

Getting the balance right? An inspection of how effectively the police deal with protests

This was an HMICFRS thematic inspection examining intelligence, planning and preparation, collaboration, decision-making and current legislation around how the police manage protests. Ten police forces were visited during the Autumn/Winter of 2020, including Devon and Cornwall Police. The report was published on 11th March and a response is due by 6th May.

Key findings:

Protest-related intelligence

- Forces need to improve the quality of intelligence they share with National Police Coordination Centre's Strategic Intelligence and Briefing team
- There is a lack of national co-ordination of how the police gather intelligence on protest-related aggravated activists
- There is a need to develop covert sensitive intelligence-gathering methods to prevent protest-related crime and disorder

Planning and Preparation

- Police planning teams are usually skilled, experienced and effective at preparing and planning for the response to protest
- Forces do not have a consistent way of determining the number of specially trained officers needed to police protests – the numbers vary widely nationally
- Guidance on policing protests is out of date
- Further policy development work is needed around the use of facial recognition technology

Collaboration

- Police generally collaborate well in relation to protests
- Forces aren't taking advantage of the College of Policing's Knowledge Hub for protest policing
- Debriefing and learning from smaller or lower profile protests could be improved, as could the sharing of learning nationally
- Forces usually work well with other organisations, however there are specific issues around road closure powers during protests which need to be addressed

Decision-making

- The police's approach to protests needs to strike a delicate balance between the rights of protesters and the rights of others in the community; the balance may tip too readily in favour of protesters when forces do not accurately assess the level of disruption
- Better training and briefings on acceptable behaviour from protestors would improve officer confidence in using police powers
- Better use of community impact assessments would improve force's understanding of the level of disruption caused by protests

Legislation

- There are a wide range of views within the police as to whether current legislation is adequate; this largely reflected the types of protests each force had experienced
- HMICFRS make two recommendations to align legislation so that police have the same powers to deal with processions and assemblies

Recommendations

The report makes twelve recommendations, two of which are directed towards Chief Constables and are shown below.

1. By 31 December 2021, chief constables should make sure that their legal services teams subscribe to the College of Policing Knowledge Hub's Association of Police Lawyers group.
2. By 31 December 2021, chief constables should ensure that their forces have sufficiently robust governance arrangements in place to secure consistent, effective debrief processes for protest policing. Such arrangements should ensure that:
 - forces give adequate consideration to debriefing all protest-related policing operations;
 - the extent of any debrief is proportionate to the scale of the operation;
 - a national post-event learning review form is prepared after every debrief; and
 - the form is signed off by a gold commander prior to submission to the National Police Coordination Centre.

Areas for Improvement

The report also highlights four 'areas for improvement', three of which are directed at police forces and are shown below.

1. Forces should improve the quality of the protest-related intelligence they provide to the National Police Coordination Centre's Strategic Intelligence and Briefing team. And this team should ensure that its intelligence collection process is fit for purpose.
2. On a national, regional and local basis, the police should develop a stronger rationale for determining the number of commanders, specialist officers and staff needed to police protests
3. The police's protest-related community impact assessments are an area for improvement, particularly those that need to be completed after the event. These assessments should assist the police to understand fully the impact of protests on communities. They should include assessments of the impact of protest on local residents, visitors to an area, businesses, and the critical infrastructure including transport networks and hospitals.

The full report can be viewed here:

<https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/getting-the-balance-right-an-inspection-of-how-effectively-the-police-deal-with-protests.pdf>

Chief Constable's comments

I am very grateful for the HMICFRS report "Getting the Balance Right? An inspection of how effectively the police deal with protests".

Freedom of speech is a human right, and the right to have our voices heard is important for everyone. As a Police force we want to support those seeking to have their voice heard effectively, but this must be balanced with ensuring the safety of both those involved and the wider community. It is this balance that is the greatest challenge for frontline police officers ensuring that lawful demonstration does not infringe other going about their lawful business. This is being specifically considered within our planning for the G7 summit being hosted in Cornwall this summer.

