



Metropolitan Police Authority

MPA Civil Liberties Panel

**Policing public protest: An update report on the
recommendations from the CLP review 'Responding to G20'**

January 2012

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Chair's Foreword

This update report has looked at the changes in the policing of public order events post the G20 reviews in 2009. The police came in for significant criticism at that time and there were a number of reviews to examine what lessons could be learned.

We have reviewed the recommendations made by the Civil Liberties Panel at that time, which have some overlap with the recommendations from other reviews. This report does not comment on the riots of August 2011, as this has been the subject of investigations conducted by the MPS and other organisations.

The Panel is reassured that there has been a step change in the policing of protest events, and a determination to ensure that the MPS has an understanding of the public's right to peaceful protest. From the Panel's visits to the police training centre, our discussions with civil liberties groups and journalists we have seen positive examples of how the relationships have improved. We have seen improvements to identification of officers, record keeping of police actions during the events, including supervision, and recently the effort being made to ensure that full 'riot gear' is seen as a last resort.

From our investigations, it is clear that when there is good engagement with the police in advance of a protest the event generally passes off peaceably, however we are still seeking reassurance that the police are able to react proportionally when this engagement is not forthcoming.

In order to build on the positive momentum that has been established we would welcome greater openness from the police to codify when they will employ certain tactics and this particularly concerns the contentious issue of containment ('kettling') particularly when it involves young people and children.

Communication, both written and verbal, is significantly better than it was in 2009 and there have been some positive developments such as the leaflets that are handed out to protestors to tell them what to expect, as well as the use of Twitter to update people throughout the event. This is important for both two way communication with protestors but also to help local business. The protestors use this method and it is important for the police to be equally adept at information management during an event with fast communications to rebut rumours. The Panel nevertheless remains concerned that the MPS could do more to communicate more widely to London generally about forthcoming events and the disruption they may cause.

The media have a vital role to play. We are all conscious that near constant reporting of scenes of violence can give a misleading impression of the scale of an event.

There is no doubt that any response to policing public order is complex and requires the MPS to balance competing interests of enabling protest whilst letting Londoners get on with their daily lives and ensuring that shops and business can continue to trade.

Following the riots in August 2011, the public now has an expectation that the police need to be prepared for any eventuality, as experience has shown how the situation can deteriorate rapidly if violence is not dealt with promptly. This is evidenced in the Commissioner's report to MPA Full Authority where he instanced that at the student demonstrations in November last year, there were around 250 police officers on duty. However, for the student protests this November, over 4000 officers were deployed.

Looking ahead, the Panel notes that the nature of protest continues to change so it is incumbent on the MPS to ensure that any developments in public order policing are sufficiently flexible to take into account these changing circumstances.

Victoria Borwick
Chair of the MPA Civil Liberties Panel

Members of the Panel:

Valerie Brasse
Dee Doocey
Kirsten Hearn
Jenny Jones
Clive Lawton
Joanne McCartney

Glossary

ACPO	Association of Chief Police Officers
Airwave	National police radio system
APA	Association of Police Authorities
CO11	The Metropolitan Police Service Public Order Command (part of Central Operations business group).
Containment	There is no universal nor legal definition of containment. The MPS have devised the following corporate definition as part of their own work to develop a glossary of public order terms for consistency: 'A restriction implemented by police to prevent a group of individuals at a location from leaving that location. This maybe to facilitate arrest of individuals, prevent a breach of the peace or prevent crime. Containment is sometimes colloquially referred to as 'kettling'.
CPS	Crown Prosecution Service
CTSET	Communities Together Strategic Engagement Team within the MPS. CTSET is responsible for engagement and consultation with key strategic partners, stakeholders and networks, as well as London's diverse communities, within the context of counter terrorism and security.
EIA	Equality Impact Assessment
ECHR	European Court of Human Rights
Gold, Silver and Bronze Command structure	Command structure used by emergency services within the United Kingdom to establish a hierarchical framework for the command and control of major incidents and disasters. The Gold Commander is in overall control of their organisation's resources at the incident and develops the strategy to police it. The Silver Commander is the tactical commander who implements the strategic

plan, translating it into a set of actions that are undertaken by Bronze.

HMIC	Her Majesty's Inspectorate of Constabulary
MPS	Metropolitan Police Service
MPSTC	Metropolitan Police Specialist Training Centre
NPIA	National Police Improvement Agency
Operation Benbow	Operation Benbow is an agreement between the police forces operating in London, (set up following the public disorder in London in June 1999), that ensures common public order training for signatory forces and establishes, when appropriate, a single chain of command for major events that may a) significantly affect more than one signatory force or b) require a policing response that may be beyond the capability of an individual force.
Operation Brontide	The MPS investigation into the disorder which occurred during the TUC March on 26 th March 2011.
Operation Kirkin	The name given to the police response in London to the large scale public disorder during August 2011. It has been referred to in the media as the 'London riots' of 2011.
Operation Malone	The MPS investigation into the disorder during the student fees protests in November and December 2010.
Police and Criminal Evidence Act 1984	The Police and Criminal Evidence Act (PACE) 1984 and the PACE codes of practice provide the core framework of police powers and safeguards around stop and search, arrest, detention, investigation, identification and interviewing of detainees.
<i>Section 1 PACE</i>	Under Section 1 of PACE the police may search a person/ vehicle, if they have reasonable grounds to suspect that they have / contain stolen goods, offensive weapons or articles used for burglary or theft.

Public Order Act 1986

An Act of Parliament creating a number of public order offences.

Section 12 provides for a senior officer to impose conditions on public processions where he believes serious public disorder, serious damage to property or serious disruption to the life of the community may result or if he believes the organisers will intimidate or compel others to do unlawful acts.

Section 13(4) states that if at any time the Commissioner of Police for the City of London or the Commissioner of Police of the Metropolis reasonably believes that, because of particular circumstances existing in his police area or part of it, the powers under section 12 will not be sufficient to prevent the holding of public processions in that area or part from resulting in serious public disorder, he may with the consent of the Secretary of State make an order prohibiting for such period not exceeding 3 months as may be specified in the order the holding of all public processions (or of any class of public procession so specified) in the area or part concerned.

Section 14 of the Public Order Act 1986 provides police the power to impose conditions on assemblies "to prevent serious public disorder, serious criminal damage or serious disruption to the life of the community". The conditions are limited to the specifying of: the number of people who may take part; the location of the assembly, and its maximum duration.

Public order training

All officers undertaking public order policing will be trained to the common minimum standards as defined in the ACPO Public Order Tactical Trainers Manual.

The following grades are dependent on the training that the officer has received:

Level 1

These officers (normally full time) receive regular training which can be every five weeks including shield tactics, violent person, petrol bombing and training in house entry and search. Within the MPS, the Territorial Support Group

is trained to this level. The MPS has approximately 770 Level 1 trained officers¹.

Level 2

These officers are drawn from boroughs and some specialist units; they receive the same training as Level 1 officers but only once a year for two days (or in some forces a 3 day course every 12 months). The MPS has approximately 3,500 Level 2 trained officers².

Level 3

All other police officers are classed as being level 3 trained as they receive this basic level of training at training school. Their training includes all foot duty cordons.

