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4. Introducing Police

Police are agents of the State who come into direct contact with protest crowds as they place themselves between the targets of the protest and the protesters themselves. As such, their strategic objectives are to maintain public order, protect the target (along with public institutions); uphold the right to protest; ensure the safety of bystanders and crowd participants; and enforce the laws. In the process, they wish to avoid at all costs what noted British police scholar P.A.J. Waddington refers to as ‘trouble.’ In democratic countries, it is the police, and not the military, who are charged with keeping the peace in the face of public protest.

A distinct role for the police is not to be taken for granted; the first modern police force was established in France in 1664 (Sopow, 2003) with a paramilitary organizational style, centralized command structure with direct accountability to the State (Rigacos, 2005). However, it was in Britain in 1829 that the London Metropolitan Police Force was established by Robert Peel with a mandate to develop a style of policing that was not based on force and weaponry but was to be based on moral authority and relationships with citizens. Furthermore, considerable discretion was vested with constables who did most of their work independently. European police looked at the British model as being based on a policing paradigm to be distinguished from paramilitary policing (della Porta, 1998) and set the model for modern day policing paradigms.

It is significant that the community-based policing movement in the 1980s in Canada, United States and Europe was an attempt to establish a new paradigm of policing based in large measure on Peel’s principles. It was during this time that an emphasis on negotiation emerged in protest policing circles. Given its paradigmatic role, our first section will provide an overview of protest policing as it has evolved in Britain in the 1800s. This section may be of particular interest to political and civil society leaders in currently emerging democracies since England of the early 1800s shared many of the challenges they are facing today.

A second major section will deal with public order policing in Western democracies from 1960 to the present. Starting in the 1960s, new waves of protest emerged and the technology, organization and tactics of police started to change. During this time period the differences between British approaches

to public order policing and that of other countries narrowed significantly (della Porta, 1998; P.A.J. Waddington, 1991). We will look at how police capacity to control crowds was enhanced through paramilitary organization and training, technological tools, and tactical options. All of these add up to a greater capacity for repressive policing; however, we will show that an early trend toward *escalated force* (or hard) approaches in the 1960s and 1970s was reversed in favour of the use of bureaucratic and discursive control techniques through the 1980s and 1990s, which in policing language are put under the rubric of *negotiated management* (or soft) approaches (della Porta, 1998; McPhail, Schweingruber, & McCarthy, 1998). Concomitantly, there has been a growing body of laws and court decisions that has put limits on police powers in some cases and provided them with greater discretion in others; in addition, we will refer to comparative studies on the impact of different legal frameworks (Björk, 2005). We will also highlight P.A.J. Waddington's notions of 'trouble on the job' and 'trouble in the job,' David Waddington's concept of 'flashpoints,' and Tony Jefferson's 'case against paramilitary policing.' We will describe Public Order Management Systems (POMS) that combine organizational structures, principles, regulations and standard practices in many major police forces/services. We will end this section with a presentation of developments in public order policing in Canada.

In a final section, we will examine some of the ethical aspects of public order policing. Within this section we will first examine the dynamics of public order police in the abstract. Second, we will present some of the ethical issues and questions. These will serve as preparation for an ethical vision for policing that will be presented in chapter nine in the context of a mutual respect paradigm for protest crowd–police relationships.

The Evolution of Protest Policing in Nineteenth Century Britain

Starting with the creation of the London Metropolitan Police by Robert Peel in 1829 and proceeding well into the next century a paradigm of protest policing emerged that was based on moral authority rather than physical control. This manner of dealing with crowds evolved as a function of values and trends within British society (Cerrah, 1998), police leadership (Smith, 1985), the nature and characteristics of 'bobbies,' and the relationship between the police and the public (P.A.J. Waddington, 1991). Metropolitan Police also constituted a force to maintain the kind of order in society that

would allow industries to flourish (Jefferson, 1990); in other words, it empowered the industrial revolution and the kind of economic development that followed.

From the mid-eighteenth century on, British society was becoming increasingly urbanized and complex. The industrial revolution was in full swing; there was a growing middle class and a significant lower class made up of workers and those in poverty. Crime, disease, and poverty were all seen as threats to society. Utilitarianism, led by Jeremy Bentham, with its corollary pragmatism was in the air, as was the growth of democracy with an ever growing suffrage and increasing expectation of rights and freedoms. Evangelical Christianity was sufficiently on the rise that it was having an impact on the public sense of morality (Hochschild, 2005; Smith, 1985). All the while, drinking, disorderly conduct and riots (Townshend, [1993]2002) were rampant. Riots occurred based on real or perceived privations caused by increases in food prices or threats to one's livelihood (Smith, 1985). Through the nineteenth century, public dissent would morph into Chartism, a broadly based movement advocating radical political change, and the increased demand for political rights (as discussed in chapter two, eventually most of the Chartist demands were accepted). As industrial capitalism evolved into the modern age, the economy became more complex and 'increasingly vulnerable to disruption in its many parts' (Smith, 1985). Adam Smith¹² himself made the connection between policing and achieving 'wealth and abundance' (Brown & Waters, 1996).

As the English cast an observant glance over the Channel, they saw two trends that they wished to avoid at all costs. The first was violent revolution; the second, repressive policing. Within this context Robert Peel brought forth legislation to establish the London Metropolitan Police. The police were guided in their formation by what came to be known as Peel's principles and by a set of values modeled and inculcated by commissioners Rowan and Mayne (Townshend, [1993]2002). Peel's principles included the following:

To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public

12 Adam Smith was a Scottish political economist and philosopher. He has become famous by his influential book *The Wealth of Nations* (1776). Smith was the son of the comptroller of the customs at Kirkcaldy, Fife, Scotland. *The Wealth of Nations* was the first and remains the most important book on the subject of political economy until this present day. (Faber, 2003)

are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen, in the interest of community welfare and existence.

To seek and to preserve public favour not by pandering to public opinion but by constantly demonstrating absolutely impartial service to Law ... by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing ...

To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order; and to use only the minimum degree of force which is necessary on any particular occasion for achieving a police objective. (Eng, 2005)

These principles were 'owned' by the first commissioners, Rowan and Mayne, who worked tirelessly to weave them into the policing culture of the Metropolitan Police. Over time the Metropolitan Police of London became the model for the country. For over a century the police in Great Britain had the respect and support of a healthy majority of the population. This was not only a result of police action but a certain measured responsiveness by the ruling elite who made timely concessions in response to public demands. Not only that, this period saw the expansion of the British Empire and a global network of colonies provided an outlet for people uncomfortable with the status quo. Prisoners were sent to places like Australia. Resources from the colonies and monopoly markets made for a growing economy. During this time there were significant wars that united the population against a shared enemy. Politically, limits were placed on public expression of ideas promoting Fascism or Communism; however, in 1871, the right to speak about anything was extended to those presenting their opinions at Speakers Corner in Hyde Park. The policing model reflected a subliminal hegemony that resonated with the 'hidden' social factors that contributed to social peace.

The hidden baton became a metaphor for a popular mythology that emerged regarding the police. The police appeared to be unarmed and benign; as such they cultivated moral authority and the image of sometimes bumbling, friendly, not too effective, and very human 'bobbies' contributed to public support. The baton was there in the pocket and it could be more

lethal than most people thought. Though constables did not carry side arms, guns were available for special occasions. In other words, what passed in the public mind as a police service was, in reality, more of a police *force* than was the popular image.

Repressive Policing

Continuing with the British example, during the period from 1829 to 1960, the British Empire reached and passed its zenith. British hegemony over its colonies was neither established nor maintained without violence. Whenever a minority wishes to assert itself and control a much larger population, it resorts to a certain level of repressive policing, which at its extreme includes the regular use of lethal violence to keep protest in check (P.A.J. Waddington, 1998). It is a significant study in contrasts that while the British were developing a relatively humane style of policing at home, where they enjoyed much support from the general population, they used a policing style much more dependent on force within colonies. Meanwhile back in Britain, the 1960s saw an increase in the use of force at home. This example typifies the observation that policing style results from a relationship among the population, political leaders, cultural values and the police (Cerrah, 1998), an observation that is at the foundation of our work.

