parameters of the operation but does not manage tactical decision making, which is the responsibility of the Silver Commander.
- 4.42 The role and responsibilities of the Gold Public Order Commander are as follows:
- Sets, reviews, communicates and updates the strategy based on the threat assessment and available intelligence;
  - Consults stakeholders when determining the strategy, including partner agencies and community groups as appropriate;
  - Chairs the Strategic Coordinating Group (SCG) where there is a multi-agency response to an incident or operation, although this responsibility may be delegated to another agency, depending on the nature of the operation;
  - Considers setting tactical parameters for the police response;
  - Remains available to the Silver Commander and suitably located in order to maintain effective strategic command by ensuring that appropriate communication mechanisms exist;
  - Should not become drawn into making tactical level decisions;
  - Ensures that, where appropriate, command protocols are set, agreed and understood by all relevant parties;
  - Considers whether to consult a Public Order Tactical Adviser;
  - Ensures that the strategy for the incident or operation is documented (ie, by a Loggist) in order to provide a clear audit trail, which includes any changes to that strategy;
  - Approves the Silver Commander's tactical plan and ensures that it meets the strategic intention for the incident or operation on an ongoing basis;
  - Reviews and ensures the resilience and effectiveness of the command team, identifies the force requirement for mutual aid support, and ensures the effectiveness of the Silver Commander;
  - Has, within the command structure, overall responsibility for health and safety, diversity, equality and human rights compliance and ensures that relevant impact assessments are completed;
  - Identifies the level of support needed to resolve the incident or operation and resources the police response;

## Development of the Strategy

- Is responsible for the development of a media plan; and
- Decides whether the incident or operation should be declared as a critical incident (declaration and management responsibility fall to the Silver Commander).

- 4.43 Commanders should, at the earliest opportunity, develop a strategy to direct police action.
- 4.44 For spontaneous operations (until a Gold Commander is appointed and established), the Silver Commander, or initial commander as described in **Initial Command of Spontaneous Incidents** (4.2.1), should develop a working strategy to direct police action. The working strategy should be considered an interim position until a Gold Strategy can be developed. The working strategy may start to be developed once information is received. The Gold Commander, when in a position to do so, should review, agree or amend the working strategy and any tactical parameters set.

## Understanding the Requirement

- 4.45 For pre-planned events and operations, Gold should formulate the strategy from the outset negating the need for a working strategy.
- 4.46 While it is important that a strategy is defined and agreed as quickly as possible, it should be based on all the information available at the time. The strategy should remain dynamic and capable of being reviewed.
- 4.47 A meeting should be held with the objective of formulating the Gold strategy. The following individuals may form the Strategic Planning Group:
- Gold Commander;
  - Silver Commander(s);
  - Bronze Commanders (eg, Geographic, Intelligence, Community, Reserves, Media);
  - Planning Coordinator;
  - Advisers (eg, Legal, Public Order Tactical, Firearms); and
  - Minute Taker.
- 4.48 The Gold Commander may wish to consider the inclusion of other staff, departments, commanders, partner agencies, organisers and community representatives.
- 4.49 The strategy and the rationale behind it should be recorded as part of an audit trail, as should any revisions or amendments.

4.50 The following information will assist the Gold Commander in identifying unique operational requirements:

- Location, scale, size and timing;
- Number and motivation of participants (eg, protest, sporting event);
- Specific vulnerabilities of the crowd (eg, children's event);
- Spontaneous incident or planned operation;
- The role of the police;
- Relevant legal issues (including human rights);
- Available information and intelligence;
- Level of media interest;
- Wider policing implications;
- History of event; and
- Results of threat assessment(s).

4.51 If practicable and time permits, the Gold strategy may be more accurate and detailed if it derives from a variety of information sources.

### **Setting Strategic Objectives**

4.52 The purpose of a strategy is to establish a set of objectives relevant to the knowledge of the situation and the analysis of the threats and risks presented. The strategy should be dynamic and capable of revision in light of ongoing threat assessment and analysis.

4.53 The Gold Commander owns the strategy and is, therefore, accountable for its objectives and any action taken in response to a specific threat. The Gold Commander should, wherever possible, consult Silver during the formulation of the strategy, and should also document the rationale behind it in the command log. This process requires effective communication between Gold and Silver.

4.54 Consultation with specialist advisers (eg, legal, human rights, tactical) may assist the Gold Commander in his/her objective setting.

### **Tactical Parameters**

4.55 In developing the strategy, the Gold Commander may include tactical parameters within which the Silver and Bronze Commanders must develop their plans. Tactical parameters may include:

- Considerations associated with the duration of event(s);
- Symbolic or strategically significant locations;
- Community or environmental factors;
- Prompts and restrictions;
- Tactics not to be used (eg, AEP, dogs, mounted police).

## Resource Considerations

4.56 The current operational capability of the force should be the baseline for considering resource requirements and implications, including any requirement for the activation of mutual aid.

4.57 Current operational capacity may include:

- Command and operational resilience;
- Operational mobilisation (should be tested on a regular basis);
- Command structure and facilities;
- Equipment and availability;
- Communications facilities;
- Mutual Aid and regional/national requirements;
- Public Order Tactical Adviser(s);
- Planning team, logistics support, risk assessor;
- Bronze (Intelligence) and Intelligence Cell;
- Evidence Gathering Teams (EGTs);
- Forward Intelligence Teams (FITs);
- Bronze (Crime) and investigative support;
- Bronze (Media);
- Roads policing;
- Specialist skills, for example, ropes access; and
- Security coordinator.

## Policing Style

4.58 The Gold strategy should contain a clear indication of the desired policing style, which should then be reflected in the tactical plan. The factors which make up policing style have an influence on crowd/public perceptions and may include:

- Dress code;
- Types of equipment used;
- Types of assets used;
- Officer numbers;
- Specialist assets;
- Manner of briefing;
- Low/high visibility;
- Use of specific tactics (eg, stop and search).

- 4.59 The policing style for an operation should be the most approachable that is possible in the circumstances and should, as far as possible, keep specialist public order resources out of public view. If required, policing style can be escalated in response to a threat, but should then be de-escalated as soon as practicable after the threat has been reduced.
- 4.60 Policing style may be dictated or impacted by the tactical parameters set by Gold. The Gold strategy should demonstrate an understanding of the potential impacts the policing style will have on relevant communities. Local/BCU Commander(s) and a community impact assessment (CIA) may assist in this regard.

### Potential Outcomes

- 4.61 The Gold strategy should identify anticipated outcomes as follows:
- Preferred;
  - Acceptable; or
  - Unacceptable.
- 4.62 The Gold strategy should clearly demonstrate the potential outcomes which are acceptable in the circumstances and should identify contingencies to resolve unacceptable outcomes that may potentially arise.

### Health and Safety Risk Assessment

- 4.63 Under section 2 of the Health and Safety at Work etc. Act 1974, employers, including police forces, are required to ensure, so far as is reasonably practicable, the health and safety at work of all employees. Section 3 of the Act also requires employers to conduct their undertakings in such a way as to ensure, 'so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not exposed to risks to their health and safety'. **HSE (2009) *Striking the Balance between Operational and Health and Safety Duties in the Police Service*** identifies ways in which forces are able to demonstrate good health and safety management systems. Commanders should refer to force policy for guidance.
- 4.64 Health and safety risk assessments should be seen as distinct from the multi-dimensional threat assessment of the overall public order operation. The Gold Commander has overall responsibility for ensuring health and safety assessments are undertaken.

## Role of the Silver Commander (Tactical)

4.65 The Public Order Silver Commander develops, commands and coordinates the overall tactical response of an operation, in accordance with the strategic objectives set by Gold.

- 4.66 The role and responsibilities of the Silver Public Order Commander are:
- Develops, reviews and coordinates the Tactical Plan in order to achieve the strategy set by the Gold Commander within any tactical parameters set;
  - Establishes a command structure that is appropriate to the circumstances, and sufficiently resilient and robust to achieve the strategy;
  - Tests the Gold Commander's strategy to ensure that it is achievable and proportionate to the threat faced;
  - Assesses the available information and intelligence to properly evaluate the threat, vulnerabilities and risk;
  - Remains suitably located in order to maintain effective tactical command of the incident or operation;
  - Ensures that all decisions are documented in the command log in order to provide a clear audit trail;
  - Provides the pivotal link in the command chain between Bronze Commanders and the Gold Commander;
  - Tasks and coordinates the Bronze Commander(s) in accordance with the Tactical Plan;
  - Ensures that any changes to the Tactical Plan are communicated to the Bronze Commanders and, where appropriate, the Gold Commander;
  - Ensures that, where appropriate, all staff involved in the operation are properly briefed and debriefed;
  - Ensures that the tactics employed by Bronze Commanders meet the strategic intention and tactical plan;
  - Considers the wider community, public safety and evidential implications of using certain tactics;
  - Manages and coordinates, where required, multi-agency resources and activities;
  - Ensures that any deployment is commensurate with the level of threat faced;
  - Where appropriate, ensures threat and risk, and impact assessment(s) are completed;
  - Where appropriate and in communication with the Gold Commander, declares and manages the operation as a critical incident;
  - Where appropriate, consults a Public Order Tactical Adviser as soon as practicable, and remains responsible for any decisions made following consultation with the Adviser;
  - Considers the assignment of adequate medical support;

## Development of the Tactical Plan

- Maintains objectivity so as not to become drawn into Bronze decision making; and
- Sets the working strategy, including any appropriate tactical parameters, where a Gold Commander is not yet in place.

4.67 The Tactical Plan is developed by the Silver Commander in accordance with tactical parameters defined by the Gold strategy. The Tactical Plan details police powers and policies, command protocols, structure, briefings, tactics, policing style and related contingencies.

### Tactical Planning Principles

4.68 Tactics are the method of deploying police resources in order to meet specific objectives. Dependent upon the circumstances, the police response may consist of a single tactic, or a series of individual and/or combined tactics.

4.69 The proportionality of any specific tactic will vary, depending upon the scenario to which it is applied. There is, therefore, no set grading pattern that can be applied to individual police tactics.

4.70 A list of tactical options and associated considerations can be found in **Appendix 1**.

4.71 All police actions must have a legal basis and should not interfere unnecessarily with individuals' human rights and freedoms. The **PLAN** mnemonic may assist all persons involved in the planning and deployment of public order operations to rationalise their decisions and actions. The mnemonic stands for:

- **P**roportionate;
- **L**egal;
- **A**ccountable; and
- **N**ecessary.

4.72 The outcome of a planned police response should be a series of police actions that demonstrates clarity of command, structured processes and the deployment of tactics which are proportionate to the circumstances.

### Public Order Tactical Adviser

4.73 Public Order Tactical Advisers (POTAC) are nationally trained and accredited to provide pertinent advice based on the role performed by the Commander. The decision not to use a POTAC should be documented as part of a commander's decision making audit trail.

4.74 Although decision making rests with the Commander, POTACs are responsible for providing appropriate, valid and reasonable advice.

4.75 POTACs provide knowledge on a wide range of issues relating to public order tactics and the potential outcomes. The key functions of the POTAC include:

- Providing advice, including theoretical outcomes, to support Command decision making;
- Providing up-to-date knowledge on public order legislation, national/regional policy and standards for operational practice;
- Providing advice on contingency planning, and ensuring Bronze Commanders have up-to-date information on Gold and Silver decision making;
- Providing support with the execution of risk assessments; and
- Creating an audit trail by documenting the information and advice given to the Commander (eg, Advice Log).

4.76 **Note:** The role of the Adviser is not to document decisions on behalf of the Commander. A separate Command Log should be kept for that purpose, and maintained by an appointed Loggist.

### Assessment of Tactical Options

4.77 Commanders may find it useful to record tactical decision making in a log which is kept separate from the Tactical Plan. This ensures that an audit trail for command decision making is readily available, and provides documented rationale for tactical options that were considered but did not form part of the Tactical Plan.

4.78 A Tactical Planning Group, chaired by the Silver Commander, should be convened to develop a tactical plan that reflects the overall intentions of the Gold strategy. The following functions/individuals may participate in the Tactical Planning Group:

- Relevant Bronze (eg, Roads Policing, Crime)
- Uniform Operations;
- Public Order Tactical Adviser;
- Planning Coordinator;
- BCU Commander;
- Communications;
- Press Office;
- Logistics;
- Intelligence;
- Support Services;
- Welfare and Staff Association representatives;
- Legal Services; and
- Finance.

- 4.79 The Silver Commander may also consult partner agencies.
- 4.80 In assessing each tactical option, the Silver Commander should consider the following:
- Tactical parameters as set by the Gold strategy;
  - Officer training, experience and competency;
  - Equipment;
  - Feasibility within available timescales;
  - Potential impact on crowd behaviour;
  - Results of risk, environmental and community impact assessments;
  - Impact on force resilience and capability; and
  - Impact of any changes in circumstances (ie, re-evaluation, contingency).
- 4.81 Unless time constraints prevent this, the final Tactical Plan, contingencies and resource requirements should be considered and approved by Gold before briefing or deployment.

### **Assessment of Risk and Impact**

- 4.82 The results of relevant impact assessment(s), such as CIAs, should assist the Silver Commander in considering the impact the Tactical Plan is likely to have on communities.
- 4.83 A risk assessment should be carried out for each tactical option. Commanders should consider the following:
- Availability of staff and equipment resources;
  - Officer training, experience and competency;
  - Available timescales;
  - Impact of police action on the public and public perceptions;
  - Environmental and logistical considerations;
  - Feasibility of success measured against the Gold strategy;
  - Acceptability of consequences; and
  - Risks (eg, threats and benefits) of taking a specific/alternative option forward.
- 4.84 When planning police operations, consideration should be given to the need for medical assistance to be available, including:
- Notifying hospitals and the Ambulance Service for major events; and
  - Ensuring sufficient numbers of readily available first-aid trained and operationally competent officers are deployed, should the need arise.

## Operational Parameters

- 4.85 Operational parameters are the restrictions and constraints by which Bronze Commanders must ensure police tactics are deployed. Operational parameters form part of the Tactical Plan and may include:
- Timing and duration;
  - Operational phasing to allow flexibility and review/amendment of tactics as the situation evolves;
  - Definition of the geographic and functional responsibilities of the operation;
  - Key or vulnerable individuals or groups;
  - Symbolic or strategically significant locations;
  - Environmental features;
  - Command protocols;
  - Contingencies; and
  - Operational objectives.

## Deployment of Forward Intelligence Teams

- 4.86 **Note:** Regional variations to domestic public order apply to this section; see **Appendix 4** (Northern Ireland) and **Appendix 5** (Scotland).
- 4.87 Overt intelligence gathering can have significant impact on public perception of policing style. Where Forward Intelligence Teams (FITs) are deployed, the Gold Commander should set their policing style. On occasions, alternative intelligence gathering options are more effective and may not raise tension within crowds. For further information on FITs, see **Appendix 1**.

## Taking and Retaining Photographic Images

- 4.88 There are instances where the capture and retention of images will form part of a public order police response.
- 4.89 Overt filming raises significant human rights issues, notably the question of whether police action is compatible with the right to private life protected by ECHR Article 8. The Court of Appeal considered these issues in *Wood v Commissioner of Police of the Metropolis* [2009] EWCA Civ 414.
- 4.90 This was a judicial review of the taking of overt photographs by an EGT at a public order event in April 2005 and the police retention of those photographs. Mr Wood claimed that his right to respect for privacy under ECHR Article 8 had been violated by the police taking and retaining photographs of him.