**Section 44 of the
Terrorism Act 2000**

Allows the Chief Constable / Commissioner of the Metropolis, to designate an area within which officers may stop and search a vehicle, driver, passenger, pedestrian and anything carried by a pedestrian for terrorism purposes. Authority to use Section 44 in the MPS expired on the 8 July 2010.

**Section 60 of the
Criminal Justice and
Public Order Act 1994**

Allows senior police officers to authorise constables to stop and search persons in a specific area, either where a serious public order problem is likely to arise or has taken place, or for offensive weapons or dangerous instruments. Failing to submit to a search is an offence.

SOR

Special Operations Room. Dedicated facility within the MPS to manage the policing of any large event or operation in London. It is designed to handle public order events and major incidents.

Sukey

A set of web based applications designed to keep protesters informed with live protest information. The Sukey website states that this information will assist protestors in avoiding injury, in keeping clear of trouble spots and in avoiding unnecessary detention.

¹ These figures have been taken from the Strategic Review of MPS response to disorder: Early learning and initial findings available at: <http://content.met.police.uk/News/Disorder-review-findings-published/1400003943807/1257246745756>

² *Ibid*

TSG

Territorial Support Group. This unit provides the MPS Strategic Reserve for public disorder and critical incident response. It is a taskable resource for tackling crime and crime related issues across all business groups as well as being an MPS reserve for CBRN (Chemical, Biological, Radiological and Nuclear) response. The unit is London's first response to any spontaneous events which may involve public disorder.

TUC

Trades Union Congress

Introduction

The MPA Civil Liberties Panel ('the Panel') was established in 2009 as a means of improving public confidence in policing and ensuring the Metropolitan Police Service (MPS) maintains public trust.

The first topic examined by the Panel was the policing of public protest following the G20 Summit in April 2009. The final review, *Responding to G20* and recommendations were accepted by MPA Full Authority in March 2010.

Our intention with this review is to examine MPS progress against the Civil Liberties Panel recommendations relating to the policing of public protest, so as to establish the extent to which the MPS is facilitating peaceful protest whilst at the same time taking a robust approach to violence. Whilst some of our recommendations can be implemented in the short term, others are focused on long term cultural change. We are therefore seeking assurances that the MPS continues to develop a flexible and responsive approach in order to meet the current and future challenges of policing protest.

Context

At the time of the Panel's first review in 2009, the policing of public order by the MPS was under intense scrutiny, with other reviews undertaken by HMIC (Adapting to Protest), the Home Affairs Select Committee and the Joint Committee on Human Rights. The spotlight on this area of policing continues as a result of the large scale disorder across London and other parts of the UK in August 2011. Given the ongoing examination of these issues, the focus of this update report by the Panel is on the policing of public protest rather than general public order policing.

In relation to policing protest, HMIC have identified that the experiences of recent protest events represent a new era for policing stating that:

'the character of protest is evolving in terms of: the numbers involved; spread across the country; associated sporadic violence; disruption caused; short notice or no notice events and swift change in protest tactics,'

Source: Policing Public Order: HMIC (2011)

This change in the nature of public protest is exemplified in protest events in London since the publication of the Panel's first report in 2010 which include:

- Student fees demonstration throughout November 2010 to January 2011

- TUC March for the Alternative on 26th March 2011
- Mayday protests on 1st May 2011
- English Defence League (EDL) protest on the 3rd September 2011³
- Student demonstration in November 2011

The MPS has learned from its own experiences of policing such events and this has been used alongside recommendations made by HMIC and other external reviews to adapt its approach to policing protest. Examples of this learning occur throughout this report.

What we did and how

As part of this review, the Panel and wider MPA has undertaken a short programme of meetings and visits:

10 th March 2011	Meeting with AC Lynne Owens (AC Owens is responsible for Central Operations within the MPS which includes public order policing)
15 th March 2011	Visit to MPS Specialist Training Centre (MPSTC) to observe level 2 public order training (attended by two MPA members)
5 th May 2011	Meeting with businesses and the Deputy Mayor for Policing, Kit Malthouse
11 th May 2011	Meeting with Liberty (civil liberties pressure group)
6 th June 2011	Meeting with journalists
29 th June 2011	Visit to MPSTC at Gravesend to observe level 2 public order training
21 st September 2011	Visit to Operation Malone and Brontide

³ The EDL protest occurred in exceptional circumstances as this took place in the aftermath of the large scale disorder across London in August 2011. The MPS applied to the Home Secretary to ban all marches in certain areas of London (including Tower Hamlets, the target area for the EDL march) for 30 days starting 2nd September 2011. The provision to ban a march is set out in Section 13 of the Public Order Act (refer to Glossary). Whilst the application for a ban was granted, the EDL continued to hold a static protest as the ban only covers processions and not protests per se.

25th November 2011

Meeting with AC Lynne Owens (who is due to be replaced by AC Mark Rowley)

Report format

The report covers each of the main themes within *Responding to G20*:

- Training and organisational learning
- Supervision
- Communication and engagement
- Engaging with the media
- Command and control
- Tactics and equipment

For each theme discussed, the report provides details of the MPS response to the Panel's recommendations followed by additional commentary and findings based on the meetings and visits mentioned above, as well as a number of external reports, notably:

- 'Policing Public Order: An overview and review of progress against the recommendations of adapting to protest and Nurturing the British Policing Model', published in February 2011 by HMIC.
- 'Liberty's report on legal observing at the TUC March for the Alternative', published in March 2011.

The Panel's recommendations from *Responding to G20* are highlighted in yellow text boxes throughout this report for ease of reference.

Large scale disorder in August 2011

The policing of the recent riots and disorder experienced throughout London during August 2011 will not be explicitly addressed in this review which is concerned with facilitating peaceful protest rather than large scale criminal activity. However, it is evident that the issues raised within the recommendations are of relevance to the wider public order challenges beyond facilitating protest.

At the time of writing, a number of inquiries into the disorder during August 2011 are underway including an internal review by the MPS into the policing of the incident (Operation Kirkin). A review is also being undertaken by the Home Affairs Committee. The Home Secretary has asked HMIC to provide clearer information to forces about the size of deployments, the need for mutual aid, pre-emptive action,

public order tactics, the number of officers trained in public order policing, and an appropriate arrests policy.

Feedback from our meetings and visits

It is evident to the Panel that the MPS has made significant changes to its approach to facilitating public protest, taking on board the recommendations from both the Panel's review, the HMIC report *Adapting to Protest* and a number of other reviews arising from the experience of policing the G20 protests in 2009.

In the Panel's discussions with those who were present 'on the ground' during a number of public protest events, the overall feedback in relation to the policing of these events was largely positive and the change in approach was felt in a number of ways.

The journalists who met with the Panel said that:

- The presence of officers at the student protests, in November and December 2010 had been less conspicuous and that they were resisting provocation (e.g. when shields were being kicked). This view was also expressed by Liberty's legal observers at the TUC march in March 2011.
- Access for members of the press in and out of cordons during the student fees protests was good.
- There has been a real change in the content of public order training. At the sessions observed by journalists, there was a greater focus on facilitating peaceful protest rather than ensuring a simple application of the law.

