N8 Policing Research Partnership

Public Order Policing: Evidence Review
Dr Clifford Stott (University of Leeds) and Dr Geoff Pearson (University of Liverpool)

Background

Public order policing is a vital component of every force's training, operational capability and responsibility. Despite recent wide-ranging reforms, there remain considerable challenges to understanding the nature of crowd dynamics and the most effective ways of managing them. This review highlights the value of evidence-based approaches to public order policing in terms of maximising safety, reducing the threat of disorder, avoiding human rights violations and resultant legal claims, and reducing the need for police deployment, therefore reducing force expenditure.

Key Findings

- The 2009 death of Ian Tomlinson as an outcome of police use of force led to widespread reform of public order policing in the UK that have fundamentally reshaped national guidance, training and resourcing and represent the most far reaching changes in public order policing policy within the UK since the 1980s.

- These reforms to policy place the maintenance of human rights at the forefront of police approaches to managing crowds. These include the Right to Life, the prohibition on Inhuman/Degrading Treatment, Freedom of Assembly, Freedom of Expression and the Right to Privacy, all of which can be triggered by policing strategies to manage crowd events. This applies even for unauthorised protests and those where individuals in the crowd commit criminal offences.

- Following recent legal cases, pre-emptive policing methods to prevent a breach of the beach that are not the least restrictive means of responding to an *imminent* threat of disorder have the potential to result in successful human rights claims. This particularly affects many football crowd management strategies.

- Human rights based approach to public order policing stresses the importance of proportionality, communication and dialogue in policing crowds; as such it is also entirely in line with the British policing model and the core principles set out by Sir Robert Peel.

- Policing approaches based upon 'classical' theories of the crowd can potentially create and escalate conflict and increase both the risk of critical incidents for the police and successful human rights complaints. The dominant peer-reviewed, evidence-based, and scientifically tested psychological and criminological theories on crowd behaviour identify the importance of understanding the social identity of individuals and groups within crowds and show that a crowd's identity can be influenced by policing.

- Policy reforms since 2009 have changed the theoretical basis for understanding crowds by rejecting the 'classical' model and replacing it with the Elaborated Social Identity Model of crowd behaviour (ESIM).

- The national guidance now set out in the College of Policing's Authorised Professional Practice highlights the importance of valid scientific knowledge of crowd psychology, specifically the ESIM, along with the derived principles of education, facilitation, communication and differentiation in crowd management.

- More research is required to examine the impact of these policy reforms on policing practice and to provide a more comprehensive evidence basis for Authorized Professional Practice.

1.   Theory, Evidence and Practice - How Crowds Work

In public order situations, police action can become headline news and lead not just to catastrophic consequences for those involved but evolve into powerful critical incidents for the police. The 96 fatalities resulting from police failings during the 1989 Hillsborough Stadium Disaster stand as the low point in terms of consequences of poor crowd management (The 'Taylor Report', 1990) and legacy in undermining trust and confidence in the police. Other examples of large scale 'disorder' resulting in fatalities, injuries and/or severe damage to property which have undermined public trust and confidence in the police include the inner-city disturbances of 1980 and 1981, the 1984 'Battle of Orgreave', the 1985 Broadwater Farm 'Riot', the 1990 Poll Tax 'Riot', the 2009 London G20 summit protests and the 'August riots' of 2011. The on-going economic costs incurred in the policing of public order events are also significant, not least the approximate £25 million spent annually on policing football or the £3.4 million pounds recently spent by Sussex Police on policing an eight-week 'Anti-Fracking' protest.

And yet crowds have long been misunderstood. Early 'classic' theories viewed crowds as being inherently dangerous and prone to disorder. On the one hand, it was assumed that individuals lost their identity in the 'anonymity of the crowd', becoming subject to the 'laws of imitation'. Therefore random or 'mindless' acts of violence and disorder were understood to spread within a crowd like a disease, a 'contagion' whereby 'ordinary people' were likely to mimic the behaviour of others as they followed the 'herd'. On the other, it was argued that criminality in the crowd was the result of the convergence of 'riff-raff', those predisposed toward criminality. As a result this traditional understanding of crowds – most commonly associated with the work of Gustave LeBon – led to police perspectives and training that focussed on 'controlling' crowds through the use of force (Drury et al, 2003, Hoggett & Stott, 2010; Stott & Reicher, 1998). Correspondingly, there was a relative absence of strategies focused upon facilitation of crowds and the use of communication and dialogue (HMIC, 2009; p.104).