In the case of repressive policing, political masters appoint and reward police for maintaining their hegemonic structure, regardless of how much force is required (P.A.J. Waddington, 1998). Referring to conflict theories discussed in chapter three, security of the dominant group is the primary identity need, trumping meaning, connectedness, recognition and action. Police in this context are empowered to use lethal force with impunity on a regular basis and can very easily become agents of injustice. Colonial policing was just one example (Kratcoski et al., 2001) of repressive policing; more extreme forms evolved under dictatorships, totalitarian regimes and/or weak states (Sheptycki, 2005). It is ironic that in the British public order policing manual of 1982, many of the tactics described to deal with crowds were borrowed from those used in British colonies (P.A.J. Waddington, 1998). Also (bitterly) ironic, repressive policing has been the rule in many post-colonial African countries. A preoccupation with security following terrorist attacks in the USA on September 11, 2001 and the London bombings of July 7, 2005, has prompted a more repressive style of policing in a number of countries.

Reflection on the Early Evolution of the London Metropolitan Police

What can we learn from the experience of the Metropolitan Police? The question and its answer pertain to the process of introducing a new paradigm of public order policing. Even though critics with the benefit of hindsight suggest that perhaps Peel's police were not as devoid of paramilitarism as the myth might suggest, nonetheless, it is clear that Peel, Rowan and Mayne introduced a radical new approach to policing (Europeans generally recognized that something different was happening across the Channel). They consciously attempted to shape policing in a way that made corruption, political influence and reliance on force to be minimized. How they did this could be instructive to any police leaders who might wish to introduce a new paradigm. We will look at five lessons that emerge: have principled leadership; be sensitive to culture; emphasize relationships; learn from mistakes, and focus on legitimacy.

Have Principled Leadership

By making each constable responsible ultimately to Commissioners who were independent of parish politics, Peel could make certain (as much as possible) that they would act impartially, focusing on a combination of pragmatism and rule of law. Mayne, one of the first commissioners, was unequivocally committed to an impartial police force that was free of corruption and political interference and that required of constables that they not let their emotions take control regardless of the taunts and threats to which they might be subjected. He was in control long enough to establish a new policing culture.

Be Sensitive to Culture

London of the 1820s was very unruly with a strong tendency for people to assert their independence and for groups to protest whatever they didn't like in society. The English had little stomach for repression. It has been observed that the policing style that emerged did not work because of the tendency to conform on the part of the British but, on the contrary, because of contempt at having order imposed on them in a heavy handed way. It was a chaotic situation that demanded order but being on the edge of chaos as it was, the wrong approach could have easily resulted in significantly more violence than was the case.

Emphasize Relationships

Much of the effectiveness of the police was derived from the good relationships that they had with the local population. By being present and being friendly, treating the population with dignity and respect, respect was returned to the police. This was not universally the case. People at the bottom of society in terms of social standing were more likely to be discriminated against (Jefferson, 1990).

Learn from Mistakes

The pragmatic approach to public order policing meant that when something didn't work well there was a return to the drawing boards within the framework of a set of principles.

Focus on Legitimacy

The policing paradigm emphasized in the Metropolitan Police of London emphasized retaining a sense of legitimacy in the eyes of the public. This is why restraint in the use of violence became a watchword.

However

Even though British society was better off between 1829 and 1960 through the institution of Peel's police, the actions of the police were not uniformly positive. There were abuses of police powers and not all levels of society experienced the police in the same way. Within British society there was a clear hegemonic structure and the police played a significant role in keeping this structure in place (Jefferson, 1990). Any judgment of this reality must be based on an understanding of the complexity of society, the competing demands of order and change, the relative rigidity and impermeability of class structure and a definition of distributive justice that acknowledges relative responsibilities and contributions.

Since the 1960s, public order policing as it evolved in Britain increasingly came to resemble police practice in other established democracies. We will turn now to an examination of contemporary trends, each of which provides a basis for comparison among police services/forces.

Protest Policing since 1960

The 1960s saw a significant growth in the size, significance and sophistication of protest crowds in Western democracies. Concomitantly, public order

policing grew as a specialized aspect of police work. Dedicated public order policing units were organized; national networks of mutual support among police forces and other public service bureaucracies were put into place; legislation and legal decisions created a better articulated framework for public order policing; new equipment and training courses provided new options for controlling crowds; strategic and operational decision making were differentiated and coordinated; new tactics were developed; and finally, Public Order Management Systems were put in place. All the while police worked proactively to avoid surprises and 'troubles' as they moved back and forth along an axis with 'repression' at one end and 'negotiation' at the other.

Paramilitary Organization

Since the 1960s, paramilitary policing has been woven into public order policing as an effective, efficient use of force. Tony Jefferson defines it as 'the application of (quasi-)military training, equipment, philosophy and organization to questions of policing (whether under centralized control or not)' (1990, 16). There are two different aspects to this phenomenon and it is important to differentiate between aspects of the term. On the one hand, 'paramilitary' refers to the manner in which police are organized with specialized squads, unit and incident commanders, and the use of strategies and tactics modeled on the military; on the other hand, the same term refers to an orientation or mindset that is oriented toward control of crowds through the use of force. These two aspects may reinforce one another, but ought to be considered separately for purposes of analysis.

According to P.A.J. Waddington, what distinguishes this organizational style is the distinction and distance from civil society, the hierarchical structure and the tendency to be organized and work in squads. When the Metropolitan Police was established in London, the emphasis was on strong identification with the community. Clothing was more civilian than military and the constable was considered a 'civilian in uniform.' A 1929 police commission painted the police in Britain as never a 'force distinct from the body of citizens' (P.A.J. Waddington, 1991). Waddington maintains that this was the myth and as such it played an important function in the thinking of the public; however over a period of 150 years this increasingly was not the reality. In fact, Jefferson maintains that there was more 'paramilitarism'

evident throughout the history of the Metropolitan police than has normally been acknowledged. In any case, there is agreement that new aspects of paramilitarism were introduced to public order policing particularly in the late 60s and early 70s.

In the 1980s and early 1990s there was a strong movement among police in North America to establish 'community-based policing' which was to remove the distance between police and community—getting police out of squad cars was literally and metaphorically the goal. However, as police have donned increasingly more protective clothing and have positioned themselves behind shields, walls and barriers when doing public order policing, they have identified less and less with the community. Police who have little identification with the community have less compunction about using force for several reasons. First, they are anonymous to the protesters—they are not recognizable by community members because they are behind shields and wearing helmets. Second, they do not have personal relationships with protesters so are less likely to see the full humanity of those in front of them; protesters become 'things' to deal with rather than people like those they know and love. Third, they are well protected and able to use more force than they can without good protection; they have more power to get people to do what they want them to do. All of this contributes to the ability to behave in a more effective, forceful, coercive manner. When destructive violence threatens lives, this may have some immediate benefit; when relationships are relied upon to control a crowd this coercive capacity may be counterproductive.

Regarding authority, P.A.J. Waddington points out that legally all police of whatever rank functioned as constables with equal powers before the law. No constable could get off the hook by claiming to act on orders since no other authority stood between him and the law. This distinguished British police from paramilitary police and armed forces around the world. In a paramilitary operation, such as protest policing in contrast to community work, police officers are organized in squads, with each squad having its own function; e.g. a tear gas squad, a front line tactical squad, etc. Senior officers command groups of squads and decisions are made up the chain of command. In a paramilitary environment the first loyalty of the police officer is to his force (P.A.J. Waddington, 1991). There is psychological distance from the people in the crowd.

Thus, it is not simply the paramilitary organization structure per se that is objected to, but what that structure facilitates—the oppressive use of force. Paramilitary police forces blur the line between the police function of using force to arrest suspected offenders and bring them before the courts and the military function of defeating and destroying an enemy. A paramilitary police uses its superior might to suppress. (P.A.J. Waddington, 1991)

This is not to say that every paramilitary organized force will be repressive; however, the more it takes on paramilitary characteristics the greater the capacity—physically and psychologically—to be coercive. The advantages of a paramilitary organization are that it is efficient—all squads operate under consistent commands—extremely important when dealing with crowds at the edge of chaos.