- 4.91 The Court of Appeal in a majority decision, found that the taking of photographs in this case was done in pursuance of a legitimate aim (eg, prevention of crime and disorder), but that it was not proportionate to retain the photographs once it had become clear (in this case within days) that the person photographed, Mr Wood, had not committed any offence at the event in question. The fact that Mr Wood had been seen briefly associating with someone with a record of public order offences was found to be insufficient to justify the lengthier retention of the photographs for potential and unknown future use.
- 4.92 Therefore, while the Court of Appeal in *Wood* has accepted the **taking** of photographs at public order events in so far as it has not found the practice to be unlawful, it has found that the purpose for which the photographs were taken and the continuing **retention** of photographs will have to be justified and proportionate. Once it becomes clear that the purpose for which the photographs were taken is no longer valid or no longer exists, the mere possibility that the photographs could be of some legitimate use in the future will generally be insufficient to justify continuing retention.
- 4.93 As per paragraph 86 of the Judgment:  
The retention by the police of photographs of a person must be justified and the justification must be the more compelling where the interference with a person's rights is in pursuit of the protection of the community from the risk of public disorder or low level crime, as opposed, for example, to protection against the danger of terrorism or really serious criminal activity.
- 4.94 In the light of *Wood*, officers will need to consider the following when taking and retaining overt images:
- Is it in accordance with the law?
  - Does it pursue a legitimate aim (ie, prevention of disorder or crime, is in the interests of public safety, or is for the protection of the rights and/or freedoms of others)?
  - Is it necessary and proportionate?
- 4.95 Similarly, the *Wood* judgment sets out the general principles relating to review, retention and storage of overt images:
- Records should be regularly reviewed in order to ensure that they remain necessary for a policing purpose and are adequate and up to date. Any records that have no evidential or intelligence value should be disposed of securely.
  - The type and amount of information held on an individual subject should not be excessive and must be proportionate to the risk he or she poses to the community.

- The review process should be documented for audit purposes.
- Storage media containing film footage (eg, tapes, discs, memory cards) should be securely stored and only available to staff with an operational need to access the material.
- Footage considered to be of potential evidential value may be retained as part of the prosecution case or other investigation.
- Footage containing intelligence may be retained if this is justifiable in accordance with **ACPO (2010) Guidance on the Management of Police Information, Second Edition (MOPI)**.
- Footage taken to record the character of a public order event without targeted individuals may be retained in accordance with relevant statutory limitation periods for civil actions. Where the footage shows significant criminal activity, the retention period is fifty years;
- Records should be disposed of when there is no longer a policing purpose for retaining them.

## Communications Interoperability

4.96 Effective communication is critical to the success of police operations. Interoperability is the capability of organisations or discrete parts of the same organisation to exchange information and use it to make decisions.

4.97 During operational planning, commanders should consider how force-to-force, or police-to-non-police partner communications will be managed uniformly. Force Operational Airwave Tactical Advisers (FOATAs) should be consulted in the early stages of operational planning to ensure communication needs are met for large-scale operations.

4.98 For guidance on standard operating procedures on the use of Airwave for interoperability, see **NPIA (2010) Standard Operating Procedure Guide on Police to Police Airwave Interoperability** and **NPIA (2010) Standard Operating Procedure Guide on Multi-Agency Airwave Interoperability**.

4.99 The Bronze Commander is responsible for the command of a group of resources carrying out functional or geographical responsibilities related to the tactical plan.

4.100 The Bronze Commander may be either:

- **Functional** (ie, commands a specific task, for example 'Bronze Public Order'); or
- **Geographic** (ie, commands a geographic area).

## Role of the Bronze Commander (Operational)

4.101 The role and responsibilities of the Bronze Public Order Commander are:

- Has a clear understanding of the Gold Commander's strategy, the Silver Commander's tactical plan and their own role within it.
- Implements the relevant part of the Silver Commander's plan by the use of appropriate tactics within their geographical or functional area of responsibility.
- Makes decisions within their agreed level of responsibility, which includes seeking approval for any variation in agreed tactics.
- Where circumstances constantly change, tests the Silver Commander's tactical plan to ensure that it is achievable and proportionate.
- Ensures staff within their area of responsibility are fully briefed and understand their role, responsibilities and limits.
- Keeps the Silver Commander updated on any changes including any variation in agreed tactics within their geographical or functional area of responsibility.
- Remains suitably located in order to maintain effective operational command of their area of responsibility and remains available to those under their command. Bronze Commanders should, however, ensure that those carrying out tasks for Bronze have sufficient independence to conduct their specific role in accordance with the strategy and tactical plan.
- Ensures that all operational decisions made are documented in a command log, to ensure that a clear audit trail exists.
- Gives due consideration to maintaining, as far as possible, the integrity of units under their command. Where it is necessary to split units for specific needs, ensures they are regrouped as soon as possible.
- Maximises the opportunities to delegate areas of responsibility to unit commanders in line with their deployments.

## Deployment Planning

4.102 If practicable, and with the Tactical Plan defined, Bronze Commanders should develop their own deployment plans.

4.103 A deployment plan may outline the following, which would be specific to the relevant Bronze geographical or functional responsibility:

- Key information and intelligence;
- Specific threats and risks;
- Geographic/functional areas of responsibility;
- Key powers and policies identified by the Tactical Plan and priorities;
- Awareness of how these support the Gold strategy; and subsequently
- The detailed deployment of resources and contingencies.

4.104 Commanders may find the following questions useful in deciding the police actions and contingencies that will form part of the deployment plan:

- What if the police encounter resistance/hostility to these tactics?
- What if individuals/groups attempt to disperse or evade the police when these tactics are used?
- If escalation in the level of tactical force is immediately met with compliance from subject(s), what action should follow?
- What are the health and safety implications for officers and members of the public who may be affected by police action?
- How do these considerations affect policing style?

# 5

## Communication

**This chapter outlines current theory on crowd behaviour applicable to policing, and highlights the principles of engaging effectively with media agencies, protest organisers and crowds (including protest crowds). It includes guidance on developing media/public relations plans, engagement plans and processes for encouraging partnership cooperation with event organisers. It also provides guidance on staff media briefings.**

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## Media and Public Relations

- 5.1 The development of effective plans to communicate with the public, directly or indirectly, is an essential element of modern public order policing. Forces should have established community engagement plans in place that are tailored to suit the diverse nature of their communities. Routine neighbourhood policing that includes plans to liaise with the local media, key internal/external stakeholders and directly with the public will support the relationship between the police and the public at times of heightened tension. Any public order engagement plan should be developed in accordance with the wider force Community Engagement Plan/Policy.

### Media Relations

- 5.2 A professional relationship with the media, even in difficult or complex circumstances, has a direct impact on maintaining public confidence in the Police Service. The police should seek to maintain an open and flexible relationship with the media, while giving due regard to operational and investigative issues of confidentiality. When practicable, a clear and factual account of the operation should be provided at the earliest opportunity, while taking care to avoid compromising the operation in any way.
- 5.3 Consideration should be given to the appointment of a dedicated media officer who has knowledge of public order policing, such as the nature of training given to officers, and the guidelines under which officers may deploy tactics. A Bronze (Media) may be appointed as spokesperson/media officer, but commanders should avoid acting as spokesperson while undertaking operational activities.
- 5.4 Liaison with the media should have a sufficiently high priority in strategic and tactical planning. Media officers should be given sufficient access to decision makers, in particular the Gold Commander, and should participate in the Strategic Coordinating Group (SCG).

### Developing the Media Plan

- 5.5 The purpose of a media plan is to:
- Support and maintain public safety;
  - Provide information to the public;
  - Gather information from the community;
  - Promote public confidence in policing; and
  - Minimise the fear of crime.
- 5.6 Commanders should consider the following in developing media plans specific to public order:
- Command roles and responsibilities;

- Classification of operation (eg, critical or major incident);
- Appointment of a dedicated media officer;
- Media briefings (eg, how briefings will be held, how to accommodate a large number of media representatives);
- Multi-agency protocols, (ie, determining which agency has media lead on which aspect of the operation);
- Health and safety issues affecting deployed staff;
- Confidentiality issues affecting deployed staff;
- Contingency plans (including representing other public service bodies);
- Technical capability (eg, police communication systems);
- Maximising media channels available (including social media);
- Mobile phone images, media photography and CCTV;
- Briefing all deployed staff on the media handling plan and protocols.

### **Pre-Operation or Initial Stages of a Spontaneous Incident**

- 5.7 It is essential to implement a clear and operationally specific media plan with identifiable objectives as soon as possible. Effective communication with the media relies on having access to information and the individual(s) authorised to approve the release of the information. The objective should be to issue fast, accurate and appropriate information that keeps the media and the public fully updated.
- 5.8 Adequate mechanisms should be in place prior to the operation, to minimise/address inaccuracies, speculation and requests for information:
- Policy details and decision making should be recorded and retrievable should they be required for disclosure, rebuttal, investigation or enquiry;
  - Force media officers should be incorporated into relevant Gold, Silver and Bronze elements of an operation (eg, Bronze (Media)). Where appropriate, access to planning, operational and investigative meetings should be provided and supported by a clear system of communication;
  - To ensure an accurate and consistent message is disseminated, there should be one Bronze (Media) appointed to head the media plan who has access to all levels of command, either directly or through embedded individuals;
  - Additional engagement should be considered (eg, directly with the public, staff/partner communication);
  - Differing cultural perceptions should be taken into account;

- Facilitation of frontline media reporting during dynamic operations should be anticipated and planned for;
- Early identification of location(s) that could be used as media briefing centres. Where practicable, this may include comfort provisions for media representatives, however, the media are responsible for their own rest, comfort and meal provision.

### **During the Operation**

5.9 Media or other communications plans should be continually reviewed as the objectives and key messages may change:

- Information gaps are likely to be filled with inaccurate speculation or inflammatory claims. This can be avoided with regular updates – even if there is nothing new to advise.
- Release of CCTV or other digital footage (with pixilation of faces where appropriate) from the operation, in addition to ongoing liaison with Bronze (Crime), can provide a steady supply of information.
- The longer the media are kept waiting to enter a scene the more likely some media representatives are to take risks that subsequently compromise management of the operation or investigation.
- Citizen journalism and the use of mobile phone cameras can provide images of a scene within minutes of an incident occurring.
- The early identification of good media vantage points may assist to minimise risk to the police operation or investigation. Vantage points should be selected in liaison with the media.
- The health and safety of the media is primarily the responsibility of the media employer, however, depending on the outcome of relevant risk assessment(s), it may be appropriate to deny access.
- Command handover procedures and suitable shift patterns for media liaison staff should be integrated into media, public relations and communications plans.
- News broadcasts and print reporting of the operation should be monitored (national, regional, local, twenty-four hour).
- Care should be given not to undermine any future legal proceedings.
- Consider the use of 'embedded journalists' as part of the policing operation to provide a full perspective on the event.

### Post Operation or Incident

- 5.10 Media and other communications plans should extend beyond the operation, and include post-operational management:
- A hot debrief with the media should be held immediately after the operation/incident. Issues should be recorded and consideration given to what learning can be implemented on future occasions.
  - Images and film taken by the media or members of the public using mobile phone cameras may provide evidential and intelligence opportunities for the police. Forces should encourage the public to forward images or film to the police (eg, using internet or email).
- 5.11 Specific media considerations not contained in this guidance may apply in the case of policing emergency operations. For further information see **ACPO (2009) Guidance on Emergency Procedures** and **Cabinet Office (2010) Emergency Response and Recovery**.

### Staff Briefing on the Media

- 5.12 It is essential that at an early stage staff are made aware of the overall media and other communications plans, and any key public/media messages that match their roles. Example methods for keeping staff updated include email broadcasts, face-to-face briefings, intranet, printed material and notice-board literature.
- 5.13 Any staff coming into contact with the media or members of the public should be given general guidance about the information that they should/should not be releasing. A generic media aide-memoire may be distributed to all police staff as general guidance. The key points of guidance may include:
- Members of the media have a right to report from the scene of many incidents that the police deal with. The police should not restrict the movement of the media provided that they do not interfere with the police operation, or jeopardise their own safety or that of others.
  - Where it is necessary to put cordons in place, it is better to provide the media with a vantage point from which they can operate. Providing an area for members of the media does not exclude them from operating from other areas to which the general public have access.
  - The police have no legal power or moral responsibility to prevent or restrict what is recorded or photographed, nor the power to delete or confiscate recorded images without a court order.

- Provided there is a legal basis for the restriction (eg, breach of the peace, common law) the police may prevent photographers from entering an area.
- If someone who is distressed or bereaved asks for the police to intervene to prevent members of the media filming or photographing them, the police may pass on their request, but there is no power to prevent or restrict media activity.
- If members of the media are trespassing on private property, the person who owns or controls the premises may eject them and may ask for police assistance in preventing a breach of the peace while they do so.
- Genuine members of the media carry some form of identification, which they must produce to police officers on request. (An example of the UK Press Card should be attached to any guidance, briefing or Operation Order.)
- Production of a UK Press Card should allow the holder release from any area subject to containment, unless the behaviour of the holder is cause for concern.
- Members of the media do not need a permit to photograph or film in public places.
- Police cannot give or deny permission to members of the media to enter private premises whether the premises are directly involved in the police operation or not. This is a matter between the person who owns or is in control of the premises and the member(s) of the media.
- Giving members of the media access to incident scenes is a matter for the Silver Commander (or SIO during post-incident investigation). Should evidence gathering and forensic retrieval require access restrictions, this should be explained to members of the media.
- Advice and assistance in dealing with members of the media is available twenty-four hours a day via the force communications centre (or equivalent), and the duty media officer.

5.14 For information on media management, and the UK Press Card, see **ACPO (2009) Media Advisory Group Guidance Notes on Media Handling at Major Incidents (Including Counter-Terrorism)**.

Detailed information on the development of media plans can also be found in **ACPO (2006) Murder Investigation Manual**.

## Communicating Directly with the Public

5.15 **HMIC (2009) Adapting to Protest – Nurturing the British Policing Model**, p 78 states:

Experience from the PSNI has shown that continuous and meaningful engagement with communities as well as protest groups throughout the year is essential to allow for more intense engagement at critical times. It is essential that the police do not merely seek to engage when there is a possibility of disorder.

- 5.16 During the preparation for certain operations, and in particular the policing of events that may cause disruption to communities, the police should develop a plan for reaching and effectively communicating with the wider public. The plan should not act as a replacement for routine community engagement plans.
- 5.17 The aim of the police communication should be to maximise public confidence, provide the public with sufficient information to minimise disruption, and give the police perspective on the event or incident.
- 5.18 Engaging with local newspapers, radio stations and local or national television stations is an effective way of communicating with the public. Other options such as police websites, internet links to Neighbourhood Policing Teams, partner websites and social networking websites may also be considered. It is important to note that there is a risk of false messages being displayed via identity or website cloning.
- 5.19 Police communications may also benefit from leaflet drops, well-positioned, portable large screens and posted notices in well-frequented public areas (eg, sports arenas, schools/colleges, shops, pubs and transport hubs). In some cases the use of mobile text messaging (eg, SMS/MMS) may be effective, as may other methods such as public address at schools or religious, faith or community centres.

### Community Mediators

- 5.20 Community mediators are individuals or groups, independent from the police (eg, religious leaders, community advocates, voluntary sector agencies), who represent and regularly engage with a specific community. They are a useful contact for the police in that they are able to assist in dispelling rumour, reducing conflict and facilitating the flow of information to and from the community.
- 5.21 Further information on the police use of community mediators can be found in **Appendix 1**.
- 5.22 Face-to-face communication between the police and the public is a key element of the British Model of Policing, and all officers on operational deployment should be encouraged to engage directly with the public where practicable.

## Crowd Engagement Planning

- 5.23 Public order policing is centred on the management of crowds and as such it is important that police commanders, planners and advisers have an understanding of the impact police operations can have on crowd behaviour.