Liberty provided legal observers at the TUC March on the 26th March 2011. Liberty told the Panel that:

- They were impressed by the generally peaceful nature of the protest.
- The police response was generally proportionate and Liberty provided various examples of positive engagement between protestors and the police throughout the route.
- Internal briefing and messages were used effectively by the MPS during the TUC March to convey amongst themselves the tone and approach to policing the demonstration. This helped to ensure a proportionate approach.

However, some concerns were also voiced which included:

- Whilst appreciating that a particular style of policing may be appropriate for certain events that are considered unique and historically significant, some journalists underlined the need for the police to allow legitimate protest to take place. For example, during the Royal wedding, there were concerns that arrests prior to this occasion appeared to be geared towards preventing legitimate protest. The MPS explained that it is not the intention to prevent legitimate protest and its actions are based on managing risks and ensuring the safety of both the protestors and the wider public.
- Liberty expressed a concern that during the TUC March, containment appeared to be a tactic under near constant consideration and in their view, there was a continual expectation that containment would be inevitably imposed at some point. In speaking to the MPS the Panel was assured that this was not the case. However, if this tactic were to be used, the MPS was determined to ensure that it was deployed effectively, only if necessary and with safeguards in place to protect protestors.
- In speaking to representatives of the business community, there is a need for greater collaboration and communication between the MPS and businesses to prepare for and address criminal activity that may occur during protests.

Training and organisational learning

The Panel first visited the MPS Specialist Training Centre (MPSTC) in 2009. At that time, the Panel felt that the training was focused on dealing with confrontation. The Panel concluded that there was significant scope to develop the training on offer, to reflect the changing nature of protest and ensure that the MPS has sufficiently trained capacity for all officers, including supervisors and public order commanders, to meet its public order needs.

Recommendations from the Civil Liberties Panel report *Responding to G20*

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

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

MPS response

The MPS accepted the recommendations to review public order training and informed the Panel that this has already been implemented in terms of both the training and the briefings given to officers. Specifically:

- The MPS review has covered all aspects of public order training, including all tactical deployments. The tactics have been assessed by Professor Jim Ryan (Emeritus Professor at the Leonard Cheshire Centre of Conflict Recovery) and only those found to be medically safe will be used.

- The link between officer safety training and public order has been recognised. A new document 'officer safety training in public order' has been formulated and published by MPSTC. It strengthens and makes more explicit the officer safety thread that runs through public order tactics.
- Training for Level 1 and Level 2 officers at MPSTC has been changed. It now reflects the HMIC view that the police must train for all aspects of protest. Day one focuses on peaceful marches and assemblies. Day two focuses on more violent demonstrations. All changes are documented and have been reviewed by HMIC.
- The 'use of force' lecture used at MPSTC has been subject to a comprehensive review and is now fully revised. This lecture has been assessed and approved by MPS Directorate of Legal Services. As a result of this work, the National Police Improvement Agency (NPIA) has included this within the national training manual, which provides guidance on public order policing for all police forces across England and Wales.
- The MPS are in the process of implementing recommendation 19 from the HMIC report *Adapting to Protest* which states 'that in all public order training especially at advanced level, this incorporates the correct application of Section 14 of the Public Order Act 1986' (refer to Glossary). As of February 2011, public order commanders initial and refresher training covers this point at length. The MPS has also developed and delivered an inspector's level briefing which covers a range of issues including sections 12 and 14 of the Public Order Act. Plans to ensure to all public order sergeants and inspectors have attended the PSU Commanders Course are well advanced and it is anticipated that this will be complete for existing officers by the end of the fiscal year.
- In relation to addressing the shortage of inspectors, the MPS are addressing this issue by exploring the feasibility of incentivisation. Solutions being considered include public order supervisory experience being a pre requisite for promotion.

Observations and evidence

The Panel revisited the MPSTC to observe changes to the training outlined above. The Panel could identify changes to both the content and structure of level 2 public order training. For example, the 'use of force and evidence gathering lecture' which forms the backdrop of training stresses that force should be reasonable, necessary, proportionate and minimal to achieve their aims. It is made explicit that officers must

justify any use of force. The use of force lecture also contains comprehensive information on containment.

The officers responsible for delivering the training told the Panel that there is a greater emphasis and understanding through all levels of training that when appropriate and the level of disorder has reduced, officers should remove their NATO helmets and put on their baseball caps to look less confrontational, as this impacts on crowd dynamics. This point was acknowledged and understood by the officers we spoke to during our visit.

The Panel spoke to officers who were participating in the training that day and had also attended previous level 2 training. The officers felt that previous training courses they undertook immediately after the G20 protests placed too much emphasis on 'softer' aspects which did not properly equip officers to handle worst case scenarios. This impacted on officers' confidence to deal with such situations. The officers thought that the current training programme now has a better balance.

The Panel asked the trainers about how they utilise feedback from officers in order to develop the training based on their experiences of public order policing. The trainers explained that whilst they do encourage feedback, attendees unfortunately respond in a very limited way. It is therefore difficult to gauge the opinion of those who attend on the extent of its usefulness.

Some of the media representatives we spoke to echoed the view that there has been a noticeable shift in training received at Gravesend:

'...training is now about facilitating peaceful protest, not just ensuring lawfulness'

Quote from a journalist who attended the Panel's media meeting in June 2011

The police relationship with the media is covered in a separate chapter (page 28).

Panel view

The Panel appreciates that the MPS has gone to significant lengths to improve the content of public order training, responding to public concerns and the changing nature of protest. This is clearly reflected in what the Panel saw in the return visits to MPSTC and is further corroborated by what we heard from journalists who also attended training sessions, as well as officers and trainers themselves. Not only did we see changes in the training content, we were also shown new barriers, 10ft in height and made out of steel, to protect and separate protestors. These cordons can protect officers from being attacked by presenting a physical barrier, reducing the

opportunity for confrontation as well as restricting damage to buildings and discouraging splinter groups.

Whilst we recognise the scope of improvements made to the training for public order officers, we query the extent to which the MPS seeks and utilises feedback from attendees to ensure that the training they have received is reflective of the public order situations they face in real life. The Panel would encourage the MPS to obtain and use this feedback from officers so that they are confident that improvements and changes to training are properly understood and applied. If participants are not readily forthcoming, they need to be encouraged more to give feedback.

Bearing in mind the improvements to public order training detailed above, changes to public order procedure and practice introduced through such training remain vulnerable to the influence of those not yet trained or yet to receive refresher training. The MPS needs to ensure that trained officers are supported and able to apply the learning as soon as required when they return to their regular place of work. Whilst recognising the resource implications of increasing the numbers of public order trained officers, the Panel believes that a greater critical mass of trained officers will facilitate a culture of shared learning.

The establishment (i.e. the requisite number) of public order trained officers is being addressed as part of the review into the policing of the large scale disorder across London in August 2011.

Supervision

In 2009, the Panel questioned senior MPS officers to ascertain the effectiveness of supervision arrangements within a public order policing context. The Panel found that the robustness of supervision was not what it should have been on G20, citing issues such as officers not wearing proper identification and examples of inappropriate behaviour resulting in complaints to the Independent Police Complaints Commission (IPCC).

The Panel also identified that there was some way to go in establishing an agreed understanding of intrusive supervision in a public order context and that opportunities to identify good practice as well as bad behaviour were missed.