For major protest crowd events there is a division of responsibility: there are detectives, intelligence gatherers, plainclothes police within the crowd, a police psychologist, a media relations specialist to work with the media and make certain that TV cameras are behind police lines, soft hats—police at the edges of the crowd, often on bicycles who maintain a presence and establish boundaries; there are the tear gas specialists and the water cannon operators, police with dogs and the hard hats—the tactical armed police with full protective gear and equipped with pepper spray, stun guns, and guns with rubber bullets. The incident commanding officer, like a battle general, directs the different units; however, in violent chaotic situations order and communication can break down leaving the incident commander with only nominal control over what happens on the front lines. All of these people are empowered by technological tools and the tools that come from well-defined tactics that are drilled in advance of the event. We will examine both of these resources in greater detail to bring out the reality on the police side of the protester–police dividing line.

Tools of Technology

Over the past few decades, police have had ever more effective protective gear and a growing arsenal of crowd control ‘less than lethal weapons.’ Technology has also made possible better communication among police and between front lines and command centres.

Defensive Technologies

There are two types of defensive technology—attire and shields. Protective attire includes bullet proof Kevlar, masks with visors that can deflect projectiles, gas masks and non-flammable outer layers. It is also possible to have anatomically molded protective ‘pads’ that make it possible to withstand explosives in close proximity. Suppliers of protective clothing work to provide protection against life-threatening injuries faced in riot and crowd management situations. They work to achieve optimal balance between protection and comfort. There are features that facilitate the rescue of a fallen officer, ensure compatibility with other kits and equipment, offer blunt impact protective coverage and shoulder to ankle flame resistance coverage. Included in the total design of such equipment are psychological advantages so officers on duty remain calm through knowledge of their optimal protection. Hence, it is hoped, they are less inclined to strike out and can maintain their position with unified force, rather than acting individually. All the while, they are to present a professional, yet less aggressive, appearance to a crowd. Experience has shown a less aggressive appearance reduces the risk of triggering a violent reaction from the crowd. The comfort aspect, including a two litre optional reservoir of water, anticipates officers wearing protective clothing for long periods of time.¹³

Shields include the long shield and the short shield. Long shields can be hooked together to form a movable protective wall. Short shields allow for greater freedom of movement and can be used by individual officers who hold the shield with one hand allowing one free hand.

Less than Lethal Weapons

Less than lethal weapons are designed to create a physical distance between police and protesters, immobilize individual protesters, and to induce crowds to disperse. Tear gas and water cannons are used to create a physical distance between police or to encourage dispersal. Baton rounds are 4 inch plastic cartridges that can be fired at protesters. They are not lethal but they can induce sufficient injury as to immobilize people. Pepper spray and Taser guns are sufficiently unpleasant as to induce protesters to retreat. They can also

13 Med-Eng Systems was a supplier of protective gear to police around the world. These descriptions are based on its 2005 promotional literature (Crowd Management: V-Top Ensembles and Helmets), included to illustrate the kinds of equipment available to public order police.

produce negative bodily reactions. Tasers can also be used to involuntarily relax the hold of protesters who have linked arms so that they can more easily be arrested. While truncheons can be lethal if used on the head, long truncheons (27 inches) are meant to be used on arms and legs—they encourage dispersal but can disable people. Most up-to-date are expandable truncheons. Though these weapons are designated ‘less than lethal’ there are instances where some have proved to be more lethal than intended.

Tactical Options

The following tactics are designed to first give police the upper hand even before a protest starts and second to deal with particular contingencies as they arise.¹⁴

Taking the Ground and Early Resolution

‘Taking the ground’ means that police arrive at the scene of a protest well before the protest begins. They position themselves in such a way that protesters are directed to gather at a place positioned such that the police can more easily control the situation. As protesters arrive they are explained the ground rules; as these are accepted by the first to arrive they are conveyed and accepted by those who come later. If the police arrive at the scene of a spontaneous crowd that is getting out of hand, ‘early resolution’ means that they break up the crowd early on before it has a chance to grow either in size or violent behaviour. Early resolution can involve forceful means.

Cordons

Cordons are line demarcations that indicate boundaries for crowds. They may be formed with tape or fences or may take the form of a line of police with spaces between who establish the cordon by their presence. A variation may be filter cordons that either allow protesters to pass through a line in a controlled fashion or that separate crowd members from pedestrians who are not part of a protest.

Trudging and Wedging

Trudging is a tactic that is basically a moving cordon that forces crowds to move back. To accomplish this, police form a line with their bodies

14 Most of these are from an appendix in *The Strong Arm of the Law* by P.A.J. Waddington who got them from the Tactical Options Manual published by the United Kingdom Association of Chief Police Officers.

perpendicular to the boundary with the crowd. Each grabs the belt of the one in front and the police move toward the crowd through a series of side steps. This is colloquially referred to as a ‘Chorus Line.’ Wedging is a specialized form of trudging in which the line takes the shape of a chevron with the tip moving into the crowd as a wedge. This is used to either access particularly violent crowd members for the sake of arrest, to divide a crowd in two (in which the chevron eventually opens in the middle) or to systematically move a crowd back (the tip moves into the crowd then remains in place as the wings of the chevron advance to form a straight line at an advanced position).

Shield Cordons

Shield cordons are lines of demarcation formed by shields that form a wall. Up to three long shields can be physically locked together; they are held up by a team of five—three directly behind the shields and two behind who support the others. A wall of shield units can allow for some police to dart through the gaps to arrest individual protesters and then bring them back behind the line. A short shield cordon makes use of shields small enough to be held on the weaker arm. Sometimes a team of four—two with short shields and two with no shields will advance into a crowd to make an arrest.

Vehicle Tactics

Vehicles can be used to either quickly transport additional police to where they are needed or serve as physical barriers.

Animal Tactics

Mounted police or police with dogs can emerge from behind a cordon to help induce a crowd to move back.

Space between a Cordon and a Crowd

If police wish to maintain a distance between a cordon and a crowd they can use tear gas or water cannons to keep a crowd at bay.

Pens, Limited Access, and ‘No Broken Windows’

The New York Police Department has added pens, limited access, and ‘no broken windows’ to control tactics (Vitale, 2005). The ‘pens’ are made of moveable fence sections that keep groups of protesters separated from one

another. This hampers the distribution of pamphlets, communication and coordinated action. Police also restrict access to the demonstration; that is, there are limited points of entry to the demonstration site. Protesters may have to walk up to a mile to get to an access point. ‘No broken windows’ is a metaphor derived from crime prevention where it refers to immediately repairing any broken window in a marginalized neighborhood to avoid the appearance of decline that might set in motion a spiral of deterioration. In a public order context, it entails zero tolerance for contravention of laws or directives from police such as no demonstration on a given street. The first person trying to challenge police directives is immediately arrested as an example to the others.

Pre-emptive Exclusion

When police suspect that certain people will cause ‘trouble,’ they will keep them from joining a demonstration. If these people have to cross national borders, they will simply not let them into the country. In the case of people within a country, they may try to find some reason to arrest and detain these people to keep them out of a protest crowd. This pre-emptive exclusion tactic is based on police intelligence.

Intelligence Gathering

From the early days of public order policing, it has been important to police to gather intelligence about major protests. Some intelligence gathering involves being attentive to what is in the public domain. In the past posters and pamphlets advertising a protest would have been the equivalent of web sites, blogs and twitter sites that now communicate protest events in a manner that is open to the public. Other methods include the use of undercover agents to penetrate planning meetings of protesters, plain clothes officers being present in the crowd as observers, and paying informers to provide information. One example is Mathilda Gifford who was offered money to inform on Plane Stupid, a group protesting airport expansion in Britain (Lewis and Vallée, 2009). She taped recruitment interviews with a detective and his assistant in which they offered her money for information about the internal dynamics of Plane Stupid. They claimed to have ‘thousands’ giving them information. In another twist, access to information has shown that public servants in Britain from the Department for Transport are collecting information on protest groups and giving it to police (Taylor, 2009).

Electronic intelligence work extends to monitoring electronic communications (in many countries a warrant is required to do this), maintaining data bases on individuals associated with protest movement and sharing information between countries. Information from surveillance and concealed cameras also adds to the intelligence.