## Crowd Behaviour

- 5.24 This section draws upon the theories expressed in **Reicher, S. et al (2007) Knowledge-Based Public Order Policing: Principles and Practice, Policing 1, 403-415**. Other complementary and alternative modern theories on crowd behaviour can be found in **Cabinet Office (2009) Understanding Crowd Behaviours: Guidance and Lessons Identified**.
- 5.25 Planning for public order and public safety events should never start from the premise that crowds are inherently irrational or dangerous. In fact, modern theories into crowd dynamics suggest that some methods of police intervention may be linked to an escalation of violence within a crowd.
- 5.26 Consideration of how police tactics can enhance positive behaviour within the crowd is an essential early consideration in tactical planning. By adopting policing tactics that take account of modern theory on crowd dynamics, the police may be able to create a crowd environment which is conducive to positive individual and group behaviour.
- 5.27 A crowd's dynamic may, at times, relate to its perceptions of police legitimacy. Disproportionate use of force by police officers during an event can have a negative impact on crowd behaviour and increase the risk of disorder occurring within the crowd. It may also have civil and criminal consequences for the officer(s) and police force concerned.
- 5.28 There are often multiple voices within a crowd urging a variety of behaviours, which may include violence or confrontation. In cases where the most influential voice is that of a radical and negative viewpoint, it may be possible to change perceptions by introducing strong messages that disprove the radical viewpoint by clearly illustrating the legitimacy of police actions. The key to policing a crowd depends on which voices within the crowd are given prominence. This will impact on the relationship between the crowd and outside groups including the police.
- 5.29 Knowledge of collective identities within a crowd, in addition to criminal intelligence, will assist the police in understanding the nature of individuals who are motivated towards violence. The crowd engagement plan should take account of the extent to which a crowd has leadership and organisation, its level of cohesion, emotional intensity and the identity of its key influencers.

## Developing a Crowd Engagement Plan

5.30 The police aim in developing a crowd engagement plan should be to positively encourage the crowd's propensity towards self-regulating behaviour. The plan may be delivered by the police or by independent communication methods/channels.

5.31 In developing a crowd engagement plan, the following considerations apply:

- To be effective, crowd liaison should be structured from the onset of any operation (see example below).
- During crowd migration, non-directed crowds will follow the routes of least effort.
- Highly motivated crowds will attempt to follow the most direct route to achieve their objective.
- If it is desired to apply direction to crowds, exits and escapes should be considered.
- The greater the crowd density, the greater the likelihood of interaction between members of the crowd, leading to an increase in collective identity and collective action.
- In the case of crowds identified to have specific vulnerabilities (eg, child/youth events), communication plans should be revised accordingly.
- While operational planning should start on the premise of facilitating peaceful crowd behaviour, it should also consider the police response to varying degrees of tension and/or disorder that may occur.
- Information received by the crowd (whether accurate or inaccurate) may have a positive or negative influence. Rumour and incorrect information can spread easily within a crowd creating a false picture of events and creating unexpected or disproportionate behaviour.
- Individual crowd participants have a different perception of events, which may affect the behaviour of the individual, or influence the group.
- When crowd members become highly emotional or aggressive, their visible behaviour can spread and become regarded as acceptable by those around them. It can be an opportunity for a minority to influence and mobilise others around them.
- A sense of anonymity may remove the fear of identify and sanction in individual crowd members, which may then lead to a breakdown of their legal/moral constraint.

Dependent on the nature and scale of an event, **HMIC (2009) *Adapting to Protest – Nurturing the British Policing Model*** suggests that commanders consider a coordinated and structured approach to communicating with crowds, which involves:

- Negotiation – to facilitate compromises and agreements between police commanders’ interests in getting the best tactical conditions, and the protestors’ interests to get best terms for their goal.
- Mediation – to explain the police point of view to groups of demonstrators and the demonstrators’ views to the police, in order to increase mutual understanding and avoid stereotyping.
- Initiation – to come up with possible solutions to avoid or minimise the risk for conflicts and confrontations.

5.32 Communicating with crowds is not just about giving direction. Regular communication, which includes providing updates on police action and event developments, will assist in managing a crowd. Communication to dispel rumour or deliberate misinformation is particularly important in maintaining order and retaining the trust and confidence of a crowd.

5.33 Making information available to a crowd increases individual crowd participant choices and minimises the opportunity for disruptive individuals to influence disorder within the crowd. The concept of no surprise policing can be effective as long as the crowd is willing to accept information.

5.34 Communicating with large crowds presents practical challenges, (eg, elevated crowd noise, inadequate communications equipment). Even so, there are a variety of avenues available for the police to communicate with crowds using audio and visuals means, for example:

- Public address systems;
- Large screens/signs;
- Crowd liaison officers/stewards;
- Loud hailers (including helicopter skyshout);
- Microphones and speakers;
- Digital text messaging.

5.35 The communication does not always have to be delivered by the police. Communication by stewards is often a well-received option if there is a risk of opposition to, or mistrust of, authority figures such as the police. The use of independent negotiators or intermediaries may be a consideration but should be risk assessed and accompanied by appropriate control measures to avoid compromising the credibility of the negotiators or intermediaries.

## Police Response to Protest

- 5.36 Failing to adequately communicate with a crowd can lead to the perception that information is being withheld. Such perception may manifest into raised tensions between the police and the crowd that could ultimately lead to public disorder. Regular communications by a variety of means, even if it is only to deliver messages of no change, can be useful in managing crowd behaviour.
- 5.37 **Note:** Regional variations to domestic public order apply to this section; see **Appendix 4** (Northern Ireland) and **Appendix 5** (Scotland).
- 5.38 Protest in the context of public order policing is the public demonstration by one or more persons of their opposition or support for a cause. The cause and nature of the protest can range significantly in size, type and complexity.
- 5.39 As a lawful activity, peaceful protest does not usually require police attendance or concern. Many protest events take place without any adverse impact on the wider community. Others are dealt with by organisers and self-stewarding to minimise adverse impact. However, there may be occasions when it is anticipated that some disorder or breach of law may occur or there may be an imminent danger caused to a section of the community, requiring a police intervention. It is the responsibility of the relevant police force to determine whether there is a need for police presence at a protest event.
- 5.40 When planning the police response to a protest event, the starting point should be to facilitate peaceful protest by providing a lawful and proportionate policing response, balancing the needs and rights of protesters with those affected by the protest. Commanders should also have prepared appropriate contingency plans.

### Establishing Early Dialogue

- 5.41 Effective communication between protest organisers, participants and police is vital to facilitating peaceful protest. Where practicable, the police should also proactively engage with protest subject(s) and local businesses or residents who may find their daily routines disturbed by the protest event. Communication prior to, during and after the protest event will assist in managing the expectations of all stakeholders involved in and/or affected by the event.
- 5.42 Silver Commanders should endeavour to enter into early dialogue with protest groups, event organisers and other key stakeholders. The overall aim of early dialogue is to:
- Reduce and minimise conflict between the police and other stakeholders;

- In the case of protest, strengthen the relationship between protest groups and the police, thereby improving the capability of the police to facilitate and support peaceful protest;
- Support the principles of no surprises; and
- Identify a reduction of police resources required for the operation.

5.43 In some cases protest organisers may not wish to engage with the police. Although the exercise is voluntary, it also supports the principles of facilitating peaceful protest. Commanders should, therefore, ensure that sustained attempts are made to communicate with protest organisers, and that all attempts to do so are recorded as part of an audit trail.

5.44 The police objectives for pre-event dialogue should be to:

- Gain a comprehensive understanding of the intent and nature of the protest activity;
- Enable legitimate aims of both the police and protest organisers to be aired and understood;
- Discuss (and if possible agree) the terms of what is desirable, acceptable and unacceptable to the police and protest organisers;
- Ensure that protest organisers fully understand their liability in respect to health and safety;
- Ensure that protest organisers fully understand the threshold between acceptable (ie, peaceful) protest activity and unacceptable crime and disorder;
- Ensure there is a clear understanding of the police role of balancing the rights of protestors against the rights of protest subject(s) and the wider public;
- Reach agreement with protest organisers on the types and duration of protest activities that will be undertaken; and
- Minimise, as far as practicable, the element of surprise.

5.45 Should pre-existing relationship issues exist, such as a lack of trust between parties, the use of non-police intermediaries (eg, community mediators) may help to resolve (or prevent) such issues interfering with the early dialogue between police and protest organisers.

5.46 Consideration should be given as to whether protest organisers, or their liaison officers, entering into dialogue with the police are representing the views of the majority. It should also be considered whether these individuals have the degree of influence and control that they portray. If intelligence indicates this is not the case, the Tactical Plan should reflect options and contingencies to respond to any associated risks. It is prudent to advise protest organisers that contingencies exist, but that they will not be deployed unless necessary.

**HMIC (2009) *Adapting to Protest – Nurturing the British Policing Model*** page 82 identifies the following considerations:

- A community engagement plan 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.
- 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.
- 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.
- A media plan should be developed in advance of the operation. Relevant media personnel should be invited to a briefing to ensure an accurate understanding of the police operational approach and style.
- 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.
- Following the operation, the community engagement and media plans – and actions and decisions taken in relation to both – should be reviewed to identify learning for future events.

5.47 Reaching shared agreement on the conduct of the event and the division of roles and responsibilities between the police and others may be consolidated in a signed Memorandum of Understanding (MOU). An MOU is used to demonstrate an understanding between the police and event organisers, build trust and set out each party’s agreed responsibilities. An MOU is not required for all events but may be useful in some circumstances.

5.48 In some cases the police may be unable to identify the event organiser, or the identified organiser will be unable or unwilling to engage with the police. In these cases it is vital that all reasonable efforts are made by the police to engage (ie, repeated attempts using several different communications methods) and that all measures taken to do so are recorded.

## Responding to the Protest Crowd Dynamic

5.49 **HMIC (2009) Adapting to Protest – Nurturing the British Policing Model** recommends the most effective means of maintaining peaceful and consensual relations between the police and a dynamic protest crowd is through:

- A strategic approach to policing protest which is centred upon the facilitation of peaceful behaviour within a crowd;
- A tactical policing response which increases police capability for dialogue and communication with crowd members; and
- A graded, differentiated and intelligence-led approach to police use of force.

5.50 Adopting a phased approach to communicating with the protest crowd may be beneficial in the following ways.

<b>Prior to the event</b>	<ul style="list-style-type: none"> <li>• Informs expectations;</li> <li>• Supports the facilitation of legitimate protest objectives;</li> <li>• Allows the police to explain the need for any restrictions on the event;</li> <li>• Assists in reducing misunderstanding.</li> </ul>
<b>During the event</b>	<ul style="list-style-type: none"> <li>• Allows officers to assess how police actions are perceived;</li> <li>• Allows for the appropriate and proportionate escalation or de-escalation of the police response;</li> <li>• Gives the police the opportunity to engage with protest participants in accordance with the diverse nature of the crowd.</li> </ul>
<b>After the event</b>	<ul style="list-style-type: none"> <li>• Provides an opportunity to discuss the police operation and identify positive elements and areas for learning;</li> <li>• Allows the police to use learning experiences to benefit future planning processes.</li> </ul>

5.51 As with any crowd, the protest crowd is not a homogenous mass but a collection of groups and individuals who, while sharing the same voluntary participation within the crowd, may wish to express themselves in different ways.



# Appendix 1

## Tactical Options

The following table includes many of the tactics and resources applicable to the planning and deployment of public order policing. The table is not exhaustive, and additional options and considerations may sometimes apply, dependent upon the unique nature of the operation or incident.

**Note: It is envisaged that all levels of command may benefit from the tactical considerations included in this table.**

Policing Style	
Normal Policing	Considerations
<ul style="list-style-type: none"> <li>To maintain 'business as usual'.</li> <li>To build trust and confidence within communities.</li> <li>To build and maintain links with communities.</li> <li>To present and/or maintain an accepted image and appearance.</li> </ul>	<ul style="list-style-type: none"> <li>Normal policing may be used throughout the range of tensions experienced within a community but will be typical during 'steady state'. Normal policing should be maintained for as long as possible or returned to as soon as possible. Commanders should always consider whether normal policing methods and resources are possible.</li> <li>Any transition from or to normal policing should take account of the safety and welfare of the public, partners and police.</li> <li>Any departure from normal policing may weaken links with the community and partners and may impact upon the flow of community information/intelligence.</li> <li>Tactical should be capable of escalation and de-escalation.</li> <li>Different areas may be subject to different tactical options (eg, normal policing may be used in one section of the community while different tactics are used, at the same time, elsewhere).</li> <li>The links developed, and engagement undertaken, during periods of steady state will be critical to the success of engagement strategies during periods of heightened tension.</li> </ul>
Directed Response	Considerations
<ul style="list-style-type: none"> <li>To task and direct patrolling officers and other existing resources based on intelligence.</li> <li>To build or maintain lines of communication.</li> </ul>	<ul style="list-style-type: none"> <li>Community information and intelligence is critical to determine the tension within a community and should be used to ensure that any response is proportionate.</li> <li>Specific intelligence requirements may assist in targeting key individuals.</li> <li>The redeployment of resources to reassure the community and reduce potential for disorder.</li> </ul>

<ul style="list-style-type: none"> <li>To build trust and confidence.</li> </ul>	<ul style="list-style-type: none"> <li>Engaging with partners to assist with target hardening initiatives and identifying potential hotspots.</li> <li>The use of CCTV, temporary or permanent, to provide intelligence, evidence and a strategic and tactical overview. (Regulation of Investigatory Powers Act 2000 where CCTV is used in a covert manner.)</li> </ul>
<b>Protected Officers</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>To provide officers with appropriate level of personal protective equipment (PPE).</li> <li>To allow staff, properly trained and equipped, to deploy effectively in public order situation.</li> </ul>	<ul style="list-style-type: none"> <li>Does intelligence justify level of protection?</li> <li>Community impact factors, ie, public perception and potential impact on community confidence.</li> <li>Level of protection required in order to increase officer confidence.</li> <li>Health and Safety.</li> <li>Officer welfare and resilience.</li> <li>The range of PPE available.</li> </ul>
<b>Resources</b>	
<b>Police Support Unit (PSU)</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>To allow the effective deployment of resources as a standard unit, for example: <ul style="list-style-type: none"> <li>– 1 inspector</li> <li>– 3 sergeants</li> <li>– 18 constables and</li> <li>– 3 (PSU trained) drivers with protected personnel carriers.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Appropriate training and equipment to deal with potential/actual threat(s).</li> <li>Effective mobilisation plans to ensure prompt and appropriate deployment.</li> <li>Complement PSUs with specialist resources, eg, medics, EGTs, local guides.</li> <li>Operational necessity may require serials to be deployed separately.</li> <li>Subject to local arrangements units may provide or require additional equipment: <ul style="list-style-type: none"> <li>– method of entry equipment;</li> <li>– mobile lighting;</li> <li>– major incident equipment/documentation.</li> </ul> </li> </ul>