Recommendations from the Civil Liberties Panel report *Responding to G20*

The MPS must:

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

MPS response

The MPS accepted these recommendations and provided the following update:

- The MPS has issued guidance on what is expected from supervisors by way of intrusive supervision. This guidance is equally applicable to public order as it is for all other police duties and its importance is reinforced through briefing mechanisms.
- In relation to challenging inappropriate behaviour by colleagues, discipline codes form part of police regulations which deal with this issue. A police officer who witnesses a colleague acting inappropriately and does not

challenge this behaviour will be subject to disciplinary action. This is emphasised during briefings and constant monitoring and supervision.

- Supervision is reinforced through more stringent use of the operational record forms which are completed by supervisors. Whilst the form is not new, it has been redesigned to address concerns about supervision. All supervisors on duty for a public order event complete a Form 3166 which provides officers with an opportunity to feed back information. This form requires supervisors to sign a declaration stating that they have briefed their officers in relation to the event, reminding them of their responsibilities in relation to professional standards, discipline, and use of force, as well as check that all officers are correctly dressed. This process helps to ensure that all officers are briefed and supervised appropriately. Furthermore, the form includes an aide memoire in relation to the use of force.
- The MPS has accepted and implemented the recommendation relating to disciplinary action against officers not displaying their numerals. The MPS expects all officers to wear correct identification at all times and that appropriate disciplinary action should be taken against officers who deliberately fail to wear identification. The MPS informed the Panel that it was important to be aware of the range of outcomes that can occur as a result of disciplinary action and the requirement in regulations that each case has to be considered on its merits.


Observations and evidence

When asked for examples of intrusive supervision, Liberty referred to an incident where a group of officers were on one occasion trapped by protestors. Liberty observed that the officers were calm and resisted provocation. They also said that the Bronze Commander handled the situation very well with the protestors eventually getting bored and leaving.

Panel view

The Panel is encouraged by the processes in place to ensure intrusive supervision of public order officers during each event. Furthermore, the Panel welcomes the immediate steps taken to ensure appropriate disciplinary action is taken against those not displaying identification numerals - an issue that was repeatedly raised during our discussions with the general public in 2009.

With the recent appointment of the new Commissioner, Bernard Hogan-Howe, the Panel will observe what changes he will bring in terms of ensuring the



professionalism of all officers. The Panel welcomes the fact that those giving us evidence have identified examples of positive practice with supervisors promoting key messages such as remaining calm and resisting confrontation when provoked. This reflects improvements to both the level of supervision as well as the training provided to officers discussed earlier.

Communication and engagement

Within *Responding to G20*, the Panel emphasised the need for effective communication in advance of a public order event. This is not just between the police and event organisers but also between the police, the public (including businesses that may be affected by such events) and the media. In the Panel's discussions with such groups back in 2009, the perception was that the police can appear to be impervious to outsiders. It was therefore incumbent on the police to make it easier to access relevant officers and be more transparent about the strategies and tactics they are proposing to use and why.

Recommendations from the Civil Liberties Panel report *Responding to G20*

The MPS must:

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

MPS response

The MPS accepted the majority of recommendations and provided the following update:

The MPS has undertaken substantial work to broaden communication before and during events. In summary this includes:

- More face to face meetings with event organisers.
- Communicating with people using text messaging, Bluetooth and Twitter.
- Using an event website to give information about an event, including route maps, road closures and transcripts from press conferences (where applicable).
- Creating a new role of Bronze Engagement within the command team responsible for the coordination and consistency of information released to all

parties before, during and after an event. This role also includes capturing feedback and learning.

Access to and communication with the police

Following G20, the MPS identified that it needed to make it easier for protestors to contact the police prior to an event to find out details such as what to expect in terms of policing and the agreed route. In order to do this appropriate means of contact with the MPS need to be identified. The MPS website has been developed to address this issue with links to a dedicated section on the website covering 'Organising a protest march or static demonstration'.

The MPS Public Order Command is also working much more closely with the MPS Communities Together Strategic Engagement Team (CTSET), utilising their networks and contacts in order to proactively engage with groups, communities and other stakeholders that may be affected by a public protest event. This has been the case for all the major protest events in 2011.

The MPS also seeks feedback from event organisers regarding their views on the policing of the event. This feedback includes how satisfied the organisers were with the policing they received, the extent to which it met their needs and suggestions for improvements. However, this only works with pre-planned events, the majority of which pass off peacefully.

Following feedback from the Panel, the MPS has made changes to the leaflets provided to protestors and utilised a communications expert to improve the effectiveness of communication materials. For example, prior to the TUC March in March 2011, an earlier draft of the leaflet developed for protestors was reviewed and found to contain confusing messages mixing together strategic and tactical issues. Changes were made to the leaflet to address this specifically, before it was distributed. Leaflets have subsequently been used for a number of major protest events in central London including the student protests in November 2011.

Online communications

The MPS website has recently been redesigned and there are dedicated web pages for members of the public on 'Organising a protest march or static demonstration' which includes relevant contact details and paperwork available to download. In terms of planned events, there is an 'Upcoming events' webpage which provides details such as start and end times for the event, location, transport information and a description and map of the route.

In relation to policing protest generally, there are dedicated web pages featuring frequently asked questions, a public order glossary, details of officer training and a section on developments in policing events.

The MPS is utilising Twitter not just as a communications tool but also an engagement and operational tool. There is a dedicated Twitter feed from CO11 providing updates in relation to public order events across London. Use of Twitter also allows the MPS to undertake live time monitoring of the tone of messages allowing tactical commanders to get a sense of the mood of the crowd. For example, through monitoring Twitter during the TUC March in April 2011, the MPS picked up false rumours that police horses were starting to move in order to contain protestors. The MPS was therefore able to quash the false rumours and provide an instant explanation that this was not the case and that the horses were being moved as they needed exercise.

Bronze Engagement

The role of Bronze Engagement has been established to ensure a strategic overview and coordination of all messages being communicated externally, to ensure consistent and accurate messages are given in relation to an event.

Briefings

The MPS told the Panel that through written and oral briefings and debriefings, the MPS now constantly reinforces its role in balancing the competing rights and freedoms arising from peaceful protest whilst taking proportionate action against those who choose to break the law. An extract from an actual briefing for the student demonstrations in December 2010, obtained as part of a Freedom of Information Act request is provided in Appendix two.

Observations and evidence

In relation to the use of social media, Liberty stated:

'This is a positive development, and we were told that the police 'tweets' were the most followed in London on the day. Twitter was used to provide reassurance that people were not being contained, and used to enhance communication and promote public safety.'

Source: Liberty's report on legal observing at the TUC March for the Alternative, Liberty (March 2011)

However, during the Panel's meeting with journalists, it was suggested there is a perception that CO11 use social media to get information and not to give it. One journalist noted that Greater Manchester Police use Twitter very well and 'Sukey' could be put to better use. Sukey is a mobile phone application designed to provide live information to protestors (refer to Glossary). Sukey was used during the student protests in January to help protestors avoid containment. The journalists also noted that there are problems obtaining a phone signal to access Twitter when there are a large number of phones in close proximity.