New technologies function both ways, as Leonard Stern observes:

Everyone has a cell phone camera these days, which means that every protester is a kind of 'journalist,' empowered with the ability to record and to document. Take a look at what's happening in Iran. Most of the images and reports have come from participants, not professional news gatherers. This makes it almost impossible for police or security agents to get away with brutality. The shooting of the poor Iranian girl, Neda, captured on amateur video, was within hours viewed by the entire world. Even a totalitarian government like Iran's couldn't stop that.

Back in 1997 at the APEC demonstrations in Vancouver, it was just dumb luck that TV cameras captured the RCMP's controversial pepper spraying. If that happened today, the scene would be captured from a dozen different angles and instantly uploaded to the Internet, just like the tasing of Robert Dziekanski in 2007.

In Iran, the student protesters have been using these technologies to great effect. The Iranian government likes to dispatch plainclothes security agents into the crowds but the protesters are able to identify these agents, take their photos with their cellphones, then circulate the photos electronically (on the Internet, cellphone to cellphone) so that everyone knows who the agents are.¹⁵

Stern's observations are echoed in recommendation 11 in a report of the United Kingdom Home Affairs Parliamentary Committee:

Policing public protest is an activity under much greater scrutiny than twenty to thirty years ago, Sir Paul Stephenson told us that 'as technology

15 This is from an e-mail to Vern Neufeld Redekop dated July 31, 2009 and is used with permission.

changes, there are different ways and many more opportunities for people to be caught behaving badly if they choose to behave badly.’ This undoubtedly increases the pressure under which front-line police officers have to work; because of this they have our sympathy. However, this does not excuse behaviour which appears to contravene the norms of democratic protest. The police must be aware that their behaviour will be monitored, recorded and instantly made public via the internet. They must modify their behaviour and briefings accordingly. (Home Affairs Committee, 2009)

Certainly technology is changing the dynamics of protest in many respects by shaping the quality of information that is available and rapidly shared on both sides of the line. How this technology is used depends on the orientation of the parties involved and, in the case of the police, the limits established by law, government and regulatory bodies.

We will now illustrate public order policing techniques through a description of what happened during the large G20¹⁶ protest in London in April 2009.

The Case of the 2009 G20 Protest in London

On April 1 and 2, 2009, there was a Summit of leaders from 20 countries in the center of London. 35,000 protesters attempted to get their messages across to these leaders. While most of what happened was peaceful, minimizing disruption to businesses and bystanders, there were tactics used by the police and particular incidents of violence that raised questions about trends in public order policing (Home Affairs Committee, 2009). We will return to these tactics shortly but first we will put the situation into context.

The Metropolitan Police Service was notified about the Summit on December 18, 2008, allowing just over three months to prepare (Metropolitan Police Authority, 2009). The main event was in the Excel centre, seven miles

16 The Group of Twenty (G-20) Finance Ministers and Central Bank Governors was established in 1999 to bring together systemically important industrialized and developing economies to discuss key issues in the global economy. The inaugural meeting of the G-20 took place in Berlin, hosted by German and Canadian finance ministers. The G-20 is made up of the finance ministers and central bank governors of 19 countries plus the European Union. http://www.g20.org/about_what_is_g20.aspx This particular G20 was a Summit that included national leaders; it was the first overseas visit of President Obama.

from the centre of London with only two roads in and out. Multiple police services had to work together on what the police called Operation Glencoe. Police worked long hours of overtime. In anticipating contingencies for planning purposes, the terrorist threat was assessed as Severe, though there never was a specific threat. Police describe their take on what was going on among protesters as follows:

Open source monitoring of protest group websites made it quite clear that their intention was to bring the City to a halt by whatever means possible. Most groups clearly stated that they would be peaceful but they would take part in direct action, openly breaking the law to achieve their ends. Other groups clearly stated they would use force and violence if required. A leader of one of the groups appeared on national television urging people to break windows and occupy buildings. (Metropolitan Police Authority, 2)

In this situation, there were some techniques and events that drew widespread public criticism.

One example of these tactics is kettling, a containment strategy and tactical measure used by the police in accordance with Section 14 of the Public Order Act 1986. Some applications not required by the Act include:

Outside the Bank of England, thousands were held for up to eight hours behind a police cordon, in a practice known as 'kettling'. Parents with children and passers-by were told by officers on the cordon that 'no one could leave'.

According to witnesses, when they were finally allowed to go on Wednesday night, they were ordered to provide names and addresses and have their pictures taken. If they refused, they were sent back behind the cordon.

John O'Connor, a former Met officer, criticised the tactic. 'They are using this more and more,' he said. 'Instead of sending snatch squads in to remove those in the crowd who are committing criminal offences, they contain everyone for hours. It is a retrograde step ... it is an infringement of civil liberties.' (Laville and Campbell, 2009)

The report of the Home Affairs Committee weighs in on this issue in its recommendations:

The use of containment involves a shift in power and control from the protesters to the police and should be used sparingly and in clearly defined circumstances. These circumstances should be codified ...

There is no excuse for the police preventing peaceful protesters or other people innocently caught up in a protest from leaving a 'contained' area when the police can be sure that they do not pose a violent threat to society. This is doubly true when people are asking to leave for medical (or related) purposes. We are particularly concerned at the evidence we have received suggesting that an explicit order was given to maintain the 'cohesion' of the police lines at the expense of peaceful protesters' right to egress and to access medicine. (Home Affairs Committee, 2009, 28)

They also raise concerns about how crowds were sent from the area:

The most troubling aspect of the 'kettling' was the subsequent 'dispersal' of the crowd at around 11:30pm. This has been described as a 'very intense, very rapid clearance ... very scary'. The use of force to disperse protesters in this situation could have been easily avoided and can be traced back to an incorrect application of the 'kettle'. (Home Affairs Committee, 2009, 16)

The report of the Home Affairs Committee also focuses on a lack of communication between police and the media; and most importantly, between police and protesters. Several things contributed to this. The untrained, inexperienced officers that were employed on the front lines during the G20 had a strong crowd control mentality that relied on force. Many of their actions were not in accordance with the Association of Chief Police Officers Guidelines. Some had an 'us' and 'them' approach from the outset that is dehumanizing to protesters and fails to facilitate the democratic right to protest. To quote the Committee, 'those who protest on Britain's streets are not criminals but citizens motivated by moral principles, exercising their democratic rights.' (Home Affairs Committee, 2009, 25) Police exclusive reliance on force and the perception that they do not want to

be held accountable for this, ultimately brings a disrespectful response from protesters that can result in personal harm and death. '... their actions will be filmed whether or not journalists are present.' (Home Affairs Committee, 2009, 27) The disturbing incident of the police attack on Ian Tomlinson, who was not part of the protest but a bystander walking home from work, illustrates that others can easily get caught up in the ensuing violence. Tomlinson died of natural causes shortly after being hit with a baton by a Metropolitan Police Service officer.

Communication is the responsibility of both sides. While the police failed in this respect, so did the protesters. By choosing to form large disparate organizations with no leaders for police to communicate with, protesters are setting themselves up for being uninformed. The Home Affairs Committee was critical of the reticent attitude of some protesters in the containment area and suggested they make more effort to prevent police viewing them as a threat by communicating their peaceful intent. (Home Affairs Committee, 2009, 29)

The Committee also emphasized that 35,000 protesters participated in London with minimum disruption to the City.

Repression versus Negotiation

At various times in different countries, the weapons and tactics available to police coupled with a political climate antithetical to protest result in repressive police measures. Repressive policing involves the use of weapons and physical control tactics to limit or shut down the expression of dissent.

In the 80 and 90s repressive tendencies have been displaced by what is known in policing circles as negotiated management, otherwise referred to as 'soft' tactics. The word 'negotiation' has a range of meanings in this context. In its purer form it includes the facilitation of conditions and processes that address the needs and interests of protesters. One example comes from Jean-Marc Collin, an RCMP officer who was confronted in the Maritimes with fishers who were angry about government decisions that affected their livelihood. They occupied a Department of Fisheries and Oceans (DFO) office. After several days of listening to their concerns and generating ideas, Collins was able to arrange a meeting with DFO officials and the conflict was peacefully settled. However, others with firsthand experience of police-protester relations, show that some of what passes for 'negotiation' is a series of procedural and

discursive processes whereby protesters end up doing things the way the police want them to do it. (Sopow, 2003; P.A.J. Waddington, 1998). They maintain that true negotiations involve each side giving up something to accommodate the interests of the other. In interest based negotiation there is a clear identification of each other's interests and a shared effort to come up with solutions that accommodate each side. Whether the discursive practices are true negotiation or a form of manipulation depends on the goodwill, open-heartedness and understanding of negotiation on the part of police and protesters involved. The following practices fall under the rubric of 'soft' practices.