Territorial Support Group (TSG)	Considerations
<ul style="list-style-type: none"> <li>• To provide commanders with a highly trained, mobile resource equipped to deal with a range of public order situations.</li> <li>• To carry out specialist tactics commensurate with their enhanced level of expertise.</li> </ul>	<ul style="list-style-type: none"> <li>• Deployment in the initial stages of disorder in order to assist with early resolution.</li> <li>• Likely to be a multi-skilled resource which may result in a conflict of roles.</li> <li>• Availability, ie, full or part time, locally or mutual aid.</li> <li>• Use of comprehensive briefings in order to determine appropriate policing style, raise awareness of local issues/community impact.</li> <li>• Variations in title may apply to forces.</li> </ul>
Mutual Aid	Considerations
<ul style="list-style-type: none"> <li>• To resolve an individual force's anticipated lack of capacity or capability to meet an extraordinary demand for resources.</li> <li>• May apply to public order or other police resources required for any major operation.</li> <li>• May include national, regional or localised mobilisation of resources.</li> </ul>	<ul style="list-style-type: none"> <li>• Mutual aid deployment is not limited to public order resources.</li> <li>• Interoperability factors should be managed through effective command structure and protocols.</li> <li>• England, Northern Ireland, Wales: Coordination by the Police National Information and Co-ordination Centre (PNICC), under a national Mutual Aid Agreement.</li> <li>• Scotland: Coordinated by the Scottish Police Information and Coordination Centre (S-PICC).</li> <li>• Forces may also develop and activate localised agreements with neighbouring forces.</li> <li>• <b>ACPO (2006) Police National Mobilisation Plan</b> provides guidance on developing localised mutual aid agreements.</li> </ul>
Specialist Resources	
Community Mediators	Considerations
<ul style="list-style-type: none"> <li>• To engage with individuals or groups who can facilitate or establish dialogue thereby: <ul style="list-style-type: none"> <li>– dispelling rumour</li> <li>– reducing conflict</li> <li>– providing information that supports the intelligence function</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Mediators are persons who formally or otherwise may: <ul style="list-style-type: none"> <li>– have influence or authority</li> <li>– be part of the community or represent it</li> <li>– be a member of an organisation with statutory responsibilities</li> <li>– have an awareness of community issues.</li> </ul> </li> <li>• Mediators may be used throughout the full range of community tension from steady state to riot.</li> <li>• Use of media to communicate key information.</li> <li>• Appeals or public meetings.</li> </ul>

<ul style="list-style-type: none"> <li>– assisting in the development of disorder reduction plans</li> <li>– supporting principles of ‘no surprise’ policing.</li> </ul>	<ul style="list-style-type: none"> <li>• Care should be taken not to inadvertently disclose police tactics.</li> <li>• Individuals or groups may have hidden agendas.</li> <li>• The provision of local arrangements for managing and supporting mediators.</li> <li>• Comparison of information and intelligence from all available resources to aid decision making.</li> <li>• Disclosure of sensitive information should be a carefully considered step. It may support an early resolution of an event or incident but its use may also have other adverse implications.</li> </ul>
<b>Forward Intelligence Team (FIT)</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>• To measure mood and intent of groups/crowd members.</li> <li>• To identify individuals/groups who may become involved in, or encourage, disorder or violence, or may increase levels of tension.</li> <li>• To establish dialogue with such individuals or groups, thereby gathering information/intelligence.</li> <li>• To provide commanders with ‘fast-time’ updates so that resources can be deployed efficiently and effectively.</li> </ul>	<ul style="list-style-type: none"> <li>• Gold to set policing style, tactical parameters and ensure briefing.</li> <li>• Public perceptions.</li> <li>• How will potential interference with ‘qualified’ rights (eg, Article 8 ECHR – right to respect for private and family life) be justified and mitigated?</li> <li>• Appropriate training and equipment.</li> <li>• Officer safety.</li> <li>• Command protocols.</li> <li>• Potential impact upon crowd dynamics.</li> <li>• Early deployment of teams.</li> <li>• Silver should ensure that FITs are briefed and aware of their policing style.</li> </ul>
<b>Evidence Gathering Team (EGT)</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>• To secure photographic, video and digital imagery, and audio evidence in order to support the investigation and prosecution of offenders.</li> </ul>	<ul style="list-style-type: none"> <li>• How will potential interference with ‘qualified’ rights (eg, Article 8 ECHR – right to respect for private and family life) be justified and mitigated?</li> <li>• Has a policy been documented regarding the taking and retention of images?</li> <li>• Appropriate training and equipment.</li> <li>• Officer safety.</li> </ul>

<ul style="list-style-type: none"> <li>To record the delivery of warning messages.</li> </ul>	<ul style="list-style-type: none"> <li>Command protocols.</li> <li>Impact upon crowd dynamics.</li> <li>Early deployment of teams.</li> <li>Recording the scene prior, during and after an incident or event.</li> </ul>
<b>Air Support</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>To provide an overview to the command team.</li> <li>To support intelligence and evidence gathering function.</li> <li>To monitor crowd safety and traffic movement.</li> <li>To provide artificial lighting.</li> </ul>	<ul style="list-style-type: none"> <li>Effect of airborne lighting and use of public address systems upon the crowd/community.</li> <li>Raised noise levels from aircraft can hamper communication.</li> <li>Availability and cost.</li> <li>Assists in the effective deployment of other resources.</li> </ul>
<b>Arrest Teams</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>To provide suitably skilled personnel acting together with protection, if appropriate, in order to arrest identified individuals.</li> </ul>	<ul style="list-style-type: none"> <li>Arrest powers and policy.</li> <li>Use of information/intelligence.</li> <li>Impact upon the community and crowd.</li> <li>Is arrest a proportionate response to minimise conflict?</li> <li>Media opportunities and public perception.</li> <li>Resource availability and potential depletion of staff.</li> <li>Appropriate training and equipment.</li> <li>Compliance with existing arrest policies.</li> <li>Evidence management.</li> <li>Case Progression Unit management.</li> <li>Cell space.</li> </ul>
<b>Mounted Police</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>To assist with the monitoring of crowd dynamics and information/intelligence gathering.</li> <li>To demonstrate that force is about to be/ may be used.</li> </ul>	<ul style="list-style-type: none"> <li>Essential that capabilities and limitations of this option are fully understood prior to its use. Advice should be sought from the senior mounted officer present.</li> <li>Support of foot officers required, particularly when taking ground.</li> <li>Warning messages should be given and recorded of impending use.</li> <li>Deployment of horses in close proximity to barriers may not be appropriate on safety grounds.</li> </ul>

<ul style="list-style-type: none"> <li>• To support cordons.</li> <li>• To escort marches/groups.</li> <li>• To assist with the dispersal of a crowd.</li> </ul>	<ul style="list-style-type: none"> <li>• Foot officers should be appropriately trained where deployed with mounted police.</li> <li>• Use of force legislation may apply.</li> <li>• Refer to force policy on authorisation requirements.</li> </ul>
<b>Police Dogs</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>• To demonstrate that force is about to be/may be used.</li> <li>• To support cordons.</li> <li>• To escort marches/groups.</li> <li>• To protect key locations.</li> <li>• To assist with the dispersal of a crowd.</li> </ul>	<ul style="list-style-type: none"> <li>• Essential that capabilities and limitations of this option are fully understood prior to its use. Advice should be sought from the senior dog officer present.</li> <li>• Specific risk assessments and appropriate control measures including 'public order' leads.</li> <li>• Warning messages should be given and recorded of impending use.</li> <li>• Community impact and perception.</li> <li>• Is this level of force necessary or is there a less intrusive option available?</li> <li>• Refer to force policy on authorisation requirements.</li> </ul>
<b>Armed Officers</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>• To provide protection for officers and others in a public order scenario from a person who <ul style="list-style-type: none"> <li>– is in possession of, or has immediate access to, a firearm or other potentially lethal weapon, or</li> <li>– is otherwise so dangerous that the deployment of armed officers is considered to be appropriate.</li> </ul> </li> <li>• As an operational contingency in a specific operation based on the threat assessment.</li> </ul>	<ul style="list-style-type: none"> <li>• Authority Levels – guidance on the authority levels for the deployment of armed officers, see <b><i>ACPO (2009) Guidance on the Management, Command and Deployment of Armed Officers.</i></b></li> <li>• Other than with the deployment of AEP Teams, (see <b><i>AEP Officers</i></b>, overleaf) the use of warning messages is not necessarily appropriate in circumstances where armed police are deployed during public disorder. In these circumstances, consideration should be given to guidance on 'Oral Warnings': <ul style="list-style-type: none"> <li>– recording of warning given</li> <li>– safety of unprotected officers</li> <li>– medical assistance and aftercare procedures</li> <li>– impact on the community and media presentation</li> <li>– post-incident scene management</li> <li>– availability and protective qualities of protected vehicles (ballistic)</li> <li>– training and familiarity of armed officers with public order tactics and environment</li> <li>– the availability of support from AEPs/public order trained officers familiar with armed officer tactics</li> <li>– ensuring that armed officers are not exposed to missile attack/overrun by hostile crowd</li> <li>– use of force legislation may apply</li> <li>– command structure/protocols during multi-disciplined operations.</li> </ul> </li> </ul>

<b>AEP Officers (Attenuating Energy Projectiles)</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>To reduce the threat posed by specific individuals in order to protect life, prevent serious injury or prevent serious damage to property (in circumstances likely to lead to loss of life/serious injury) during serious public disorder.</li> <li>Variations exist for Northern Ireland, see <b>Appendix 4.</b></li> </ul>	<p><b>Authority levels to make available for operational purposes</b></p> <ul style="list-style-type: none"> <li>Officer of at least the rank of Assistant Chief Constable/Commander.</li> </ul> <p><b>Authority levels to use</b></p> <ul style="list-style-type: none"> <li>Once the authority to make AEPs available for operational purposes has been granted, the authority to use it lies with the Silver Commander.</li> <li>The Silver Commander will keep the authority to use AEPs under constant review and liaise with Bronze commanders and personnel using the AEPs operationally.</li> <li>Designated Senior Officer (DSO) who can make an independent assessment at the scene that the situation justifies/still justifies the use of AEPs.</li> </ul> <p><b>Criteria for use</b></p> <ul style="list-style-type: none"> <li>When conventional methods of policing have been tried and have failed or, because of the circumstances, are unlikely to succeed if tried.</li> <li>In situations of serious public disorder, where there is the potential for loss of life, serious injury or widespread destruction and whether such action is likely to reduce that risk.</li> <li>Chief officer to submit written report to the Home Secretary as soon as is practicable.</li> </ul> <p><b>Other considerations</b></p> <ul style="list-style-type: none"> <li>Also referred to as 'Impact Rounds'.</li> <li>Warning messages should be given and recorded of impending use.</li> <li>Medical assistance and aftercare procedures.</li> <li>Impact upon the community and media interpretation.</li> <li>Must only be used by trained officers.</li> </ul>
<b>Support Resources</b>	
<b>Barriers</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>To assist with managing and controlling crowd movement.</li> </ul>	<ul style="list-style-type: none"> <li>Public and officer safety: barriers should be physically supervised and are not a substitute for staff (use of the CBRN barriers may reduce the number of staff required).</li> <li>Potential for negative public perception because of barriers between the police and public.</li> <li>Entry/exit points should be established and clearly signed with boundaries, access routes and sterile areas clearly defined.</li> <li>Different types of barriers as appropriate: concrete, metal, tape.</li> </ul>

	<ul style="list-style-type: none"> <li>• Lack of mobility of barriers limits rapid deployment.</li> <li>• During outbreaks of disorder, use of mounted sections in conjunction with barriers must be closely monitored.</li> <li>• Can become a weapon for hostile crowds.</li> <li>• Securing barriers together may reduce the risk but may trap the crowd and police.</li> </ul>
<b>Barricade/Obstacle Removal (Plant Vehicles)</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>• To assist in the removal of barricades and obstacles.</li> <li>• To minimise the risk of injury and fatigue to officers.</li> </ul>	<p><b>Training level</b></p> <ul style="list-style-type: none"> <li>• Drivers must hold the relevant ACPO approved driving authority for the use of this vehicle.</li> <li>• Trained to Level 2.</li> </ul> <p><b>Method</b></p> <ul style="list-style-type: none"> <li>• To prevent exposure to potential traps within a barricade, or to reduce the threat to officers handling materials used to erect barricades: <ul style="list-style-type: none"> <li>– find alternative route followed by armoured/unarmoured vehicles;</li> <li>– deploy in a controlled manner to create a route through the barricade;</li> <li>– where Silver/Bronze Commander considers risks to be too great, the use of appropriate light or heavy plant vehicles may be the most effective method;</li> <li>– where vehicles/plant cannot reach a barricade the final method would be to revert to dismantling it manually using protected officers on foot as ‘moles’.</li> </ul> </li> </ul> <p><b>Other considerations</b></p> <ul style="list-style-type: none"> <li>• There is a greater risk of injury and damage to vehicles/property, which is likely to reduce the effectiveness of the police response.</li> <li>• Consideration must be given to the use of traps within a barricade, such as barricades wired up to mains electricity via felled lampposts.</li> <li>• Commanders must assess the implications of the ECHR, and use of force legislation in support of dynamic risk assessments, prior to deploying this tactic.</li> <li>• All officers and drivers must be trained and competent in the deployment of this tactic prior to use.</li> <li>• The use of plant in an operational deployment must be supported by officers on foot.</li> <li>• The plant vehicle should not operate more than 20 metres in front of police lines.</li> <li>• A tactical adviser or liaison officer should be deployed on the ground with the vehicle to communicate directly with commanders.</li> <li>• Identification of appropriate formation area prior to deployment.</li> <li>• The distance from formation area to the point required.</li> </ul>

Artificial Lighting	Considerations
<ul style="list-style-type: none"> <li>• To illuminate a specific area.</li> <li>• To reduce health and safety hazards.</li> <li>• To reduce anonymity of protagonists.</li> <li>• To assist intelligence and evidence gathering functions.</li> </ul>	<ul style="list-style-type: none"> <li>• Lighting systems available include:               <ul style="list-style-type: none"> <li>– night sun (helicopter)</li> <li>– vehicle mounted</li> <li>– hand-held</li> <li>– mobile floodlighting.</li> </ul> </li> <li>• The prevailing conditions and desired objective(s).</li> </ul>
Tactics	
Cordons and Intercepts	Considerations
<ul style="list-style-type: none"> <li>• To facilitate and manage the movement of pedestrians and vehicles.</li> <li>• To gather information/intelligence.</li> </ul>	<ul style="list-style-type: none"> <li>• Cordons and intercepts can be used independently or as a coordinated tactic.</li> <li>• Effective use of this option is dependent upon appropriate officer protection and sufficient resources.</li> <li>• Various resources may be employed in order to increase the effectiveness of this option:               <ul style="list-style-type: none"> <li>– foot officers</li> <li>– dog units</li> <li>– mounted police</li> <li>– protected vehicles</li> <li>– barriers</li> <li>– automatic number plate recognition systems</li> <li>– road policing officers.</li> </ul> </li> <li>• Community or crowd safety.</li> <li>• May include absolute or filter cordons.</li> </ul>
Obstacle or Barrier Removal	Considerations
<ul style="list-style-type: none"> <li>• To remove anything designed to delay or obstruct.</li> </ul>	<ul style="list-style-type: none"> <li>• Tactical importance of the obstacle, ie, is there a 'need' to remove the obstacle?</li> <li>• Resources available in order to achieve the desired outcome.</li> <li>• Specialist equipment.</li> <li>• Does the obstacle belong to someone?</li> <li>• What is the power to remove/retain?</li> <li>• Will damage be caused?</li> <li>• Should the obstacle be kept safe for restoration?</li> <li>• Health and safety of officers any other individuals affected by action.</li> </ul>