The report by Liberty in their role as legal observers of the TUC march provides positive observations on briefing and internal messages, stating that a number of key messages were effectively used by the police to convey among themselves the tone and approach to policing this demonstration. Chief among these was the expression 'untidy is ok' and a focus on the overall 'look and feel' of the event. Liberty asserts that a level of disorder must be accepted for the greater good of the right to protest. The expression 'untidy is ok' was used in officer briefings and also repeated in the Special Operations Room and elsewhere to help ensure a proportionate approach at all levels of command. Liberty thought in large measure this was effective.

In addition, HMIC acknowledge that the MPS have demonstrated a practical understanding of how public order kit such as helmets and shields may incite disorder and limit communication with crowds therefore impacting on their ability to facilitate peaceful protest. This understanding was witnessed by the Panel during its observation of the public order training at Gravesend with helmets being removed and baseball caps being put on to signify a less confrontational policing style (see page 13). The Chair and other members of the MPA attended an interactive exercise called 'The Situation has Changed' designed to take an audience through all the processes involved in a public order incident, from the initial application to dealing with incidents of disorder towards the end.

Panel view

As part of this review the Panel has explored the fields of engagement and communication in a limited way. However the evidence we heard from the MPS as well as external points of view highlight that the MPS has made good progress in this area and it is clear that there is a much greater awareness of the need to continually evolve the methods used to communicate and engage with protestors to remain current and relevant. The Panel is also mindful of the responsibilities of other statutory agencies such as the relevant local authority and traffic authority in respect of communicating with the public in relation to a protest event.

The Panel is aware that for the majority of pre planned protest events, the MPS has a productive relationship with organisers in advance of an event but there are occasions where there is difficulty in establishing contact with such individuals / groups. In such cases, the Panel would urge the MPS to ensure that it is proactive in exploring alternative methods to establish contact when initial attempts are unsuccessful. This is particularly important when people have had negative experiences with the police in the past.

The Panel is keen to stress that any consideration of facilitating peaceful protest should include an understanding of the likely impact on and rights of Londoners, businesses and visitors to the Capital. The impact of protest on businesses such as Fortnum and Mason and the Ritz during the TUC March is a case in point. The MPA has met with businesses and groups such as London First who represent them to discuss their issues at length.

It is understood that balancing the rights of protestors with those of businesses, commuters, shoppers and the general public is challenging for the police and that post G20 recommendations from the HMIC have shifted the balance in favour of the protestor. Police use Section 12 of the Public Order Act (imposing conditions on processions) rarely and stress that the use of this legislation may not be practically enforceable and may be counterproductive in many situations. It is notable that Section 12 of the Public Order Act was used in the most recent student protests in November 2011 to reinforce the agreed route. Whilst supporting the rights of protestors to protest it is important that businesses can continue to trade in our major shopping areas.

The MPS have significantly developed their engagement with businesses, learning from the experience of the embassy related protests in 2010, but there is more to be done in terms of exchanging intelligence and information. This concern was expressed by businesses impacted in recent demonstrations and during the recent large scale disorder in London, (August 2011) although (in the case of the large scale disorder), the MPS were quick to set up daily crime and information bulletins to businesses during the widespread criminality and for an extended period thereafter. The challenge for the MPS is ensuring robust collaboration with businesses to prepare for and address criminality when it does occur. The 'toleration' of the criminal justice system to criminal offences which may accompany protest is also a key issue which will impact this relationship.

Engaging with the media

The Panel first met with photo-journalists and journalists in December 2009 to discuss issues from the G20 protests and other protests they had attended. Their key issues of concern were that the police did not recognise the press card and that there was a lack of understanding about the role of the press. They told us that this had led to journalists being trapped behind cordons and not being able to access areas where they could carry out their role. Furthermore, that police frequently put their hands in front of cameras which prevented them from carrying out their business. Journalists were concerned too about the 'unjustified' use of stop and search on journalists and the misuse of Section 14 of the Public Order Act 1986.

Recommendations from the Civil Liberties Panel report *Responding to G20*

The MPS must:

- 11. revitalise the approach to engaging with the media in advance of large public order events in such a way as to facilitate transparent and fair reporting. Media interaction should also aim to create an atmosphere and expectation that is conducive to peaceful protest.**
- 12. agree joint media strategies where operations are jointly delivered with other police forces with a single officer taking responsibility for the overall communication strategy. This should avoid the perceived bunker mentality when there is difficult news to report.**
- 13. review its approach to news management to facilitate transparent and fair reporting by the media and 'citizen journalists'.**

If containment is used:

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

MPS response

The large scale disorder in August 2011 tested the ability of the MPS to communicate and engage with the media in light of the speed and the seriousness of the incidents. This point is currently being examined as part of the review of Operation Kirkin.

Engaging with the media

The MPS expressed concerns about the wording of Recommendation 11. The MPS will provide timely and accurate information using the correct tone and language to the media. However, how the media then choose to report that information is an editorial or individual reporter's decision. The MPS told us that they will always endeavour to provide the media and in turn the public, with as much information as is operationally possible to assist them in doing their jobs, inform participants of policing plans and help the public understand the impact on their daily lives.

Following the HMIC review, the MPS has accepted and implemented the recommendation to develop a strategy to improve communication with the media. In terms of the structures in place to facilitate this internally, there is now a link between MPS press officers and Gold command. The Bronze Engagement team can feed live information to the press office that can then develop press lines which can be put to Gold for approval and sent out.

In their update on progress against the HMIC recommendation that the MPS should 'ensure that exaggerated and distorted reporting in the media can be countered quickly and efficiently', the MPS states that every operation now has a written media strategy covering these points, ensuring that information given to counter such reporting by the police is not inflammatory.

As part of the drive to engage proactively with the media, the MPS facilitated the attendance of journalists at the MPSTC to enable them to observe and participate in the public order training. Two such visits took place in February and March 2011 leading to positive feedback from the journalists who attended.

Joint media strategies

The MPS told the Panel that joint media strategies are implemented as business as usual through Operation Benbow protocols (refer to glossary) which put in place a single chain of command during joint public order operations. These protocols state that the Gold responsible for the policing operation has overall responsibility for the communication strategy. This agreement has been signed up to by the City of London and British Transport Police. This protocol will also be used for the Olympics.

There are also protocols and procedures that all forces have signed up to and must abide by, such as those with the IPCC following a death after police contact, or once an investigation has been launched by the IPCC. These protocol and procedures provide a clear framework about what aspects of a case forces can and cannot

publicly comment upon. This particular issue will be examined when the HMIC fourth recommendation is progressed following the conclusion of the investigation into the death of Ian Tomlinson⁴. It is also relevant to the ongoing investigation following the death of Mark Duggan⁵.

News management

The MPS is unsure how the recommendation to review its approach to news management applies to 'citizen journalists', which in the view of the MPS is a term used to describe anyone who uses the internet to post stories or pictures. These people do not seek to work with the police but the MPS are fully aware of their presence at all events. On a wider level, there are also similarities with the fourth HMIC recommendation referred to previously⁶.

Journalists

The MPS explained that the sheer numbers of journalists present at an event can impede the ability of the police to do their job and that officers are briefed explicitly on this issue to raise their awareness.

In relation to recording when journalists are prevented from crossing containment cordons, the MPS did not accept this recommendation stating that it is not realistically practicable. The times when restrictions might need to be put in place are the occasions when the situation is the most volatile and as such officers would not be in a position to record the details of those they refused entry. This recommendation would create an expectation within the media which could not be delivered.