1. Permit to Protest

In many jurisdictions it is mandatory for demonstrators to apply for a permit, sometimes a minimum of three days in advance. This allows police time to prepare for the protest, establish who the leaders are and determine a projected size of the demonstration and what activities might be used in conjunction with it.

2. Offer to Help

At the time of filling out an application for the protest, police will offer to help with the planning. They will point out logistical challenges involved in particular routes or sites and make suggestions helping to make the logistics as straightforward as possible.

3. Friendly Smiles

The attitude of police dealing with crowd organizers is deliberately friendly (P.A.J. Waddington, 1991).

4. Indirect Direction

When plans include a venue that is incongruent with police preferences or protest tactics that are unacceptable, rather than confront the ideas head on and say that they are not allowed, police will point out the potential problems and suggest ways to solve the problems.

5. Official Liaison Roles

Police will appoint liaison officers who maintain contact with crowd organizers. Sometimes they will even lead the protest.

6. Collaboration

Police liaison officers will encourage a spirit of collaboration, with police blocking roads and doing other things to facilitate a protest march or gathering.

7. Institutionalization of Procedures

As the same protesters work together with the same police, eventually procedures are formalized. If arrests are called for as part of a protest, these are orchestrated and become a public drama.

One of the dangers of institutionalization of protest, from the perspective of dissent, and hence, society, is that it can make the expression of dissent limpid and ineffective.

Legal and Political Developments

There are two sets of developments on the legal and political front. The first has to do with the rights of protesters to protest and the second has to do with limitations on police powers or the granting of additional powers to police.

Right to Protest

In democratic societies, there is a right to protest expressed in rights of free expression and assembly. In the United Kingdom, this is not formalized in law but is accepted as a right through custom. In United States this right is expressed in the First Amendment to the Constitution. In France it has been expressed in law. In Canada, the Charter of Rights and Freedoms provides for fundamental freedoms of thought, belief, opinion and expression, freedom of peaceful assembly and freedom of association (Mackenzie & Plecas, 2005). The right to protest, besides being developed in law has been extended through court decisions including decisions from Supreme Courts. In United States it is highly controversial, and for many most offensive, to burn the flag; however, legal decisions have upheld flag-burning as being consistent with the right of free expression (McPhail et al., 1998; M. Welch, 2000).

In Europe, the issue of order versus transnational protest rights is in the process of being worked out in practice. As Reiter and Fillieule point out,

(t)he very police powers coming to play in EU protest policing are ill defined and there are few, if any, public fora of debate on these issues. A similar picture emerges if we look at the *transnational* protest rights of the citizens of the EU: protest rights are formalized in the European

Convention on Human Rights and in the EU Charter of Fundamental Rights. However, until recently the concrete forms and boundaries of protest rights were rarely tested beyond the national level. Consequently, the declarations contained in the Convention and the Charter are not supported by a consolidated *practice of transnational protest rights*. (2006, 146)

The complexity of the situation in Europe is compounded by the fact that member states are responsible for security issues, on the one hand, but there is a trend toward transnational police collaboration, particularly with regard to intelligence on the other. Reiter and Fillieule raise concerns about democratic accountability in this context (2006).

In Canada, in tension with the freedom to protest is the Peace, Order and Good Government clause of the Constitution Act of 1867, which mandates against protest groups. This ambiguity, along with controversies such as the U.S. flag-burning issue, reinforces the point that the protest crowd–police dividing line reflects a boundary line that is physical, moral and legal. It is the space (physical and metaphorical) where anything can happen and where the scripts directing each side must remain open-ended. It is the edge of chaos where anything can happen but what does happen is largely shaped by the operative paradigms including the legal structure.

Directives on Public Order Policing

In Canada, the British inspired principle of the independence of police from political control is a well established legally and in practice:

Canadian Courts have upheld the validity of the doctrine of operational independence by confirming the decision of Lord Denning in the leading English case of *R. v. Commissioner of Police of the Metropolis, ex. P. Blackburn*. The doctrine of operational independence holds that police chiefs are independent from political interference when making decisions regarding deployment of personnel, identifying which offenses to investigate and what charges to lay, or determining how best to handle matters such as public disturbances or disorder. Police chiefs, the commissioner of the RCMP, and provincial police force commissioners cannot be directed in operational matters by politicians, police governing authorities, or even the attorney general or solicitor general. (Mackenzie & Plecas, 2005)

Despite this operational independence, there are strong accountability provisions in legislation; as well, there are external complaints commissions and those harmed by overzealous police can sue for damages (Mackenzie & Plecas, 2005). Within a framework of accountability, it is up to police forces/services to design their own policies and procedures when it comes to protest policing.

In United States, protest policing has been shaped in large measure by the Kerner, in 1968, Eisenhower, in 1969, and Scranton, in 1970, Commissions that were established in response to problematic instances of civil disorder. The Eisenhower Commission saw excessive force as something that would ‘magnify turmoil’ and advocated that ‘the respect for protest, the willingness to negotiate its time, place, and manner, and the granting of permits for protest are the best means of avoiding the necessity of policing, not to mention the use of unnecessary levels of force’ (McPhail et al., 1998). The recommendations of these Commissions had an impact on the development of a Civil Disturbance Orientation Course (CDOC which became SEADOC), the second version of which from 1972 on was instrumental in prompting police across United States to develop Public Order Management Systems (POMS). These are now the norm in established democracies.

In the United Kingdom, there is no special framework for public order policing; it is simply part of the job of policing for which the police are responsible (P.A.J. Waddington, 1998).

Micael Björk compares the legal framework for protest between Denmark and Sweden using justice and order as two possible emphases (Björk, 2005). The Swedish legal framework emphasizes justice and takes a more legalistic approach to managing protest. This increases frustration on the part of police, leading, he argues, to a greater tendency toward aggression. Denmark’s legal framework is based on order, is simple, and leads to ‘opportunistic’ policing. The latitude and discretion afforded Danish police leads to less frustration and, hence, less aggression.

Enforcement of Laws

Insofar as there is the potential for laws to be broken in the course of crowd action, police have a mandate to enforce laws. There is considerable ambiguity in this strategic goal in that it is sometimes unclear which laws are being broken. The protest itself may be about perceived breaking of laws on the part of Government. At times the act of enforcing certain laws

could lead to crowd violence. Sometimes in the case of widespread civil disobedience it would be literally impossible to enforce the law. Also, in some circumstances, the ‘law is a ass’ to quote Charles Dickens (Ciacccia, 2000). In other words, the application of law in some contexts is pragmatically counterproductive at best and morally wrong at worst. Examples of the latter are discriminatory laws that restrict civil rights based on race or gender. Given these ambiguities, police have considerable discretion as to how they approach law enforcement. There is always the tension between maintaining a sense that society is under the rule of law and enforcing the law with such vigour that society loses respect for the law and those standing behind it. Furthermore, these ambiguities reinforce the analysis of the protest crowd–police encounter as being on the edge of chaos.

Avoiding ‘Troubles’

Public order police wish to avoid ‘troubles’ at all costs. Waddington distinguishes between troubles *on* the job and troubles *in* the job (P.A.J. Waddington, 1998). In the former, things get out of hand such that coercive tactics need to be used, potentially generating an inquiry or special forms to fill out. The latter ‘troubles in the job’ involve doing things that get the police in trouble internally. This can take the form of subjecting police to internal reprimand or the police force/service¹⁷ being criticized by those whom they ignore at their (political) peril—cabinet members, elite business leaders, popular ‘stars,’ heads of state or, in the United Kingdom, members of the Royal Family. This latter point needs some clarification. In democratic societies, police are to be free of political meddling in how they do their jobs. They are often responsible to boards that are at arm’s length from the political process. The reality is, according to Waddington, that when people in positions of power or authority complain, it makes for ‘trouble.’ Police are willing to give protesters considerable latitude in doing things that are strictly illegal in order to avoid troubles. One example in Ottawa was a crowd organized by the Marijuana Party. Those in the crowd were smoking up—as long as they did this only within the boundaries of the demonstration, police looked the other way. To try to arrest the large number involved would have certainly meant ‘troubles.’