<b>Stand Off/Regroup</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>• To facilitate safe and effective withdrawal of personnel when under threat.</li> <li>• To re-establish 'normal' policing levels as disorder subsides.</li> <li>• To allow opportunity to re-group, re-brief, re-engage.</li> <li>• To escalate or de-escalate policing style as appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>• The need to afford protection to the public should always be a prime consideration.</li> <li>• Re-deployment of resources as soon as it is practicable.</li> <li>• Community impact factors – perceived loss of control by the police.</li> <li>• Can be used as part of a structured return to steady state.</li> <li>• May be used as a diversionary tactic.</li> <li>• Can be difficult to coordinate.</li> <li>• Health and safety of staff.</li> </ul>
<b>Vehicle Tactics</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>• To provide physical protection and support for officers.</li> <li>• To act as a physical barrier or filter.</li> <li>• To provide a protected platform from which to gather intelligence and communicate with the crowd.</li> <li>• To assist with the rapid dispersal of a crowd/taking and holding ground.</li> </ul>	<ul style="list-style-type: none"> <li>• Community impact or crowd reaction.</li> <li>• Use of emergency warning equipment, including sirens, may affect behaviour patterns.</li> <li>• Warning messages should be given and recorded of impending use.</li> <li>• Effective communication is essential to maintain control.</li> <li>• Need for appropriately trained drivers.</li> <li>• Suitably equipped and protected vehicles.</li> <li>• Support by foot officers,</li> </ul>
<b>Cycle Tactics</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>• To allow the police to patrol or respond to areas with limited vehicular access.</li> <li>• To escort marches/ groups.</li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate training and equipment.</li> <li>• May increase police visibility and public confidence.</li> <li>• Environmentally friendly.</li> <li>• Consider whether effectiveness will be reduced within crowds.</li> <li>• Cycle management if officer taken away?</li> </ul>

<b>Building Entry</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>• To enter buildings in a coordinated and protected formation in order to:               <ul style="list-style-type: none"> <li>– protect vulnerable persons/premises</li> <li>– secure prior to search</li> <li>– contain disorder</li> <li>– arrest offenders.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate training and equipment.</li> <li>• Powers of entry.</li> <li>• Resources available in order to achieve the desired outcome.</li> <li>• Health and safety of officers and any other individuals affected by action.</li> </ul>
<b>Shield Tactics</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>• To use a range of appropriate shield tactics in order to:               <ul style="list-style-type: none"> <li>– protect officers</li> <li>– demonstrate that force is about to be/may be used</li> <li>– assist with the rapid dispersal of violent crowds</li> <li>– protect vulnerable persons/key locations</li> <li>– contain disorder</li> <li>– arrest offenders.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Appropriate training and equipment.</li> <li>• Impact on community confidence and public perception.</li> <li>• Comprehensive guidance on shield tactics is included in the National Police Public Order Training Curriculum.</li> </ul>
<b>Batons</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>• To be used by appropriately trained staff in order to:               <ul style="list-style-type: none"> <li>– protect officers</li> <li>– demonstrate that force is about to be/may be used</li> <li>– facilitate dispersal and/or arrest.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• If batons are to be deployed as a group tactic, the decision to deploy the tactic and draw batons rests with the key decision maker at the scene, who will take into account the Silver Commander's considerations regarding the use of force.</li> <li>• As with any use of force or tactical deployment, any decision to draw batons and deploy them as a group tactic must be recorded and justified by the decision maker.</li> <li>• This guidance does not affect the right of an individual officer to draw and use their baton in order to protect themselves, colleagues or members of the public.</li> <li>• Officers may be issued with a long baton for carriage/use during public order-related operations.</li> <li>• Officer and public safety.</li> <li>• Warning messages should be given and recorded.</li> </ul>

	<ul style="list-style-type: none"> <li>• Demonstrating that force may be used can serve as a deterrent.</li> <li>• The level of force should be reasonable and proportionate (ie, the minimum required to meet a lawful objective).</li> <li>• It is a lawful order to require officers to draw batons and/or advance.</li> <li>• The decision to strike is for the individual officer and must be justified by them in each instance.</li> <li>• If more than one baton is carried, guidance should be provided as to how each should be used.</li> <li>• Side handled batons are not suitable for use in situations of serious public disorder.</li> <li>• Aftercare of injured persons.</li> <li>• Is this level of force necessary or is there a less intrusive option available?</li> </ul>
<b>Screening Smoke</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>• To conceal police withdrawal.</li> <li>• In certain circumstances, a contingency tactic to conceal other police tactics and/or deployments.</li> </ul>	<p><b>Authority levels to make available for operational purposes</b></p> <ul style="list-style-type: none"> <li>• Officer of at least the rank of Assistant Chief Constable/Commander.</li> </ul> <p><b>Authority levels to use</b></p> <ul style="list-style-type: none"> <li>• Once the authority to make screening smoke available for operational purposes has been granted, the authority to use it lies with the Silver Commander.</li> <li>• The Silver Commander will keep the authority to use screening smoke under constant review and liaise with bronze commanders and personnel using it operationally.</li> <li>• DSO (inspector or above, suitably selected and trained) who can make an independent assessment at the scene that the situation justifies/still justifies the use of screening smoke.</li> </ul> <p><b>Criteria for use</b></p> <ul style="list-style-type: none"> <li>• When conventional methods of policing have been tried and failed or, because of the circumstances, are unlikely to succeed if tried.</li> <li>• In situations of serious public disorder, where there is the potential for loss of life, serious injury or widespread destruction and whether such action is likely to reduce that risk.</li> <li>• Must only be used by trained officers.</li> </ul> <p><b>Other considerations</b></p> <ul style="list-style-type: none"> <li>• Avenues of escape must be identified to avoid panic and minimise the risk of injury.</li> <li>• Allegations may be made that smoke has been used to mask unlawful or questionable police activity.</li> <li>• May be used as a cover for demonstrators to commit crime.</li> </ul>

	<ul style="list-style-type: none"> <li>• Wind direction.</li> <li>• Warning messages should be given and recorded of impending use.</li> <li>• Screening smoke may be mistaken for CS gas, resulting in escalation of threat and/or panic.</li> </ul>
<b>Water Cannon</b>	<b>Considerations</b>
<ul style="list-style-type: none"> <li>• To demonstrate that force is about to be/may be used.</li> <li>• To keep crowds at a distance.</li> <li>• To support a police cordon.</li> <li>• To assist in the dispersal of groups.</li> <li>• To provide a platform whereby evidence and intelligence can be gathered and from which information can be communicated.</li> <li>• Presently in use in Northern Ireland only.</li> </ul>	<p><b>Authority levels to make available for operational purposes</b></p> <ul style="list-style-type: none"> <li>• Officer of at least the rank of Assistant Chief Constable/Commander.</li> </ul> <p><b>Authority levels to use</b></p> <ul style="list-style-type: none"> <li>• Once the authority to make water cannon available for operational purposes has been granted, the authority to use the equipment lies with the Silver Commander.</li> <li>• The Silver Commander will keep the authority to use water cannons under constant review and liaise with Bronze Commanders and personnel operating it.</li> <li>• DSO (inspector or above, suitably selected and trained) who can make an independent assessment at the scene that the situation justifies/still justifies the use of water cannon.</li> </ul> <p><b>Criteria for use</b></p> <ul style="list-style-type: none"> <li>• When conventional methods of policing have been tried and failed or, because of the circumstances, are unlikely to succeed if tried.</li> <li>• In situations of serious public disorder, where there is the potential for loss of life, serious injury or widespread destruction and whether such action is likely to reduce that risk.</li> <li>• Must only be used by trained officers.</li> </ul> <p><b>Other considerations</b></p> <ul style="list-style-type: none"> <li>• Impact upon the community.</li> <li>• Media impact and interpretation.</li> <li>• Suitably trained resources.</li> <li>• Manoeuvrability of the vehicle and the intended working environment.</li> <li>• Protection and availability of refill sites.</li> <li>• Warning messages should be given and recorded of impending use.</li> <li>• Essential that the capabilities of this equipment are fully understood prior to deployment.</li> <li>• A Tactical Adviser specifically trained in the use of such equipment should be available to commanders.</li> <li>• Supported by foot deployed officers.</li> <li>• Use of force legislation may apply.</li> </ul>

CS Smoke	Considerations
<ul style="list-style-type: none"> <li>To disperse groups during incidents of serious public disorder.</li> </ul>	<p><b>Authority levels to make available for operational purposes</b></p> <ul style="list-style-type: none"> <li>Officer of at least the rank of Assistant Chief Constable/Commander.</li> </ul> <p><b>Authority levels to use</b></p> <ul style="list-style-type: none"> <li>Once the authority to make CS Smoke available for operational purposes has been granted, the authority to use it lies with the Silver Commander.</li> <li>The Silver Commander will keep the authority to use CS Smoke under constant review and liaise with Bronze commanders and personnel using the CS Smoke operationally.</li> <li>DSO (inspector or above, suitably selected and trained) who can make an independent assessment at the scene that the situation justifies/still justifies the use of CS Smoke.</li> </ul> <p><b>Criteria for use</b></p> <ul style="list-style-type: none"> <li>Use in serious public disorder, as a last resort, where loss of life, serious injury and widespread damage are likely.</li> <li>To be used when conventional methods of policing have been tried and have failed, or are unlikely to succeed.</li> <li>Chief officer to submit written report to the Home Secretary as soon as is practicable.</li> </ul> <p><b>Other considerations</b></p> <ul style="list-style-type: none"> <li>Atmospheric conditions and wind direction and effect on unprotected persons.</li> <li>Avenues of escape in order to avoid panic and minimise risk of injury.</li> <li>Impact on the community and media interpretation.</li> <li>Medical assistance and aftercare procedures including decontamination and subsequent monitoring.</li> <li>Risk to innocent parties.</li> <li>Warning messages should be given and recorded of impending use.</li> <li>Must only be used by trained and suitably equipped officers.</li> <li>Issue of fitted respirators or alternative eye and respiratory protection to deployed officers.</li> <li>While acknowledging the importance of these authority levels, it should be noted that they do not affect the right of an individual officer to use personal issue CS incapacitant spray, if such use can be justified. Particular caution must be exercised by officers in the use of CS incapacitant spray in crowd situations.</li> </ul>

## Specific Considerations for the Use and Management of Containment

This guidance has been drafted following the judgment in *Austin v Commissioner of Police of the Metropolis* [2009] UKHL 5, the issues highlighted by *Home Affairs Committee (2009) Report on the Policing of the G20 Protests* and identified good practice.

Containment	
Objectives	Considerations
<ul style="list-style-type: none"> <li>Contingency tactic to be used when alternative tactics to prevent serious disorder, serious injury or loss of life have failed or are expected to fail.</li> <li>In some circumstances the tactic may have other objectives (eg, to prevent crime, arrest offenders).</li> <li>May consist of cordoning or other restrictions (eg, temporarily restricting exit from a designated area, room, stadium).</li> </ul>	<p><b>Necessity</b></p> <ul style="list-style-type: none"> <li>The police should be able to demonstrate that the tactic was proportionate to the threat and was resorted to in good faith.</li> <li>The use of containment should be linked to police intelligence. The police must have reasonable grounds to believe there is actual violence, or a threat of imminent violence.</li> </ul> <p><b>Communication</b></p> <ul style="list-style-type: none"> <li>Where appropriate, the police should seek to ensure that protestors are aware, prior to the protest, of their concerns regarding any intent shown by demonstrators to cause violence and, therefore, the likelihood that containment may be considered.</li> <li>The purpose and reason for imposing a containment tactic should at all times be plain to those constrained within it.</li> <li>Protestors should be given regular updates including timescales.</li> <li>Appropriate means of communication should be identified to ensure that the crowd is aware of key issues.</li> </ul> <p><b>Timescale</b></p> <ul style="list-style-type: none"> <li>Containment should last only as long as is reasonably required.</li> </ul> <p><b>Differentiation</b></p> <ul style="list-style-type: none"> <li>When implementing and maintaining a containment tactic, the police should, where possible, differentiate between non-violent persons (eg, peaceful protestors, innocent bystanders, vulnerable persons, media) and violent protestors.</li> <li>Those identified as non-violent should be released as soon as it is safe to do so, so long as release would not frustrate the tactic.</li> <li>Production of a UK Press Card should allow the holder release from any area subject to containment, unless the behaviour of</li> </ul>

	<p>the holder is cause for concern.</p> <p><b>Welfare</b></p> <ul style="list-style-type: none"><li>• When implementing a containment tactic, the police should seek to limit the discomfort of those contained as far as reasonably practicable, and cater to basic needs such as water and toilets.</li><li>• If a person within the containment presents with a medical emergency, they should be released as a priority and without delay.</li><li>• The use of independent observers may assist the police in identifying welfare issues. The suitability of the observer and consequential issues should be considered.</li></ul> <p><b>Release</b></p> <ul style="list-style-type: none"><li>• On implementing a containment tactic, the police should develop a dispersal plan (if not already considered). The plan should consider how people will be released (eg, if the dispersal needs to be phased).</li><li>• If, during its imposition, the police attempt to lift the containment, but decide that it is impractical to do so due to continued necessity, then this should be fully documented.</li></ul> <p><b>Recording</b></p> <ul style="list-style-type: none"><li>• If containment is a tactical consideration when planning the police response, the strategic objectives and operational policy/decision logs should reflect the criteria and considerations listed above.</li></ul>
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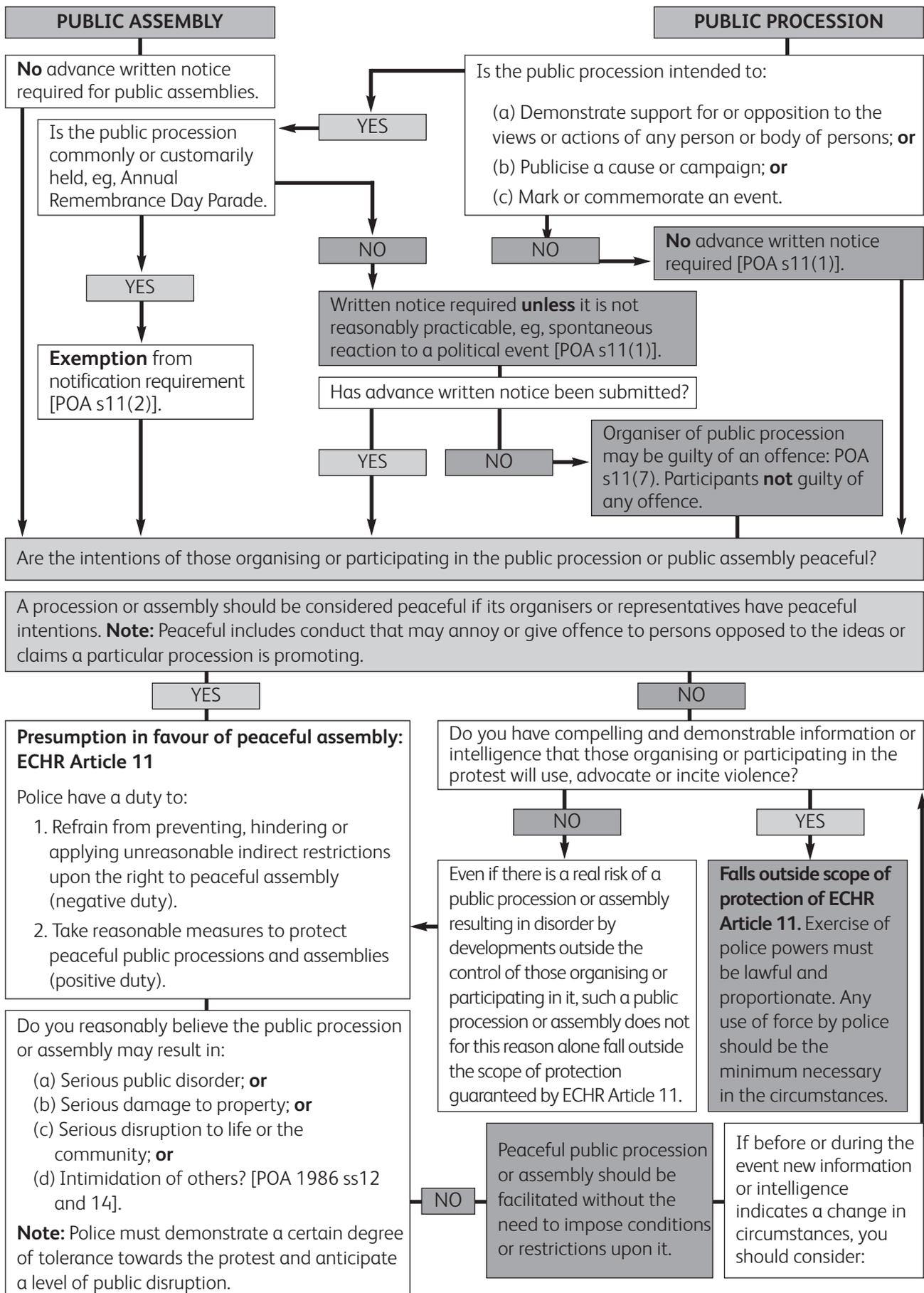
# Appendix 2