A group of journalists have challenged the MPS in relation to the use of Section 14 of the Public Order Act during the G20 protests to disperse an assembly they were part of. This is being resolved through local resolution. Progress resulting from this includes agreement between the two parties that the journalists should have greater involvement in the delivery of public order training and training provided for the Press Bureau in order to raise officer and staff awareness regarding the role of the press. Furthermore there was agreement that the more involvement journalists can

⁴ The fourth recommendation from the HMIC report, Adapting to Protest states: 'In relation to communication issues arising from death or serious injury at events, MPS and ACPO, in liaison with others, should agree principles regarding the police use of potentially sensitive information which may later become evidence in legal proceedings'.

⁵ http://www.ipcc.gov.uk/news/Pages/pr_120811_Release-of-information-in-early-stages-of-Mark-Duggan.aspx

⁶ *Ibid.*

have in the briefing and debriefing processes (where appropriate) the better. The Panel waits to see how this is happening in practice.

Observations and evidence

In relation to engagement with the media, journalists were positive about pre-event briefings, stating that police officers are now briefed on press cards and press freedom at events. However, journalists raised isolated allegations that some officers have denied being briefed and one journalist cited an incident of not being allowed through a cordon to join fellow press colleagues.

The Panel heard some negative views about the MPS Press Bureau. These were allegations of failure to respond to complaints and it was even claimed that the Press Bureau is used more to obstruct than assist.

The journalists we spoke to who attended the student fees demonstrations during December 2010 and January 2011 stated that they had good access in and out of cordons despite firm containments. However, they did express concern that during the 9th December protest they did not see any dot matrix signs, water or toilets as had been promised by the MPS.

Panel view

The Panel applauds the improvements made to engage proactively with the media and the dedicated training events are a constructive step in the right direction given the feedback from journalists. Our view is that this engagement must truly be a two way learning experience. For example, whilst it is very helpful to hold training events for journalists, it may also be useful for officers being trained in public order to experience dealing with journalists as part of the training scenarios in order to ensure they receive training for real life situations.

Proactive and more open engagement must extend towards all aspects of public order policing including the liaison between the media and the MPS Press Bureau. Greater efforts must be made to facilitate the sharing of information between these two parties.

Fortunately, in relation to public protest (our review does not cover the policing of the large scale disorder in August 2011), the MPS is yet to be put to the test in relation to reporting very serious incidents resulting from police action. If such an incident occurs, the MPS must be clear about the information that it can and cannot provide to the public. By taking a proactive approach to communicating the information that it

is able to provide, this would demonstrate that there has been a cultural shift in terms of communicating 'bad news' effectively.

Command and control

Within *Responding to G20*, the Panel expressed unease about the capacity of the national police radio network Airwave to cope during a large scale public order event and the need to rely on mobiles phones to facilitate communication up and down the chain of command. The MPS were resolute in their view that a combination of Airwave as well as the use of mobile phones was currently, in the absence of alternative technological solutions, the most appropriate communication system.

Recommendations from the Civil Liberties Panel report *Responding to G20*

The MPS must:

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

MPS response

The MPS provided the following update:

On the adoption of Airwave there were previously difficulties with radio capacity during large scale events e.g. New Year's Eve, Notting Hill Carnival which impacted on operational delivery. A considerable amount of work has been undertaken to improve Airwave capacity and significant improvements have now been made.

In relation to the provision of sufficient numbers of Airwave handsets, this is already in place within the MPS. Airwave handsets are always provided to all officers who need them for pre-planned public order events, including G20. Batteries have sufficient capability for the extended shifts worked on the vast majority of public order events. G20 was an exceptional event. Sufficient additional batteries were provided for exchange and it is possible some officers were not aware of this. The availability

and location of spare batteries will be more explicitly covered at briefings where necessary. Airwave capacity is analysed as part of business as usual for each event that the MPS deals with.

The MPS does not agree that mobile phones should never have to be used as the primary method of communication. Mobile phones do have an important role to play in the management of events and may on occasion be the primary method of communication.

The issue of 'new technological solutions' being used instead of Airwave has been discussed at great length, especially regarding the Olympics. The MPS view is that Airwave is currently the national radio system and is the most appropriate system to use. However, the existing MPS Airwave contract expires in 2018 subject to possible extension. The MPS is working with the NPIA, Cabinet Office and other partners in a national strategic initiative encompassing the emergency and other public services, to provide secure operational communications. This includes, but is not limited to, a replacement for the Airwave radio service from around that date. Given that this work is already ongoing as a part of business as usual, the MPS accepts this recommendation.

In relation to command and control, the MPS has an ongoing project 'Command and Control Futures', to assist in improving the decision making processes during public order events. This includes a new software package for the Special Operations Room at Lambeth to support Commanders in the delivery of event policing.

Observations and evidence

Liberty's report on their legal observing of the TUC march noted internal communication difficulties, in particular the fact that police radios kept breaking down and therefore officers were using their mobile phones instead. The report noted that a considerable amount of time was spent trying to get in touch with different officers and often failing. Officers in the SOR resorted to using mobile phones as a more reliable means of communication but Liberty felt this too was unsophisticated.

The Panel was told by officers during the visit to Operations Malone and Brontide (refer to Glossary) that whilst Airwave is an excellent way of facilitating mass communication, mobiles phones do play an important role, not just in communication but also in the collection of evidence such as photographs.

Panel view

The Panel accepts that Airwave is the default communication provision for the police but stands by its view that mobiles should never *have* to be used in its place.

Given the feedback from officers regarding the multiple uses of mobiles including the gathering of evidence, the Panel appreciates the value of a combination of technological solutions including mobile phones. Furthermore, we accept that there are instances where mobile phones would be more appropriate or even the preferable method of communication. The Panel has been informed that during other events, Airwave provision and coverage, including mutual aid, has functioned well. Whilst the MPS told us that there are issues relating to the capacity of the radio network which require restrictions on their use by public order police constables, the fact that Airwave has been tested in such circumstances is an encouraging result especially in light of the forthcoming Olympics and the anticipated policing demand across London.

Tactics and equipment

Throughout the original review, the tactics and powers used by the police before, during and after demonstrations came in for considerable criticism. The tactic of containment came in for almost universal criticism by protestors who felt that this contravened Article 5 of the European Convention on Human Rights, the Right to Liberty. This has subsequently been tested in the UK courts with three schoolchildren taking a case against the MPS for its actions in containing them for seven hours alongside other protestors during the 24th November 2010 student protests. The High Court found in favour of the MPS with the judges stating that the MPS actions were 'necessary, proportionate and lawful'⁷. At the time of writing, an individual case regarding containment is being considered by the European Court of Human Rights.

The Panel also heard concerns from protest groups that the police are 'misusing' counter terrorism powers to limit the actions of legitimate protestors and journalists. Furthermore, the role of Forward Intelligence Teams was also questioned with the view that this type of activity is contrary to the facilitation of lawful and peaceful protest. Within *Responding to G20*, the Panel advocated that better communication with protestors during demonstrations would in part address the problems identified but that there is also scope to consider whether some tactics and powers are appropriate for use in public order situations.