17 Police refer to themselves as police ‘forces’ or police ‘services’ indicating which aspects of their role is emphasized (Brown & Waters, 1996).

In situations of dictatorship or weak states, the potential for troubles for the police on account of over aggressive policing are negligible; on the other hand, failure to protect the state's (dictator's) interest gives rise to troubles.

Specialized Roles

Police and other security personnel play various roles. These include intelligence units that provide information on the size and kind of crowd anticipated, front line tactical police, troop commanders and officers in charge of overall strategy. There are also units that specialize in the use of specific less-than-lethal technologies such as tear gas, dogs or horses, or in the use of special transportation such as helicopters, and so on. Others are responsible for logistics and emergency preparations, while another group is closer to foreign dignitaries, briefing their body guards and ensuring smooth collaboration among diverse security groups.

In the case of large international events there may be several police services, some international, involved in collaboration with one another. In these international gatherings, security personnel from other countries are sent for advance briefings, and foreign leaders are sometimes accompanied by their own bodyguards.

In some countries such as Canada, the military is available to assist the civil authority (Lerhe, 2004; Paré, 2002)¹⁸. In non democratic situations, the distinctions between police and military are not as clear (Vejnovic & Lalic, 2005). In post-conflict situations, peacekeepers are often put in a role not unlike public order police with similar challenges. The Canadian Forces are usually considered the heavy hand and their influence is mostly reserved for security service outside Canada. However, the Canadian Forces can be called out in 'aid of the civil power' at the request of the federal or a provincial government. For example, the 1970 October Crisis kidnappings and murder by the Front de Liberation du Québec led to a massive security operation by police services and the Canadian Armed Forces. Similarly, the 1976 Olympics saw police services and the Canadian Forces cooperating once again to protect Olympic sites, athletes and others against a possible recurrence of the terrorist attack at the 1972 Olympics in Munich. During

18 In the United States the Posse Comitatus Act restricts the use of the regular army in domestic situations; rather the National Guard (reserve soldiers normally under the control of the State governor but who could also respond to the President) is called upon for back-up; however, the President can call upon the army in extreme circumstances (Kratcoski, Verma, & Das, 2001).

the Oka/Kanehsatà:ke Crisis of 1990 the Canadian Forces were called out to assist the Surété du Québec as a result of blockades by First Nations protesters at Oka and on the Mercier Bridge. Protecting the site of the 2002 G8 International Summit in Kananaskis involved unique military skills and consequently required the Forces to be called out once again to assist the civil power.

Public Order Management Systems (POMS)

Negotiation techniques, intelligence gathering, strategic planning using available tactics, media coordination and social psychological review are combined in Public Order Management Systems (POMS) that allow all the different aspects of protest policing to be coordinated. POMS try to achieve predictability in advance and lines of communication to help things get on track if something unexpected happens (Sopow, 2003). The potential for violence is reduced through a balance of

negotiation and consultation, providing a visible ‘soft hat’ police presence (police officers in standard, everyday uniforms) at the protest, but also ensuring that protesters know that police are ready to within seconds to (sic) deploy battle-ready tactical team member equipped with pepper spray and batons who are standing by in the background. (Sopow, 2003)

Citing documents from the New York Police Department, the Royal Canadian Mounted Police and the US Department of Homeland Security, Sopow goes on to show that within a management system police are framed as trusted facilitators. POMS contribute to the institutionalizing of both protest and protest policing, with shared interests between police and professional protest organizers in ‘predictability, non-violence, and orderly behavior.’ (Sopow, 2003)

Public order management brings together police training, policies, practice and technologies into an organized system (P.A.J. Waddington, 1998) that includes pre-event planning, tactics and command structure during a protest event and post-event de-briefs. POMS have emerged in an environment that values negotiation and non-confrontation approaches with protesters while being prepared for more repressive

control measures. However, policing systems may end up being anywhere on a continuum with negotiated management at one end and command and control on the other. As has been pointed out above, recent policies of the New York Police Department have emphasized command and control tactics (Björk, 2005) and other jurisdictions have used apparently soft approaches while maintaining a strong coercive capacity (King and D. Waddington, 2006). POMS provide for both ends of the spectrum and everything in between.

Dynamics of Public Order Policing

So far we have looked at the complex array of factors that influence how protest police do their job. At the first level we find a range of the philosophical orientations, strategies, and tactics. Influencing these at a second level are the legal framework, technology and techniques. All of these come together at a third level, the moment when a protesting crowd is on the verge of starting a destructive riot. David Waddington has developed a flashpoint model to analyze and describe this third level that influences how police work (King & Waddington, 2005; Waddington, Jones, & Critcher, 1989). Waddington sees flashpoints occurring with the convergence of the following six factors: structural, ideological, cultural, contextual, situational, and interactional. These are presented as concentric circles with structural at the outside and interactional nested at the centre (Waddington et al., 1989). We will show how King and Waddington used this framework to analyze the protester–police dynamics at the 2001 Québec City Summit of the Americas. This will provide context for the Strategic Leaders Seminar described in Part Two.

In their overview, King and Waddington point out that 7000 police and 680 army personnel were involved in providing security to the government leaders who met in Québec 20–22 April, 2001 (King & Waddington, 2005). Police put up a 6.1 kilometer three-meter high fence around the conference sight. It was able to withstand 20,000 pounds of pressure. The day the Summit was to begin a group of protesters marched to the ‘wall of shame’ where some of them succeeded in penetrating the fence. The tear gas and ensuing confrontation delayed the start of the proceedings by 90 minutes. The next day 60,000 protesters were involved. Most of these were self-disciplined but 7,000 had direct clashes with police. In addition to water

cannon, plastic bullet rounds, police discharged 5,000 tear gas canisters (King & Waddington, 2005).

King and Waddington analyze the situation using the flashpoints model as follows:

Structural—within the protest organizations was the concern that implementation of free trade policies in the hemisphere would be heartless, without conscience, harming the environment and the most vulnerable. Furthermore, youth participants did not feel represented by political institutions.

Ideological—in the wake of the Seattle protests that halted WTO talks, there was a ‘political imperative’ to make certain the Québec talks went off without disruptions; hence a ‘die in the ditch’ resolve to be uncompromising (King & Waddington, 2005).

Cultural—labour staged a peaceful march but the Black Bloc proved to be more disruptive. As King and Waddington observe, “Police knowledge’ played a pivotal role in framing their strategy for Quebec City. Culturally mediated perceptions of the threat posed by ‘bad demonstrators’ (primarily the Black Bloc), combined with their political obligation to protect the Summit and its attending dignitaries, inclined them toward a particular strategic response available within their existing repertoire’ (2005).

Contextual—in the weeks before the event, feelings started to run high about the summit and the perimeter wall. New Democratic Party Member of Parliament Sven Robinson arranged for civil disobedience training on Parliament Hill; 450 people demonstrated at Foreign Affairs; and leading artists and political activists made a public statement against the perimeter barricade. Police had negotiations with protest organizers, trusting labour but fearing that anti-global protesters would not be restrained (King & Waddington, 2005).

Situational—‘soft hats’ were used to police the labour march but a siege mentality was evident when it came to policing the fence which became a symbol of what protesters found most troublesome. There were a ‘wide range of situational objectives, including varying commitment to the use of violence as a means to an end’ (King & Waddington, 2005). These included trying to reach the fence, breach the fence, or perform various symbolic actions on the fence (e.g. tying bras on the fence to protest the plight of poor women). For the police the wall was a good diversion

from anything that would threaten foreign visitors or businesses in the area.