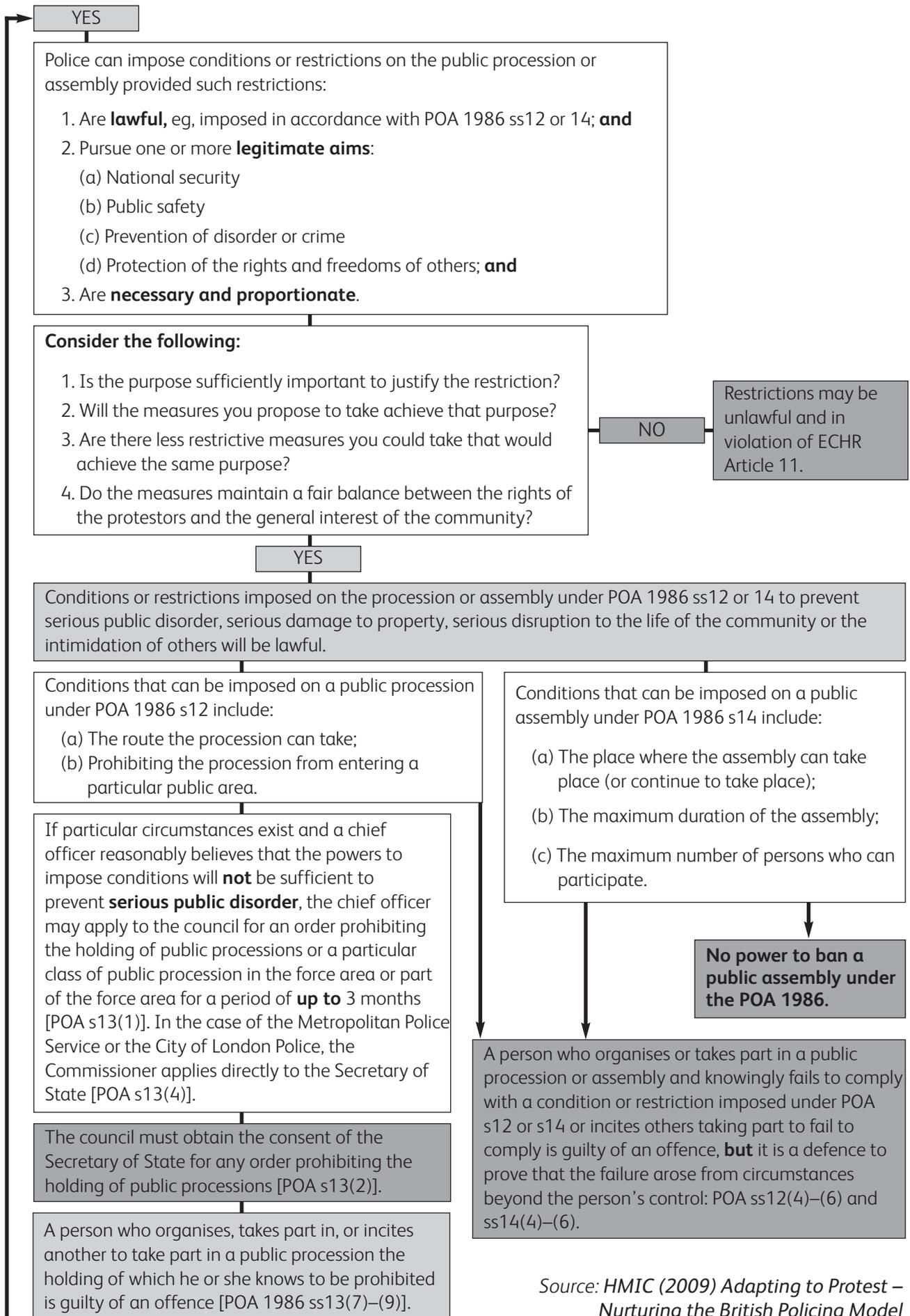
## Flow Charts

The flow charts contained in this appendix may assist commanders in their decision making regarding protest events.

**Note:** Every police operation is unique and as such should be considered in accordance with its individual circumstances. Relevant legal advice should be sought, as appropriate.

**Facilitating Peaceful Protest (England and Wales)**





**Protests on Private Land**

The rights to freedom of expression (ECHR Article 10) and peaceful assembly (ECHR Article 11) generally only apply in **public** places.

**KEY QUESTION = does the prohibition on access to private property have the effect of preventing ANY effective exercise of freedom of expression, ie, does it completely prevent protesters communicating their views to the wider public?**

There is no freedom of forum (choice of venue) or right of entry to private property for the exercise of the right to freedom of expression.

If the protesters could hold their protest somewhere else (eg, in a public place close by) or take alternative action that would enable them to freely express their opinion, the answer is likely to be NO.

NO

YES

A positive obligation may arise for the Government to take positive steps to protect the enjoyment of Articles 10 and 11 by regulating property rights.  
**NO action for police to take.**

ECHR Protocol 1, Article 1: Every person is entitled to peaceful enjoyment of his or her possessions, including his or her (private) property.

**Individuals protesting on private land WITHOUT the permission of the occupier are likely to be trespassing.**

A private property owner may in certain circumstances be presumed to have extended an implied invitation to members of the public to come onto his or her private land for lawful purposes. This presumption in the main concerns commercial premises such as shops and restaurants. Any implied invitation may be revoked at will.

**CIVIL TRESPASS:**

The occupier of the land can sue the trespasser or apply for a court order for possession.

Police may have powers to intervene to prevent a breach of the peace.

**CRIMINAL TRESPASS**

**Aggravated trespass**

**Trespassory assembly**

Are the persons trespassing on the land or in the building intentionally doing something to:

- (a) **Intimidate** persons engaged in lawful activity so as to deter them from engaging in that activity? **or**
- (b) **Obstruct** persons engaged in lawful activity? **or**
- (c) **Disrupt** persons engaged in lawful activity?

YES

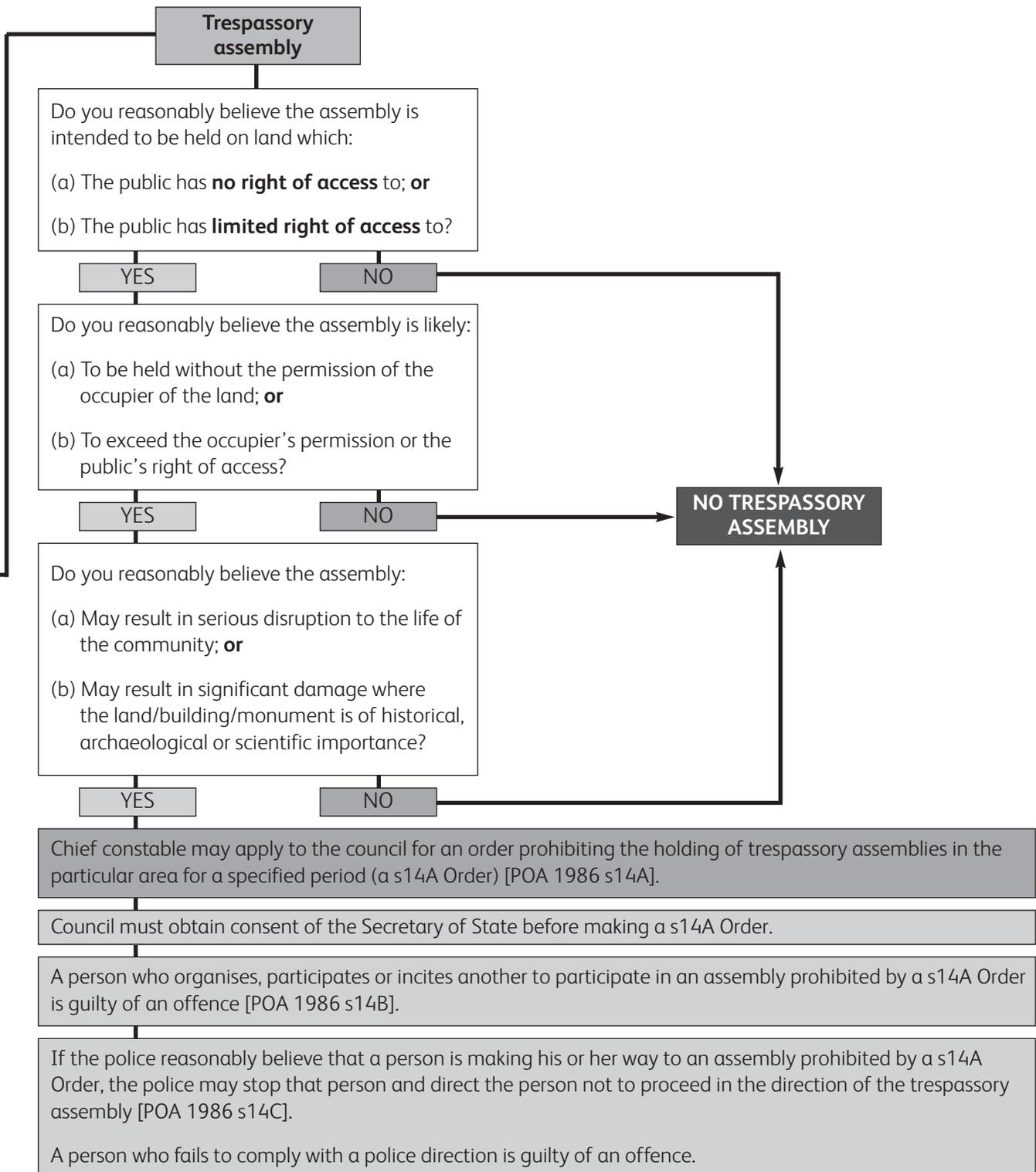
NO

**NO AGGRAVATED TRESPASS**

Persons guilty of offence of aggravated trespass [CJPOA 1994 s68(1)].

Police have powers to remove persons participating in aggravated trespass [CJPOA 1994 s69].

Source: HMIC (2009) *Adapting to Protest: Nurturing the British Policing Model*

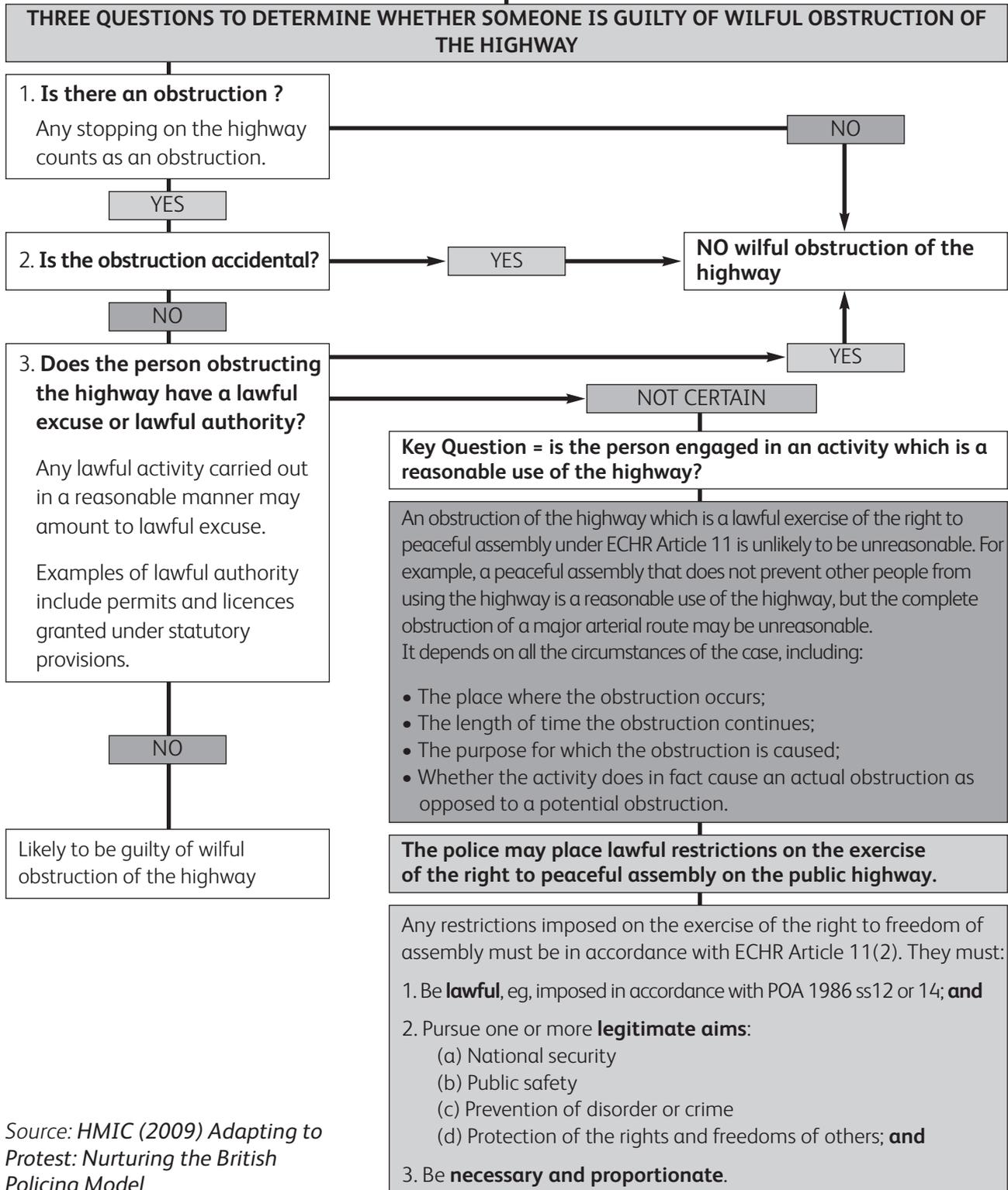


### Use of Public Highway

The public right to use the public highway is **not** restricted to the right to pass and re-pass nor is it restricted to activities ‘incidental or ancillary’ to the exercise of the right of passage.

Public highway = a public place in which **all manner of reasonable activities** can take place.

The right to freedom of peaceful assembly (ECHR Article 11) is denied if the police fail to recognise that peaceful assembly on the public highway may be lawful.



Source: HMIC (2009) *Adapting to Protest: Nurturing the British Policing Model*

# Appendix 3

## Templates

### Suggested Standard for Log Keeping

The format of command logs varies from force to force. This document sets out the suggested standard that should be followed in the completion of Silver Command Logs. The time/day/date and rationale for decisions should be recorded as well as the location from where the incident was commanded.

It is recognised that during the early stages of a spontaneous incident, recording of decisions may be done electronically via force incident logs.