Despite their common sense appeal these classic theories have not withstood academic scrutiny. This is primarily because they lacked explanatory power and failed to account for the observed patterns and limits to collective action. The classic theories were inadequate because they could not predict or explain when riots were likely to happen, who would and would not become involved nor what would or would not subsequently become a target of collective attack. A new model of understanding crowd dynamics developed from research on the 1980 riot in the 'St Paul's' area of Bristol (e.g. Reicher, 1984). Through various empirical studies of riots this original formulation has been developed into the Elaborated Social Identity model of crowd behaviour (ESIM) (Drury & Reicher, 2000; Reicher, 1996; Stott & Reicher, 1998). This social identity based understanding of crowd behaviour is now widely recognised as the leading psychological theory of riots and has been adopted within national guidance within the UK and used internationally as a framework for developing effective crowd management approaches in high-risk scenarios (e.g. international football tournaments – Stott et al, 2008).

2.   The Human Rights Framework

Alongside these theoretical developments, public order policing in the UK has also needed to adapt to a new legal framework following the implementation of the 1998 Human Rights Act (HRA). The HRA provides citizens with a domestic remedy for infringements of their human rights, by requiring that public authorities do not act in a manner than contravenes rights set out in the European Convention on Human Rights (ECHR) and allowing British courts to rule on such cases. In the policing of crowds, the following ECHR rights can be triggered: the right to life (of crowd members, police officers and other citizens); the prohibition on inhuman/degrading treatment (resulting from tactics of physical force); the right to liberty (for arbitrary decisions to contain or detain crowd members); the right to privacy (surveillance and intelligence collection/sharing; freedom of religion or belief; freedom of expression (e.g. protests, football chants/banners); freedom of assembly and association (i.e. for crowds to gather even without permission); peaceful enjoyment of possessions and property.

Police forces managing crowds need to be aware that they have a both a negative duty (not to infringe rights where possible) and a positive duty (to protect citizens' enjoyment of these rights). With the exception of inhuman/degrading treatment, these rights are qualified; they can only exist in a balance with other competing rights, and police forces can restrict the rights where their actions are proportionate. The test of proportionality to be applied when restricting ECHR rights is threefold and forces must be able to prove all three branches of the test:

i) The police must have a **legitimate objective** for their actions (e.g. protecting the human rights of others, preventing crime or upholding the law),

ii) The measures taken must be **suitable** for the achieving of those objectives (i.e. they should work), and,

iii) The measures taken must be **necessary** to achieve those objectives (i.e. there must not be any 'least restrictive alternatives' that could have been taken to achieve the same aims).

Police action that fails to satisfy these criteria can lead to human rights challenges and significant compensation awards. Recent examples of successful actions in protest and football crowds include *Laporte* (2007) (powers to prevent a breach of the peace need to be balanced against freedom of expression and assembly), *Lyndon* (2008) (s27 VCRA dispersal without individual assessment of threat), and *Mengesha* (2013) (kettling in order to obtain intelligence rather than prevent a breach of the peace). While the police successfully defended high-profile protest cases in *Austin* (2012) and *McClure and Moos* (2012), judgments in both cases restrict the ability of forces to contain or disperse crowds, placing further emphasis on proportionality. As a result of the recent case law many widely-used tactics for managing protest and, in particular football events, are of dubious legality.

3. Successful Crowd Management according to Existing Law and Guidance

Police policy, training and practice in the domain of public order has undergone major reform since the publication of 'Adapting to Protest – Nurturing the British Model of Policing' (HMIC, 2009) and comprehensive reviews of evidence and theory have been central to these reforms (see Stott, 2009). The direct links between research and policy in subsequent reforms to national guidance (ACPO/ACPOS/NPIA, 2010) and the National Public Order Policing Training Curriculum (College of Policing, 2010) place public order policing in the UK at the forefront of a research-led approach. Subsequently, systematic analyses of policing responses during the 2011 'riots' were conducted by the MPS (2011), HMIC (2011), the Home Affairs Select Committee (2011), and the Department for Communities and Local Government (2013), in addition to the 'Reading the Riots' study (Newburn, Reicher & Stott, 2011). Additionally, Lord John Steven's Independent Police Commission published a report on the future of policing (2013); as part of the consultative process for this report a paper on the status of evidence and its implications for the future of public order policing was published (Stott & Gorringe, 2013).