Interactional—the flashpoint came when some protesters climbed the fence and through a rocking motion brought it down. Rounds of tear gas followed and for two hours protesters charged the fence only to rebuffed by tear gas, short shield units of police and dogs (King & Waddington, 2005). Thereafter the use of tear gas and plastic bullets went up as did the determination of protesters. There were several incidents of violent confrontation. In one instance a group of 500 singing protesters were trapped by police who threw tear gas into the group to disperse them. However, in another instance a sit-down protest resulted in a standoff, which ended with an RCMP commander giving instructions that shields and batons be lowered, this was interpreted as a sign of respect to the protesters (King & Waddington, 2005).

The range of issues involved with public order policing, from legal and strategic framework to the use of technology to organization and tactics raises a number of ethical considerations which we will look at in the next section.

Ethical Aspects of Public Order Policing

We will begin by looking at public order policing as a function of various relational configurations involving protest crowds, targets, police and bystanders. This abstract presentation will provide the context for the issues and questions which follow.

Figure 4.1 Security Orientation vis-à-vis Crowds

Public Order Policing in the Abstract

On occasions when protest crowds express dissatisfaction with a target, security forces/services are called upon to come between the crowds and targets. There can be different relationships between crowds, targets and security or at least different perceived inter-relationships. Security can be perceived as neutral, pro-target or pro-crowd. The first of these is as depicted above (Figure 4.1).

In this situation security is neutral in relation to both crowds and targets. 'Neutral' is always a relative term; in this case it is used to designate a situation in which there is a sufficient perception of neutrality on the part of both the crowd and target that neither would think that the security intervention was favouring the other side. As individuals, we are seldom truly neutral in a specific situation; however, with a neutral mindset, intention and practice we can behave neutrally. Examples of neutral security might be when two opposing groups of citizens clash (e.g. pro-life versus pro-choice demonstrators), or conflicting ethnic groups demonstrate on different sides of an issue, or a strike where police are called upon to protect each side from violence exerted by the other. The role of security is to make certain that no one is hurt on either side. Police can impose order or they can facilitate order. Police as security personnel do not have a particular position on what is going on and their role is neutral. Neutrality can exist on two levels—neutrality with regards to the issue and neutrality in a role. If police are personally neutral about the issue then it is easier and more natural for them to be neutral when dealing with the crowd—to play a facilitative role. Similarly, neutrality can shift.

Figure 4.2 Security Orientation vis-à-vis Crowds

It is relatively easy for police to behave neutrally in the planning stages; however, during the operation one incident can push them towards the primary mission of protecting the target and keeping the peace. What is significant is how people perceive themselves and how others perceive them. Within a democracy, there are many situations in which police see themselves as being neutral; however, those who have experienced police repression and abuse, even in other countries, feel the presence of police as being provocative.

In many instances, security has a particular role to play with regard to the target. They basically have to protect the target (political representatives, industry representatives or the managers of a company) from any violence perpetrated by the crowd (Figure 4.2). This is the case when activists are protesting against the government. The fact that some police may share the opinion of the protesters is of no consequence. The police in this scenario must behave neutrally with regards to the issue; however, their role is associated with protection of the target and keeping the peace. Nonetheless, it has been observed that their behaviour toward protesters changes if they agree with the issues (Kratcoski et al., 2001). The operational objective is to keep the crowd at bay so that those whom the crowd targets can proceed with the job at hand unimpeded by the actions of the crowd. This kind of scenario raises some questions. Since police within a democracy see their role as keeping the peace and protecting the public from harm, does the fact that they are put into this kind of position in a particular instance, compromise their calling? In other words, in this situation what is their role in relation to the well-being of the crowd? And what role would the crowd let them play?

Also, if protesters see the police as representatives of the government, the target of their protest, then the frustrations and anger generated by government policies can be projected onto the police. When this happens, 'the police may feel threatened and react with heavy-handed aggressive tactics that tend to escalate the conflict on both sides.' (Kratcoski et al., 2001)

Whether police are targets or whether there is a political agenda in the protest, the relationship of the police to the state is important. Brewer, et al., take the position that even with the best efforts to de-politicize the police, there will always be some degree of political influence—the question is how much. They use six axes along which there can be strong or weak relations

between police and the state (Brewer, Guelke, Hume, Moxon-Browne, & Wilford, 1996):

1. Political beliefs—in a strong relation ‘police conduct is structured by [state sympathetic] beliefs.’
2. Policing as an issue—in the strong form, police identify with a particular party.
3. Police resources—at the strong end of the axis, police manipulate government priorities through security threats to get additional resources.
4. Government policies—the strong manifestation includes a positive bias toward policies and denial of ‘legitimate opposition to them or in the expression of alternative values.’
5. Government values and ideology—police may actively support values and ideology.
6. Police conduct as a reflection on state institutions—the strong form indicates that police ‘deliberately manufacture positive images by careful presentation of its conduct.’

These authors also suggest that police strategies in relation to public disorder include criminalization, accommodation and repression. Both the politicization of police and the strategies they use become part of a framework for ethical questioning.

There is another trend linking security to the target. In this case, corporations that could become targets hire security services that will

Figure 4.3 Security Orientation vis-à-vis Crowds

protect them from protesters. One example, Wackenhut Services, offers paramilitary security to protect the Savannah nuclear facility run by the U.S. Department of Energy. The private police force (accredited by the Commission on Accreditation of Law Enforcement Agencies) operates special response teams and a helicopter. The officers are equipped with military rifles and uniforms. They are prepared for anti nuclear protests (Rigakos, 2005). Other specialized private security firms will protect companies from labour protests, even supplying temporary labour to keep companies going (Rigakos, 2005).

In some cases security personnel may side with the crowd (Figure 4.3). Sometimes the personal beliefs of members of security overcome their role of protecting the target. This was the case during the Winnipeg General Strike of 1919 when 'local police resolved to join rather than fight the workers.' (Rigakos, 2005) Similarly, individual security members may simply be following the orders of their superiors who have switched allegiance from the target to a new leader who is supported by the crowd. This was the scenario following the Serbian elections in which Slobodan Milosevic was defeated. Milosevic would not accept the results and was determined to stay in power. Had the security forces accepted his claim to be in control, they might have enforced it in the face of an angry crowd. However, they chose to side with the crowd against Milosevic. It should be noted that this is an unusual circumstance with regard to protest crowds, and it is usually associated with the dying days of a repressive regime such as Milosevic's. The last days of Ceausescu in Romania is another example.

Ethical Issues and Questions

Ethics involves a thoughtful reflection on practical knowledge and wisdom which by definition is a reflection on action. Ethics probes the nature, orientation and moral valence that can be attributed to different actions. Where there is a consensus on values related to generic types of action, a code of conduct is articulated as a set of rules or laws. This represents the deontological moment—the moment when there is an ethical duty or obligation to take a particular action. 'Deontological' comes from *deons* meaning duty and *logos* meaning a rational discourse about something; hence a statement of moral principles. Ethics is much more than this. It examines intentions, proportionality and consequences of actions—intended and unintended. It also looks

at the teleological dimensions of ethical reflection—broad implications, goals and ends of an action. Ethics also is concerned with the origins of beliefs, values and customs and how these are brought to bear on a determination of the ethical valence of a given culture. Given the complexity of human action, there is often ambiguity: certain actions that are intended to do good end up doing the opposite; or there are multiple consequences of a given action such that some are good and some are bad; or there is a choice to be made between two courses each of which involves a different but compelling good; or one must choose between two evils.

Actions can involve basic actions, chains of related actions or ongoing action practices. Sometimes the outcome of an ethical reflection changes as actions are looked at in temporal and circumstantial context or if a basic action is considered as a precedent for ongoing practices.

Within established democracies, there is a consensus on a number of points that could constitute a protest policing deontology: respect the rights of freedom of expression and of assembly; use a minimum of force (though this would be debated by those devoted to command and control approaches (Vitale, 2005)); avoid confrontation; put public order and good relations above rigorous enforcement of the law; in no way let crowds have any access to Internationally Protected Persons and so on. Even with agreement on basic principles, there are a number of areas that are deserving of ethical reflection. The discussion of the issue areas below is intended to highlight what is at stake from an ethical perspective.