<b>Administration</b>	<ul style="list-style-type: none"> <li>• Name of the trained and operationally competent Silver Commander.</li> <li>• Time and date Silver Commander notified of the incident.</li> <li>• Operational name or incident number.</li> <li>• Command structure in place or proposed to be in place.</li> <li>• Names of the Gold and Bronze Commander(s) if appointed.</li> <li>• Name of log keeper.</li> <li>• Location of Silver Commander.</li> </ul>
<b>Intelligence</b>	<ul style="list-style-type: none"> <li>• Information provided to Silver Commander.</li> <li>• Location of the incident.</li> <li>• Details of subject/group (ie, identity, capability and intent, victim/potential victim, intended target/aim). Background or previous incidents involving the subject(s).</li> <li>• Person who informed Silver Commander.</li> <li>• Community Impact Assessment, best person to complete assessment, how it informs decision making.</li> <li>• Intelligence the Silver Commander was provided with, and by whom, where it is recorded. NIM grading (optional). Whether information is assumption or fact.</li> <li>• Offences committed/likely to be committed.</li> <li>• Refer to protocols for intervention, contingencies and/or arrest.</li> <li>• Confirmation of Gold strategy, including any tactical parameters.</li> <li>• Action already taken, if any.</li> <li>• Additional intelligence requirements.</li> </ul>
<b>Threat Assessment</b>	<ul style="list-style-type: none"> <li>• Confirm completion of threat assessment, and by whom.</li> <li>• Outcome of threat assessment and who/what is at risk. Categorisation (ie, low, medium, high, unknown).</li> </ul>

<b>Strategy</b>	<ul style="list-style-type: none"> <li>• Details of working strategy including desired outcomes and clarifying priorities to Bronze Commander(s).</li> <li>• Tactical Considerations.</li> <li>• Tactical Parameters (optional).</li> </ul>
<b>Powers and Policy</b>	<ul style="list-style-type: none"> <li>• Changes in light of strategy review.</li> <li>• Offences committed/believed likely to be committed.</li> <li>• Legal basis (eg, road closures).</li> </ul>
<b>Tactical Options</b>	<ul style="list-style-type: none"> <li>• Dialogue initiated with subject(s)/group(s).</li> <li>• Adviser(s) and location of recorded advice.</li> <li>• Tactical options – identified risks and/or threats.</li> <li>• Consideration of public perceptions, policing style (eg, dress code).</li> <li>• Chosen tactical option and rationale.</li> <li>• Identified contingencies.</li> <li>• Ensure Tactical Plan achieves strategy, is proportionate to identified threat, and has a legal basis.</li> <li>• Approval of Tactical Plan and by whom.</li> </ul>
<b>Actions</b>	<ul style="list-style-type: none"> <li>• Full staff briefing, including when/where and method of recording.</li> <li>• Ensure appropriate resourcing. Risk assessment(s) for officers and public.</li> <li>• Alternative hospitals if appropriate to the nature and scale of the operation.</li> <li>• Arrested persons, injuries, damage by police, complaints. Measures to alleviate any sense of grievance (optional).</li> <li>• Review information, including time, date and with whom the review was discussed, see Conflict Management Model.</li> <li>• Updates to Gold and Bronze Commander(s).</li> <li>• Post-incident plans, procedures, investigating plan, media.</li> <li>• Debrief.</li> </ul>

**Suggested Operation Order Using IIMARCH:**

<b>1. Information</b>	
<b>Describes the operation and gives a complete overview.</b>	<ul style="list-style-type: none"> <li>• Operation timeline;</li> <li>• Location details;</li> <li>• Brief history (if applicable);</li> <li>• Available intelligence;</li> <li>• Results of CIA;</li> <li>• Force categorisation/primacy (if applicable).</li> </ul>
<b>2. Intention</b>	
<b>Strategic intention of the operation as set by Gold early in the planning process.</b>	<ul style="list-style-type: none"> <li>• Reflects the National Policing Plan;</li> <li>• Reflects the force/BCU Policing Plan;</li> <li>• Describes powers available to the police.</li> </ul>
<b>3. Method</b>	
<b>Includes details of the size/composition of the command structure.</b>	<ul style="list-style-type: none"> <li>• Individuals responsible for each command role;</li> <li>• Command structure (ie, Gold, Silver, Bronze);</li> <li>• Preparatory actions (eg, details of searches, security measures, mediation, served notices);</li> <li>• Significant locations/targets to be managed;</li> <li>• Details of any phases, for example: <ul style="list-style-type: none"> <li>phase 1 – build up of crowds, police steward actions;</li> <li>phase 2 – operation in progress;</li> <li>phase 3 – post-op procedure, stand down, debriefing;</li> </ul> </li> <li>• Deployment details (eg, identification of officers, specialist teams, tactical);</li> <li>• Operational policies (eg, arrest, protocols, media, prisoner transportation);</li> <li>• Partner responsibilities</li> <li>• Contingency plans.</li> </ul>

4. Administration	
<b>Includes the administrative provisions and procedures required to sustain the operation.</b>	<ul style="list-style-type: none"> <li>• Duty times and locations;</li> <li>• Briefing times and locations (ie, command, specialist units, main/cascade briefings);</li> <li>• Pre-arranged overtime codes;</li> <li>• Meal provision (ie, location, timing);</li> <li>• Policing style and dress code;</li> <li>• Staff welfare considerations (eg, comfort, refreshments, accommodation);</li> <li>• Debriefing times and locations (hot debrief, structured debrief).</li> </ul>
5. Risk Assessment	
<b>Details of risks specific to operation.</b>	<ul style="list-style-type: none"> <li>• Should be signed off by qualified person.</li> </ul>
6. Communications	
<b>The way in which police will communicate in force, with partners and the crowd.</b>	<ul style="list-style-type: none"> <li>• Mutual aid – command protocols;</li> <li>• Multi-agency communications plan;</li> <li>• Officers equipped with radio equipment and type;</li> <li>• Call signs and radio channel;</li> <li>• Details of talk group(s) ensuring all compatible;</li> <li>• Media briefing;</li> <li>• Information to be disseminated publicly;</li> <li>• Contact information (eg, incident controls, reporting centres, mobile telephones).</li> </ul>
7. Human Rights	
<b>Demonstrates that consideration has been given to the human rights implications of tactical deployment.</b>	<ul style="list-style-type: none"> <li>• Rationale to justify that the operation is in proportion to its overall objectives;</li> <li>• Confirmation that all tactics to be deployed are in accordance with/prescribed by law, necessary in a democratic society in pursuit of one or more legitimate aims, and proportionate;</li> <li>• Confirmation that if called into question, the order can be fully justified.</li> </ul>



# Appendix 4

## Variations for Northern Ireland

**Note:** References to paragraph numbers correspond with paragraphs in the main document. The text in this appendix replaces any text in the equivalent paragraph of the main document.

### **Paragraph 2.4**

The police have statutory powers and duties in relation to the policing of public processions, related protests and open-air public meetings, including those set out in the Public Processions (Northern Ireland) Act 1998, the Public Order (Northern Ireland) Order 1987, the Police and Criminal Evidence (Northern Ireland) Order 1989, the parts of the Criminal Justice and Public Order Act 1994 which extend to Northern Ireland and the Criminal Law Act (Northern Ireland) 1967. The police also have common law powers and duties, including powers to prevent breaches of the peace.

### **Paragraph 2.11**

Under the Public Processions (Northern Ireland) Act 1998, organisers of public processions and associated protests are required to provide notice to the Parades Commission of specified information. Failure to provide such notice results in the organisers and participants being in breach of the Act, but does not render the public procession/protest unlawful. Detailed guidance on this matter is contained in PSNI Service Procedure 14/2008 ([http://www.psni.police.uk/service\\_procedure\\_1408.pdf](http://www.psni.police.uk/service_procedure_1408.pdf)).

### **Paragraph 2.12**

Not applicable to Northern Ireland. Article 4 of the Public Order (Northern Ireland) Order 1987 gives the police the power to 'impose directions on persons organising or taking part in an open-air public meeting such conditions as to the place at which the meeting may be (or continue to be) held, its maximum duration, or the maximum number of persons who may constitute it, as appear to him necessary to prevent disorder, damage, disruption or intimidation'. It is a precondition for the exercise of this power that a senior police officer reasonably believes (a) that the meeting may result in serious public disorder, serious damage to property or serious disruption to the life of the community; or (b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do.

### **Paragraph 2.14**

A breach of the notification requirement in sections 6 or 7 of the Public Processions (Northern Ireland) Act 1998 does not render a public procession or associated protest unlawful or mean that an otherwise peaceful public procession or associated protest falls outside the protection of ECHR Article 11. The sections only apply to public processions and associated protests, not to other assemblies.

### Paragraph 2.16

While organisation and participation in a public procession or associated protest that has been prohibited, or action in violation of any conditions imposed upon such an event would constitute a criminal offence, the event itself is not rendered unlawful.

### Paragraph 2.19

Sections 8, 9 and 9A of the Public Processions (Northern Ireland) Act 1998 allow for the imposition of conditions on a public procession or associated protest if the Parades Commission or Secretary of State considers that the relevant legal conditions are fulfilled.

### Paragraph 2.22

If the answer to all four questions is **yes**, then the conditions imposed on a public procession or associated protest under the Public Processions (Northern Ireland) Act 1998 will be lawful.

### Paragraph 2.23

Under section 8 of the Public Processions (Northern Ireland) Act 1998, conditions which may be imposed on a public procession include, but are not limited to, conditions as to the route of the procession or a prohibition on entering any place.

Under section 9A of the Act, conditions which may be imposed on a protest meeting include, but are not limited to, conditions as to the place where the meeting may be held, its maximum duration or the maximum number of persons who may take part in it.

### Paragraph 2.26

Text box: sections 9 and 11 of the Public Processions (Northern Ireland) Act 1998 provide for the Secretary of State to review the Parades Commission's determinations and prohibit public processions in certain defined circumstances.

Article 5 of the Public Order (Northern Ireland) Order 1987 provides for the Secretary of State to prohibit public assemblies in certain defined circumstances.

**(Note:** The PSNI does not have powers to prohibit events; the considerations in that paragraph are for the Secretary of State.)

### Paragraph 2.27

Section 9 of the Public Processions (Northern Ireland) Act 1998 provides for the Chief Constable to request the Secretary of State to review a determination issued in respect of a public procession by the Parades Commission. Section 11 of the Act enables the Secretary of State, in very limited circumstances, to prohibit the holding of a public procession. Section 11 (5) (b) states that, before making any such decision, the Secretary of State shall consult the Chief Constable.

### Paragraph 2.39

Text box: offences of provocative conduct (Article 19 (1) of the Public Order (Northern Ireland) Order 1987), threatening, abusive or insulting behaviour (Article 9 (1) of the Public Order (Northern Ireland) Order 1987, hindering etc, participants in a public procession (section 14 of the Public Processions (Northern Ireland) Act 1998).

ECHR Article 10 (1) protects in substance and in form a right to freedom of expression which others may find insulting or offensive.

Individuals taking part in a peaceful protest will only come within the terms of the above offences where their conduct moves into the realms of provocative, threatening etc behaviour as set out in respect of each offence. Further details of the elements of each offence are set out in the Public Order Aide Memoire issued by PSNI Public Order Training in February 2010.

### Paragraphs 2.41 to 2.47

Reference should be made to ***PSNI (2010) Public Order Aide-mémoire***, which contains details of the equivalent offences in Northern Ireland.

### Paragraph 2.48

Text box: a person who uses threatening abusive insulting words/behaviour or displays any written material which is threatening, abusive or insulting is guilty of an offence if '(a) he intends to stir up hatred/arouse fear or, (b) having regard to all the circumstances, hatred is likely to be stirred up or fear is likely to be stirred up/aroused'.

### Paragraph 2.52

Not applicable to Northern Ireland.

**Paragraph 2.61**

The equivalent legislation in Northern Ireland is section 3 Criminal Law Act (Northern Ireland) 1967 and Article 88 of the Police and Criminal Evidence (Northern Ireland) Order 1989.

**Paragraph 2.66**

The equivalent legislation in Northern Ireland is section 3 Criminal Law Act (Northern Ireland) 1967 and Article 88 of the Police and Criminal Evidence (Northern Ireland) Order 1989.

**Paragraph 2.72**

Police responsible for operations where the use of force is a possibility should refer to the PSNI Code of Ethics – Section 4 in the first instance.

**Paragraph 2.73**

The equivalent legislation in Northern Ireland is Articles 3 to 5 of the Police and Criminal Evidence (Northern Ireland) Order 1989, the Public Order (Northern Ireland) Order 1987, the Terrorism Act 2000 and the Justice and Security (Northern Ireland) Act 2007.

**Paragraph 2.95**

Details of Safety Advisory Groups can be found at Appendix J to PSNI Service Procedure 15/2007 Policing of Football Matches/Sporting Events and the Safety of Sports Grounds (Northern Ireland) Order 2006 ([http://www.psnipolice.uk/service\\_procedure\\_1507.pdf](http://www.psnipolice.uk/service_procedure_1507.pdf)).

**Paragraph 3.64**

Reference should be made to Policy Directive 03/2006 Post Incident Procedure and the Deployment of Post Incident Managers ([http://www.psnipolice.uk/policy\\_directive\\_0306.pdf](http://www.psnipolice.uk/policy_directive_0306.pdf)).

**Paragraph 4.63**

The equivalent legislation for Northern Ireland is the Health and Safety at Work (Northern Ireland) Order 1978.

**Paragraph 4.86**

PSNI does not deploy Forward Intelligence Teams.

**Paragraph 5.46**

Text box, second bullet point: the equivalent Regulations for Northern Ireland are the Royal Ulster Constabulary (Conduct) Regulations 2000.

**Appendix 2**

Flow chart on facilitating peaceful protest: the equivalent legislation in Northern Ireland is the Public Processions (Northern Ireland) Act 1998 and the Public Order (Northern Ireland) Order 1987.

Flow chart on the use of public highway: the equivalent legislation in Northern Ireland is Article 20 of the Public Order (Northern Ireland) Order 1987.

Flow chart on protests on private land: please note that sections 68 and 69 of the Criminal Justice and Public Order Act 1994 extend to Northern Ireland. References to the Public Order Act 1996 should be read as referring to the Public Order (Northern Ireland) Order 1987.

# Appendix 5

## Variations for Scotland

**Note:** References to paragraph numbers correspond with paragraphs in the main document. The text in this appendix replaces any text in the equivalent paragraph of the main document.

The flow chart on Facilitating Peaceful Protest in this appendix replaces the equivalent flow chart contained in **Appendix 2**.

## ACPOS Overview

**ACPO (2010) Manual of Guidance on Keeping the Peace** ensures commonality and consistency across all forces at a time when mutual aid is likely to become more prevalent, particularly relating to events such as the London Olympics in 2012, G8 Conference of 2013 and the Commonwealth Games 2014. The endorsement of this manual of guidance by ACPOS is, however, subject to caveats which arise from the differing policing styles in Scotland.

- Scottish legislation should be used where English equivalents are given; the main differences are listed hereafter.
- Authorisation levels for tactical options have been set by ACPOS and supersede those listed when applied in Scotland.
- Individual chief officers retain the right to add further restrictions or authorisation levels as meets the needs of their force where officers are deployed in their force area.

It should be noted that the tactical options of Screening Smoke, Water Cannon, Attenuating Energy Projectiles and CS Agents are only open to a limited number of ACPO forces and it is not suggested that Scottish forces need to create and maintain them. Rather, it is agreed between ACPOS and ACPO that an awareness of the deployment implications of these options should be developed in the event of mutual aid from or into England, Wales or Northern Ireland.

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## Detailed Variations **Paragraph 2.95**

No Safety Advisory Group equivalent exists in Scotland; instead arrangements exist whereby the relevant council liaises with Police Operations Planning Departments as required.

### **Paragraph 3.53**

In Scotland the Police Complaints Commissioner for Scotland (PCCS) oversees non-criminal complaints while the relevant regional Area Procurator Fiscal has responsibility for all criminal complaints. Guidance on how to make a complaint about the police is contained in a leaflet issued by the Scottish Government, which is available from <http://www.scotland.gov.uk>

### **Paragraph 4.3**

In Scottish forces the decision to implement the Public Order Command Structure is undertaken by an Assistant Chief Constable or above in accordance with the Authority Levels outlined, see **ACPOS Authority Levels**.