Recommendations from the Civil Liberties Panel report *Responding to G20*

The MPS must ensure that:

- 18. officer briefings at the start of operations should emphasise that any use of force should always be the minimum necessary to resolve a situation. This should also be reflected in the decision on appropriate protective clothing and equipment.**
- 19. officers are effectively equipped to implement containment effectively; in particular, they are empowered to use their discretion to allow protestors out of containment areas in particular circumstances (as per HMIC recommendations 5-9)**
- 20. CO11 should monitor and evaluate use of counter-terrorist and stop and search legislation at major public order events, in order to seek reassurance that powers are not being misused during such operations.**

⁷ A copy of the High Court decision is available at:
<http://www.bailii.org/ew/cases/EWHC/Admin/2011/2317.html>

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

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

MPS response

The use of public order tactics by the MPS is being examined as a distinct theme within the review of Operation Kirkin. Therefore, the MPS response provided below may change as a result of this review.

Use of force

As mentioned previously, all officers receive a lecture on the use of force, as part of their level 2 training.

Prior to an event, the MPS informed the Panel that it already emphasises any use of force should always be the minimum necessary as a part of the professionalism part of event briefings and Command Teams always consider carefully the appropriate clothing for officers to wear. These issues are covered within Form 3166 (see page 21) that should be completed by all supervisors involved in the policing of a public order event.

The MPS informed the Panel that it follows the legal definition that is set out in common law and S3 of the Criminal Law Act 1977 which states that officers may use such force as is reasonable in the circumstances. Given that this is business as usual and subject to the caveat above, this recommendation is accepted.

Containment

The MPS has fully accepted the HMIC recommendations that cover this recommendation⁸.

⁸ HMIC Recommendation 6: A release plan to allow vulnerable or distressed persons or those inadvertently caught up in the police containment to exit. The MPS should consider scenarios where observers maybe employed to identify vulnerable people – this has implications for planning and training.

The MPS did however make the point that containment, while a valid tactical option, is only rarely used in relation to protest. As outlined above, public order training has been changed to cover the legality and operational use of containment.

A new role of Containment Officer has been created. This officer, an experienced public order commander, together with his/her team has the sole purpose of managing containment should one be required and its prompt dispersal. They have immediate access to means of communication (Dot matrix, Twitter etc) and welfare facilities (toilets etc). They also have the ability to brief and guide officers in the removal of vulnerable individuals. They will attend the scene and, working to the geographic commander, they will coordinate all aspects of the police containment. The importance of this function has been recognised by other police forces who have designated a similar role during their public order situations.

Stop and search and counter terrorism powers

The MPS does not accept the recommendation to monitor and evaluate counter terrorist and stop and search legislation, because it will create an additional layer of bureaucracy without achieving the stated aim. During briefings for public order events, officers are reminded of the need to use their powers appropriately and this is a further area where intrusive supervision has a part to play. Given that each protest is different, it is difficult to see what value would be added by CO11 monitoring the numbers of searches. It should also be noted that CO11 does not manage every protest event, with many being managed by the borough on which the protest takes place.

In relation to monitoring of stop and search powers, officers already record the details of stop and searches (except in exceptional circumstances) which are then entered onto the corporate stop and search database.

Section 44 Terrorism Act 2000 has been repealed and a new power under Section 47A Terrorism Act introduced. Section 47A will allow pedestrians to be stopped and searched in a specific area or place where there is a suspicion of terrorist activity taking place. Authorisations under Section 47A may only be made if the senior police officer (in the MPS this is the Assistant Commissioner Specialist Operations) reasonably suspects that an act of terrorism will take place and that s/he considers the use of the power necessary to prevent such an act. The geographic area authorised must be specific and should be no wider than necessary. Authorisations should be for no longer than necessary and the maximum period for any authorisation is 14 days. When authorised, no suspicion is required by officers in order to conduct searches under Section 47A.

Forward Intelligence Teams (FITs)

The MPS informed the Panel that the proportionate use of FITs is already business as usual and that FITs and Evidence Gatherers are not deployed at every protest event. Their role is clearly defined according to national guidance from ACPO and they are only used when the intelligence justifies it.

Whilst the role and remit of FITs is determined nationally, the MPS has recognised the need to cover the issues arising from the policing of the G20 protests. Therefore, all FIT officers have attended a refresher training course which includes a specific module on this issue.

The MPS does not accept that the role and purpose of FITs needs to change but hopes that greater awareness raising in relation to the role of FITs will help to highlight how they are deployed and dispel myths.

Observations and evidence

In relation to use of force, HMIC's view is that the framework needs to change to one that encourages minimum use of force to resolve a situation. In 2009, HMIC stated that only one force (not the MPS) correctly stated in a lesson plan that 'proportionate' meant 'the minimum force necessary to achieve the legitimate aim'. By August 2010, many more forces, including the MPS were found to be correctly communicating this legal test in their training and in operational briefings. However, trainers in some other forces were still using alternative definitions for proportionate, such as 'corresponding', 'doing the right thing for the circumstances', 'meeting the strategic aim', and 'making defensible decisions'.

In terms of containment, Liberty state that their observations suggest that there is too much focus on the potential use of containment which undermines the rights of protestors and appears to pose serious practical problems. Liberty is currently challenging the tactic of containment at the ECHR.

With reference to stop and search, Liberty expressed their preference for the police to use stop and search powers based on reasonable suspicion, such as section 1 of the Police and Criminal Evidence Act 1984 (see Glossary), wherever possible.

In relation to the use of FITs, HMIC feel that the MPS has made progress in a number of areas including 'exhibiting tighter command and control in the use of overt photography and the deployment of Forward Intelligence Teams'. However, during the Panel visit to MPSTC, trainers felt that outside policing there is still often confusion about the respective roles of FIT officers and evidence gatherers.

Panel view

The Panel believes that the legal requirements set out under section 3 of the Criminal Law Act 1977 determining use of force 'as is reasonable in the circumstances', set a minimum standard and therefore shares the view of HMIC that use of force should also be the *minimum required*. Therefore we would urge the MPS to focus on minimal force necessary rather than that solely reasonable in the circumstances.

Regarding containment, the Panel are still unclear as to the criteria used to determine when containment is necessary and would like reassurance regarding consistency of approach, regardless of who is in charge. If this tactic is used, the decision making process should be recorded and open to scrutiny. However, the Panel welcomes the introduction of the role of Containment Officer to have a strategic overview of the use of this tactic as well as ensuring a continued focus on the welfare needs of those contained. Bearing in mind the ongoing litigation regarding the compatibility of containment with the Right to Privacy, the Panel awaits the judgement from the ECHR and the potential implications for the MPS in managing public order situations.

There is an ongoing need for the MPS to raise awareness about the role of FITs and evidence gathering teams and the Panel would want to see evidence of specific progress in relation to this issue given the public concerns raised.

Next steps

Our review highlights a considerable shift in the MPS approach to facilitating peaceful protest. Whilst we have not made formal recommendations within this review, there are a number of areas for further improvements we have identified which we believe would support the MPS in continuing to meet the challenge of respecting the public's right to peaceful protest, whilst ensuring a robust approach to tackling crime and disorder.

We would urge the Mayor's Office for Policing and Crime to build upon the work of the Civil Liberties Panel, using this review as the basis for future oversight of the policing of public protest.