Police Judgment of Crowds and Issues

As was pointed out in the section on Protest Crowds, there are different levels of ethical consciousness reflected in the different issues about which crowds might be gathered to protest. Some crowds are clearly gathered for the sake of the public good and formulate their goals in a way that transcends narrow self interest. Some crowds are drawn from one identity group, are motivated by hatred and communicate a desire to work against the interests and well-being of different groups. At times this hatred is based on historic injustices and at other times it is based on stereotypes, fear or hyperthumia—a manic desire for superior recognition. A crowd may have a centre of gravity that reflects both an orientation and a level of consciousness.

This difference in protest crowds raises the question for policing, should a crowd be treated differently based on the level of moral discourse or level of consciousness? If so, who is to judge? Is it at all legitimate for police to be making such judgments? Is it their role? If not the police, then who? Police, as human beings, do have values and they do make judgments. We remember one senior officer, reflecting on the protest at the Summit of the Americas in 2001, who mentioned that he agreed with most of the positions of the protesters and went on to say that 'Our wives and children are part of the protest crowd.' Other judgments are not that generous. It is not uncommon for police to characterize crowds as 'the enemy' or to develop negative stereotypes of various types of protesters, particularly those dressed in black.

This raises the questions, Are crowds treated differently on the basis of the issues they espouse and who might be in the crowds? ... and Should they be?

An open question, then, is how should we handle the phenomenon of police and judgment of protest crowds?

Police as Shapers of Society

Police are leaders in society; their conduct can have a profound impact, for good or ill, on the evolution of societal customs and values. They function as one of several groups in the dynamic changes that take place in a given community. In the case of the Metropolitan Police of London, it is clear that the style of policing was reflective of and at the same time was a shaper of British society. If this is the case, who is to evaluate the longitudinal impact of protest policing styles? For example, there is in the public media significant emphasis on gratuitous violence, in which violent 'good guys' suppress the threat and impact of the 'bad guys' (Wink, 1992). If the police buy into this mentality, it is easy for them to relish physical confrontation with disruptive protesters and thus frame themselves as heroes. However, they have the option of deliberately working to raise the public level of moral consciousness by concentration on other means of 'crowd management.'

The questions then become

- How might the police be involved in influencing culture and public consciousness?
- Who monitors this aspect of police work?
- Which values are paramount as a basis for police action?

Crowd Control and Management

The very concept of crowd control, and even the substitution of 'crowd management' as a term used in protest policing raises a number of issues. First this kind of discourse is a throw-back to Le Bon's concept of a crowd as a collective entity and even suggests that such an entity is irrational and needs to be controlled. We have shown that it often makes more sense to think of a crowd as a temporary gathering of well-informed thoughtful individuals who are engaged in extra-parliamentary democratic action. Isn't it paternalistic to think of 'controlling' such a temporary gathering? Yet the reality is that there are times when riotous behaviour is evident, lives are threatened and property is damaged. Is there a kind of discourse that would include placing limits on the protesters' actions without recourse to a mentality of 'control.' When it comes to 'management' are not protest crowds really managed by their organizers?

Discourse points to a consciousness which has values embedded within it. If change is made only in the words used, the change is often diminished to the level of 'political correctness.' If there is to be a change made in how protest crowds are conceptualized, valued and designated, who will determine this and how will it be communicated throughout the police force/service?

Ultimate Loyalty

To whom or to what are police ultimately loyal at both the individual and collective level? The answer is entwined with some of their strongest values. Possible answers include groups of people, institutions or abstraction concepts like 'the law.' They could be loyal to the community, the government, the police force/service, or to tradition (it is simply not done), rule of law, keeping the peace. How this question is answered, is also a function of level of consciousness. Those functioning at a more complex level will integrate a number of these. Some scholars maintain that ultimate loyalty is to the political masters of the police who form the government. Yet the police do not represent the government and in the context of democratic development, police are to be independent of government in their operations. In fact, one reason for the establishment of the Metropolitan Police of London was to get away from direct local political interference. Mayne and Rowan as strong police commissioners in their own right created a policing culture that had a fair measure of independence from government. In the more abstract presentation of security as being that which stands between protest crowds

and targets, three scenarios were presented: security as neutral, security as aligned with the target, and security as aligned with the crowd. These are not absolute categories but they raise the question of the degree to which police have aligned themselves. It is important that there be transparency about the loyalty of police for it will affect their effectiveness and the kinds of relationship they might have with the parties involved.

'Dying in the Ditch' and a Hermeneutics of Suspicion

Within protest policing circles there is an understanding that certain lines constitute such absolute prohibitions that they are prepared to 'die in the ditch' to make certain that they are not crossed. These lines may be geographical or behavioural. It is for maintenance of these ultimate restrictive lines that tactical troops are kept on standby and all sorts of less-than-lethal weapons are procured.

In the case of large crowds organized or self-organized to protest actions of governments or international agencies there is a duty on the part of police to protect government officials. If there are Internationally Protected Persons (IPPs), the pressure on the part of police to avoid mishap is absolute. Should something happen to a foreign head of state or government minister, it would cause an international incident, loss of face for the government that employs the police and serious sanctions for any police officer held responsible. Likewise for domestic leaders.

Many of the tactics, and the negotiation approaches are in place to prevent a situation evolving to the point where police might be called upon to enforce the ultimate restrictions. The parameters of what constitutes a die in the ditch situation point to what really constitutes the primary values of police. There is, however, little public discourse around these absolute prohibitions, which raises the possibility of exercising a hermeneutics of suspicion—raising basic questions—around what they are, where did they come from, and who is responsible for changing them. This kind of discourse does not imply that they will be rejected but it might have the effect of modifying them slightly, and, more importantly, extending the degree to which they are respected as legitimate boundaries by the protesting community. Some creative scenario development involving police and protesters outside the moment of actual decision might help to determine the circumstances under which, for example, the tactical troops need to be called in or less than lethal weapons should be used in the interest of keeping the peace. This might help

in the development of new, yet unimagined alternatives to the use of coercive force. It would also clarify who has what authority at each step along the way to make decisions about the use of weapons and forceful tactics.

Intelligence, Interpretation and Transparency

Arising out of the passionate desire on the part of police to neither lose control, be caught off guard, nor be faced with enforcing the ultimate restrictions, the need for preparedness calls for police intelligence. Early on in the history of public order policing, plain clothed officers would mingle with the crowd and report back what was going on and signal potential trouble if they sensed it was in the works. Later detectives worked at gathering information about the organization of protest crowd activities. On the one hand, this is understandable—it makes sense that police wish to be prepared—on the other hand, it raises questions about the lengths police should be allowed to go in the interests of intelligence gathering. It is one thing to talk to organizers in advance to get information about what is planned; it is quite another for police to pose as protesters and go to organizational meetings. It is one thing for police to visit web-sites of protesting organizations; it is another to intercept e-mails or listen in on phone conversations. (Police can only intercept emails and phone conversations with approval of a judge. This approval is given with hard evidence that there is a reasonable surety that something illegal is being communicated.) Once raw information is gathered; it must be interpreted and interpretation is subject to bias. There should also be analysis of mindset orientation and level of consciousness. Sometimes people speak in metaphors or use hyperbole, particularly when there is a good deal of emotion involved. Someone listening in might take words literally when they were never so intended. This raises the question of reality checks on how information taken in by the police is interpreted. Misinterpretation of information can result in people being wrongly arrested and possibly even incarcerated or deported. Who is responsible for checks and balances in this aspect of police work, which may be conducted in a secretive way? A distinction needs to be made between tactics that are used to gather information after a crime for the sake of conviction and tactics that can be used for the sake of prevention.

This chapter has provided an historical overview of the rise and fall of protest policing that has been both supportive and repressive of democratic protest. We have provided some reflection on the issues

of the policing organization, then given information on state of the art technological tools and current strategies and tactical options used by police services in Canada and elsewhere. The last section raised many more questions than answers and will provide fertile ground for discussion in the future.

Behind many of these issues is the question of what paradigms are used as the basic lenses through which the phenomena of temporary gatherings of protesters are viewed and information and events interpreted. We are working toward a discussion of paradigmatic options in chapter nine, but before we get to that we have to introduce more theoretical concepts and introduce the other stakeholders. With that in mind we turn now to understandings of how people can be construed as radically other, so much so, that violence against them can be justified.