### **Paragraph 4.13**

ACPOS forces will comply with the accreditation standards developed by ACPOS.

### **Paragraph 4.17**

Due to the nature of the Scottish public order policing response, forces will comply with the reaccreditation standards developed by ACPOS.

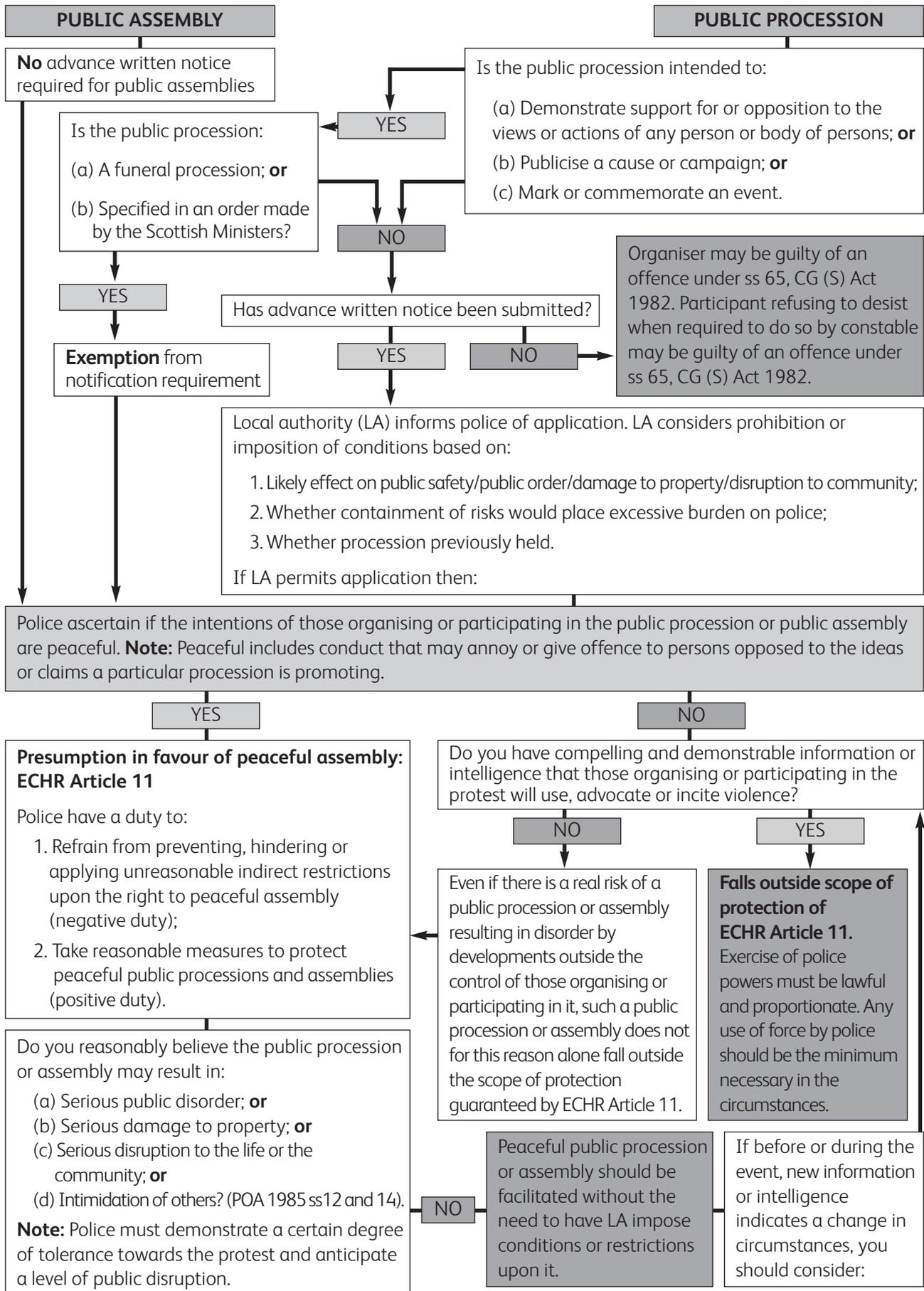
### **Paragraph 5.46**

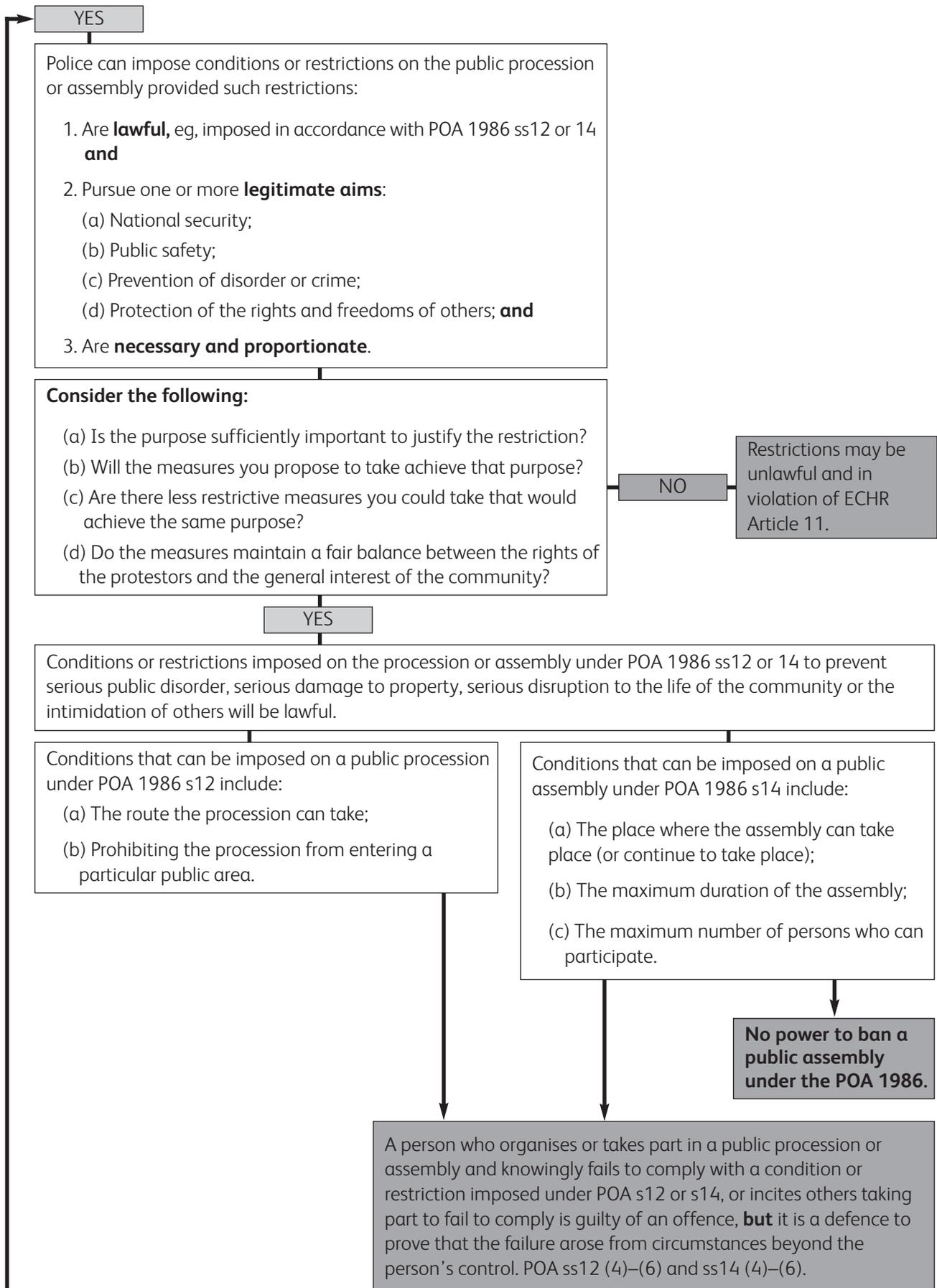
Text Box: where reference is made to the Police (Conduct) Regulations 2008, in Scotland the Police (Conduct) (Scotland) Regulations 1996 apply, the conduct amounting to misconduct by police officers being detailed in Schedule 1 of that Act.

## **Appendix 2**

Flow chart on facilitating peaceful protest: The following ACPOS flow chart represents variations in legislation and common law applicable to Scotland.

**ACPOS – Facilitating Peaceful Protest**





### ACPOS Authority Levels

ACPOS approved public order authority levels for Scotland are as follows:

- The authority to deploy Police Support Units (PSUs) for pre-planned events remains with an officer of Assistant Chief Constable or above and any authority should specify the mode of dress based upon threat and risk assessments.
- The authority of an officer of Assistant Chief Constable or above should be sought when:
  - authority has been granted to deploy PSUs in either Code 2 or Code 3 modes of dress; **and**
  - once deployed, circumstances dictate that the most appropriate PSU operational tactic must be carried out in Code 1 mode of dress. See **ACPOS (2008) Manual of Guidance on Standards, Tactics and Training**.
- Officers at a tactical or operational command level may authorise the use of appropriate tactics in Code 1 mode of dress where any delay could result in loss of life or serious injury. They should advise an ACPOS level officer as soon as possible, to allow a prompt review of the deployment.
- The authority granted to deploy in Code 1 mode of dress confers authority to operational commanders to implement any tactic capable of being performed in Code 1 mode of dress to achieve a lawful objective. Exceptions to this are the tactical deployment of batons, mounted police and dogs as a coordinated group dispersal tactic.
- The authority level for the tactical deployment of batons, mounted police and dogs as a coordinated group dispersal tactic requires the authority level of an officer of the rank of at least Assistant Chief Constable.
- Officers at a tactical or operational command level may authorise batons, mounted police or dogs as a coordinated group dispersal tactic where any delay could result in loss of life or serious injury. They should then advise an ACPOS level officer as soon as possible to allow a prompt review of the deployment.
- The use of the L104A1 launcher system will not be authorised or deployed for use in Scotland in public order situations unless as part of an authorised firearms operation.
- Further authority levels relating to individual tactics are contained in **ACPO (2010) Manual of Guidance on Keeping the Peace**, as endorsed by ACPOS.

# Appendix 6

## Glossary of Terms

<b>ACPO</b>	Association of Chief Police Officers
<b>ACPOS</b>	Association of Chief Police Officers Scotland
<b>AEP</b>	Attenuating Energy Projectile
<b>BCU</b>	Basic Command Unit. A geographical area within a police force under independent command. Also known as Area, Division or Operational Command Unit (OCU).
<b>Chief Officer</b>	Chief Constable of a force. In the City of London and Metropolitan Police forces, the Chief Officer is called the Commissioner.
<b>CHIS</b>	Covert Human Intelligence Source
<b>CIA</b>	Community Impact Assessment
<b>CMM</b>	Conflict Management Model
<b>CPS</b>	Crown Prosecution Service
<b>Crime</b>	Any conduct for which a person could be prosecuted in the UK criminal courts.
<b>Critical Incident</b>	Any incident where the effectiveness of the policing response is likely to have a significant impact on the confidence of the victim, his or her family, and/or the community.
<b>DSO</b>	Designated Senior Officer (Inspector or above, suitably selected and trained).
<b>ECHR</b>	European Convention on Human Rights
<b>EGT</b>	Evidence Gathering Team
<b>FIT</b>	Forward Intelligence Team
<b>IAG</b>	Independent Advisory Group
<b>IIMARCH</b>	Information, Intention, Method(s), Administration, Risk Assessment, Communication, Human Rights
<b>LA</b>	Local authority
<b>Major Incident</b>	Any emergency that requires the implementation of special arrangements by one or more of the emergency services, and generally includes the involvement, either directly or indirectly, of large numbers of people.
<b>Mobbing and Rioting (Scotland)</b>	Defined by common law. A crime that is committed when a group of people assemble together for a common purpose, which causes alarm to others, or acts as a breach of the peace.
HMA v Nicolson, (1887), 1 White, 307	

<b>MOU</b>	Memorandum of Understanding. Used to demonstrate an understanding between the police and event organisers, build trust and set out each party's agreed responsibilities. The MOU also assists in ensuring police resource levels are appropriate to the event. An MOU is not required for all events but may be useful in some circumstances.
<b>Mutual Aid</b> Section 24 of the Police Act 1996	A formal regional or national arrangement for the provision of policing assistance from one force to another.
<b>NIM</b>	National Intelligence Model
<b>NPIA</b>	National Policing Improvement Agency
<b>PIM</b>	Post Incident Manager
<b>PIP</b>	Post Incident Procedure
<b>Planned Operation</b>	A police operation in which strategies, tactics and contingencies have been anticipated.
<b>PNICC</b>	Police National Information and Co-ordination Centre
<b>PNLD</b>	Police National Legal Database
<b>PNMP</b>	Police National Mobilisation Plan
<b>POTAC</b>	Public Order Tactical Adviser
<b>PSNI</b>	Police Service of Northern Ireland
<b>Riot</b> Part 1 Section 1 (1) of Public Order Act 1986	Where 12 or more persons who are present together use or threaten unlawful violence for a common purpose and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using unlawful violence for the common purpose is guilty of riot.
<b>RIPA</b>	Regulation of Investigatory Powers Act 2000
<b>RIPSA</b>	Regulation of Investigatory Powers (Scotland) Act 2000
<b>SAG</b>	Safety Advisory Group
<b>SCG</b>	Strategic Coordinating Group. A strategic level coordinating group that may be convened and chaired by the police in the event of a multi-agency response.

<b>Spontaneous Response</b>	A spontaneous response refers to the police resources initially committed to an unexpected or spontaneous incident. The spontaneous response is always based on the knowledge available at the time and as such may occur at any point in the Conflict Management Model. Examples of a spontaneous police response may include: <ul style="list-style-type: none"> <li>• Early intervention to prevent the escalation of an incident;</li> <li>• If available knowledge is incomplete, increasing the level of intelligence.</li> </ul>
<b>Steady State</b>	The activities that the police respond to and manage as part of their everyday responsibilities. Steady state may also be known as business as usual or normality in some forces.
<b>Strategy</b>	The overall intention of managing and resolving a police operation.
<b>Tactical Deployment</b>	The method of converting the strategy into tactics by the use of an effective tactical plan and the deployment of appropriate and risk assessed tactical options used within set parameters.
<b>Tactical Parameters</b>	Constraints or restrictions written into strategy which are used to develop the tactical plan in line with strategic objectives.
<b>Tactical Plan</b>	A profile of the recorded actions (including prevention, intelligence and/or enforcement) that will be taken to deploy a police operation.
<b>Tactics</b>	A method of deploying resources, proportionately and using agreed processes, to meet specific objectives.
<b>Terrorism</b> Part 1, Terrorism Act 2000	Broadly, the use or threat of action which is designed to influence the government, intimidate the public, or advance a political, religious or ideological cause. Terrorism may originate from international or domestic sources, and may involve serious violence against others, serious damage/disruption to property or infrastructure, or may otherwise endanger life or create serious risk to public health and safety. Includes domestic extremism.
<b>TSG</b>	Territorial or Tactical Support Group (also known as Task Force or Operational Support Unit (OSU) in some areas).
<b>Violent Disorder</b> Section 2 of Public Order Act 1986	Where 3 or more persons who are present together use or threaten unlawful violence and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his personal safety, each of the persons using or threatening unlawful violence is guilty of violent disorder.
<b>Working strategy</b>	Any strategy which is continuously reviewed and amended in the light of changing circumstances.

# Appendix 7

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