A successful public order policing operation assessed against the laws and guidance set out above can be assessed along four dimensions:

i) Facilitating the legitimate rights and expectations of crowd members along with those affected by the crowd event (e.g. police, other communities).

ii) Reducing the risk of disorder and other forms of criminality in the context of a crowd event.

iii) Deployment of no more police resources than are necessary to achieve (1) and (2).

iv) An outcome that has long term benefits such as improving police community relations and ensuring that the management of future related crowd events is easier (i.e. has a de-escalation impact).

4. Future Directions and Research Opportunities

- The National Police Public Order Training Curriculum (College of Policing, 2010) reflects the reformed national guidance and post-2000 legal framework. This new training for Public Order Commanders has been rolled out nationally.

- One of the key developments arising from these reforms has been new units of 'Liaison Officers'. These officers are trained to understand the legislative context, the science of crowd psychology and are skilled in developing communication and dialogue with protestors. The emerging evidence suggests that these new units are effective at reducing conflict and facilitating rights (Gorringe et al, 2012; Stott et al, 2013). There is also some anecdotal evidence that public order policing operations that utilise this 'liaison-based' approach reduce the likelihood of use of force by police and overall policing costs.

- Rather than reducing options to prevent disorder, the Human Rights Act can give police increased operational flexibility. Commanders must now weigh up the possible outcomes of forceful interventions

and the freedom to decline to intervene to prevent minor criminal offences where this could cause or exacerbate disorder. Further research is needed to gain evidence of how human rights approaches to 'risk' crowd events can reduce disorder and the likelihood of HRA litigation.

- The available evidence shows that public order strategies based on the HMIC and College of Policing guidance are more likely to maintain dialogue and liaison as a primary tactic, lead to effective crowd management and reduce the risk of disorder (Gorringe et al, 2012; Stott et al, 2013; Waddington et al, 2012). However, a more coherent and systematic programme of research is needed examining the outcomes of the new reforms (Hoggett & Stott, 2013). There are also important questions concerning the extent to which communication-based approaches can be developed in the context of high-risk sporting events such as football (Havelund et al, 2011) and in the area of mass emergencies (Carter et al, 2013).

- While initial studies suggest the effectiveness of the reforms, there is a requirement to understand, evaluate and extend the impacts of this new policy, training, guidance on police operational practice in all areas of public order policing including 'mass emergencies' and football. However, there are major problems with constructing an evidence-based approach in the domain of public order policing:

  o There is as yet very little academic evidence underpinning national guidance and there is therefore a demanding need to begin establishing a consensually accepted means of developing a more comprehensive evidence base (College of Policing, 2014).

  o There are major methodological challenges to extracting data from public order operations since, (a) crowd events are not sympathetic to methods which rely upon controlling independent variables and/or quantitative methods of scientific inquiry, and (b) routine data collection in this area is not systematically or ubiquitously practiced by police forces as a matter of routine; therefore data gathering is beginning from a 'baseline' position.

Consequently, substantial work needs to be undertaken in partnership between academic researchers working alongside police and non-police organisations to develop an evidence framework from which 'good practices' can be sustainably derived and disseminated via peer-reviewed publications, policy and education. The N8 Public Order Policing Partnership is committed to working with police forces nationwide and internationally to identify and roll out good practice in the management of crowds, particularly focussing on the areas of political and environmental protests and sports crowds. Its aim is to put evidence-based policing at the forefront of strategic and operational decision-making. The N8 PRP is calling for access to information and a commitment from forces to work in partnership with us to develop research that can underpin future guidance and training at all levels of the police force order to create a fuller and on-going commitment to evidence-based public order policing.

Further Information

This report is one of a series that was produced by the N8 Policing Research Partnership with support from the College of Policing's Innovation Capacity Building Fund.

The N8 Policing Research Partnership (N8PRP) enables research collaborations that help address the problems of policing in the 21st century. As a regional hub for research and innovation in policing it provides a platform for collaborations between universities, Police and Crime Commissioners (PCCs), Government, police forces, and other partners working in policing policy, governance and practice.

Read more at www.n8prp.org.uk

N8 is a partnership of the eight most research-intensive universities in the North of England: Durham, Lancaster, Leeds, Liverpool, Manchester, Newcastle, Sheffield and York