With the abolition of the MPA, the scrutiny of this work will continue under the Police and Crime Committee of the GLA, so those wishing to make representation should do so to the Chair of this committee at the GLA.

Appendix one: The cost implications of policing public protest events 2010/11

The information below has been taken from the MPS report to the MPA Finance and Resources Committee of 21st July 2011 and is available at:

<http://www.mpa.gov.uk/committees/finres/2011/0721/>.

This summary is concerned only with the policing of public protest events rather than the policing of all public order events as covered within the report received by the MPA Finance and Resources Committee.

Notable public protest events during 2010/11

The largest events in terms of deployment during the reporting period included:

- Student related protests - estimated total policing cost of £7.5m.
- Embassy Patrols in response to protests outside embassies in London - estimated total policing cost of £6.5m.
- Trades Union Congress Demonstration - estimated total policing cost of £2.1m.
- Papal Visit associated protests - estimated total policing cost of £1.9m.
- Student demonstrations November 2011 – cost not available at time of publication

Costing Methodology

In policing such events, resource requirements are assessed and requested by Public Order Branch and deployed through preparation of an Operational Policing Order. Typically, this document will set out the numbers of officers and support personnel to be deployed and will provide detailed operational instructions to govern their deployment. The operational policing order forms the basis of public order costs reported to this Committee.

The costing information is prepared using a standard costing methodology so that input factors, for example, hours worked by police officers assigned to the event, are costed at an average rate per unit of input. Actual costs incurred may differ marginally from the standard costs but based upon previous comparisons the overall effect has proved insignificant.

Student Demonstrations

Eleven student related demonstrations were held between 10 November 2010 and 29 January 2011.

As this was a series of events the estimated total cost of the whole policing operation includes the events where police deployment was less than 300 shifts. The total estimated cost for the period is £7.53m. £4.8m of the estimate is in relation to opportunity costs. £2.73m is additional costs of which £1.9m is overtime. £0.58m is other costs and £0.25m relates to mutual aid provided by other police forces.

Trades Union Congress (TUC) March for the Alternative

This was a large demonstration organised by the TUC to protest against Government cuts. The event was attended by several other organisations and certain elements that were intent on causing disorder. The response required a lengthy policing operation resulting in associated overtime payments.

The estimated total cost of the policing operation is £2.14m. £1.32m of the estimate is in relation to opportunity costs. £0.82m is additional costs of which £0.44m is overtime. £0.16m is other costs and £0.22m relates to mutual aid provided by other police forces.

Embassy Patrols

During 2011, as a result of civil unrest in a number of North African and Middle Eastern countries and associated demonstrations taking place outside various Embassies within London, a significant policing response has been required. Since mid February 2011 the MPS has been patrolling the relevant Embassies and deploying officers as necessary depending upon events and current intelligence (Operation Fieldgate).

Costs posted as of 31 May 2011 have been applied for the purposes of reporting costs in this report. Because the Operation spans financial years it is not possible to disaggregate costs such as overtime and identify a specific cost for the 2010/11 financial year. The overtime costs posted as at 31 May 2011 relate to the period that payment was made rather than when overtime was actually worked. The estimated total cost of the policing operation between 22 February and 31 May 2011 is £6.47m. £5.65m of the estimate is in relation to opportunity costs. £0.82m is additional costs of which £0.63m is overtime. £0.19m is other costs. A further update will be provided once the operation ends.

Papal Visit

As part of the Papal Visit to the UK, Pope Benedict XVI visited London in September 2010. The policing operation included the vigil held in Hyde Park and the protest demonstration opposing the Papal Visit ("Protest the Pope").

The estimated cost of the MPS policing operation between 16 and 19 September 2010 is £1.86m. £1.34m of the estimate is in relation to opportunity costs. £0.52m is additional costs of which £0.3m is overtime. £0.22m is other costs.

Appendix 2: Extract from a briefing to MPS public order officers policing the student demonstrations in December 2010

The following extract has been taken from a briefing prepared by the MPS for public order officers policing the student demonstrations on the 8th and 9th December 2010. This was obtained by the BBC through a Freedom of Information request. The full document is available at:

http://www.bbc.co.uk/blogs/opensecrets/MetBriefing8_9Dec.pdf

Students' Action 8/9th December 2010

INFORMATION

On 8th and 9th December 2010 members of various Students Group's are planning demonstrations in Central London. These are planned to coincide with the House of Commons Vote on the increase in tuition fees on 9th December.

8th December 2010

Although there are no marches or demonstrations notified to police or other authorities, there are numerous open source information feeds that suggest that there will be demonstrations throughout the Capital. More information may become apparent and more intelligence will be given shortly.

9th December 2010

At present there are two specific notified demonstrations that we are aware of.

NUS - Lobby oo Parliament between 1 pm and 3pm. What this means we are unsure of, but this is a democratic right and we must be cognisant to try and facilitate this if possible.

There will also be a Rally and speeches in Victoria Embankment.
This is a National call-out and the numbers could be around 20,000.

ULU - plan a march from Mallet Street to the rally, via Parliament Square. The route is the traditional one, along Kingsway, around Aldwych, along The Strand to Trafalgar Square. They will then go along The Mall, turn into Horseguards and down to Great George Street. They will then turn left into Parliament Street/Whitehall and back up turning right into the rally on Victoria Embankment.

INTELLIGENCE

To be given by C011 and S015 staff.

METHOD

It is Gold's intention that this event will be policed in a manner compatible with the Commissioner's 5 P's and in particular, Pride, professionalism and Presence .

The strategic intentions of this operation are:

- To provide a lawful and proportionate policing response to protest, balancing the needs and rights of protesters with those impacted by the protest;
- To maintain public order;
- To work with event organisers /participants and other agencies to minimise criminal activity and anti-social behaviour associated with the event;
- To provide appropriate security advice and support to individuals and occupiers of premises who may be targeted, to reassure, maintain the peace and prevent crime;
- To prevent crime and provide a reasonable and proportionate response if crime is committed;
- To maintain access to, and the security of, the Palace of Westminster.

Overview of both days:

I know I need not remind you that Protest is not an offence and that the freedom for people to meet and express their views is a fundamental element of a healthy democracy.

Our freedoms of Assembly and Expression are rights that are expressly protected by UK law. As such, we, as a Public Authority have a positive duty to uphold them. However, we also need to protect the rights and freedoms of the people affected, to go about their daily lawful business. It is our job to try to balance these two competing demands.

Necessarily, some inconvenience will be caused when large numbers of people peacefully assemble to express their views and we know they will be noisy and they may upset others with their views. These reasons, in themselves are not sufficient to require police intervention. Before taking action, officers must be clear in their mind of the necessity to intervene and then ensure that only proportionate measures are taken.

Intelligence is limited. Recent student protests although in the main well behaved; have shown that we do need to be able to respond quickly and effectively to isolated incidents of disorder and crime when they occur. To do this, we have developed a cunning plan: The essence of which is flexibility. The march from Mallet Street will be accompanied in the usual way and the area around the front of Parliament Square has been barriered off in a Wapping box configuration. Because of the lack of specific intelligence regarding other planned action, the policing response has been developed around the use of a number of 'key response' Bronzes. We don't want large numbers of police on display if they are not required.