Protests can be emotive, fuelled by a passionate and vehement belief or opinion and a desire to be heard with the aim of influencing change. Undertaken peacefully, protests can be impactful and thought-provoking, and Devon and Cornwall Police work with organisers and participants to ensure the protest occurs in as safe and effective manner as possible.

Protests which involve, or evolve into, violence and crime will be managed more robustly using tactics for which officers are specifically trained but with an intention to balance freedom of speech with public safety and assurance. We have a duty of care also to those participating in the protest when it becomes violent, yet the majority are seeking to protest peacefully. The safety of everyone present will always be our first priority, alongside the prevention and detection of harm.

The report identifies a number of recommendations and areas for improvement for Police Forces, and I welcome those pertinent to the Home Office, National Police Chief's Council and College of Policing that enable clearer guidance and support for operational officers, staff and commanders. I am pleased that Devon and Cornwall Police are cited as best practice with regards to our consistent use of intelligence requirements as a strategic objective within our Gold strategies.

Devon and Cornwall remains one of the safest places to live and this in part is based on communication with communities. Opportunities to hear concerns and opinions from our communities, including issues that affect them, are paramount to building effective relationships with residents of and visitors to Devon, Cornwall and the Isles of Scilly.

I welcome the report which highlights ongoing opportunities to ensure our service continues to be delivered to a high standard. As a force, we regularly debrief seeking to learn from all our public order deployments and this has been integral to our learning during the pandemic with information conveyed back to front line officers and commanders. We have witnessed high profile national reactions to images of policing, which must always be considered as to how they may impact on local confidence in our own force as well as those colleagues who perform such roles without fear or favour.

The force will continue to seek to strike the correct balance in facilitating freedom of speech and expression whilst also protecting other freedoms.

Police and Crime Commissioner's response

I welcome this report which highlights the challenges that police forces face in planning for and policing protests, and striking the delicate balance between the rights of protesters and the rights of others in our communities.

I encourage the Chief Constable's commitment to work with organisers and participants to ensure that protests can continue in a safe and effective manner, and I have seen evidence of this during my time in office through the force's successful management of a number of high profile but predominantly peaceful and impactful protests across Devon and Cornwall, including Extinction Rebellion and Black Lives Matter demonstrations. From the beginning of the first 'lockdown' to 31st March 2021 there have been 161 planned protests in Devon and Cornwall, with only 8 protest related arrests over this period.

At times during the pandemic, protests were classified as a breach of Covid rules. Whilst it has been a difficult time, where the democratic right to peaceful protest has been restricted, I reluctantly supported this approach as the restrictions were for a limited time only, and the consequences of such activity were considered to have a major impact on the spread of the virus.

There are of course incidences where protests do result in criminal and/or unsafe behaviour, and I expect the Chief Constable to manage these incidences robustly, prioritising the safety of both protestors and the wider community. It is vital that police forces have the legislative powers, guidance, training and internal leadership to manage these incidents effectively and keep both protestors and the wider community safe from harm.

Intelligence sharing, planning and collaboration with partners in preparation for protests plays a vital role in ensuring the safe management and policing of protests on the ground, and I welcome the report's recommendations for Chief Constable's which encourage the sharing of best practice via the College of Policing, and through consistent, effective debrief processes. These principles are further reflected in the report's 'areas for improvement', in the sharing of intelligence data, stronger rationale for determining the right balance of specialist police roles required at protests, and improving community impacts assessments.

As Police and Crime Commissioner, a key part of my role is to ensure that the voice of the public is heard and represented in policing, and this includes the voices of those who choose to exercise their democratic right to protest, and those in our communities who are impacted by protests. I support the direction of this report and its recommendations, which aim to balance the rights of all members of our communities through an informed and proportionate approach to policing.