

A brief introduction to policing public gatherings

A guide for practitioners



Promoting shared principles
and professional standards
in European policing

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COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

A brief introduction to policing public gatherings

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rassemblements publics –
Brève introduction à l'intention
des professionnels*

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Preface

The authors of this guide have considerable personal and professional experience in the dynamics and policing of public gatherings within Europe and further afield. Over several decades, these experiences have impressed upon them the compelling reality, sometimes overlooked by the police themselves, that policing is a cornerstone of democratic societies and a key contributor to the practical everyday delivery of human rights. Simply put, policing, when carried out according to professional standards which comply with human rights obligations, can make life better for everyone, including the police themselves. This awareness has led to their commitment to sharing skills, knowledge and experience with colleagues for the betterment of policing, and in doing so they have worked extensively with, and trained, police officers throughout the Council of Europe member states. The authors are driven to persuade fellow officers not only of the legal requirement for human rights-compliant policing, but also of its fundamental role in delivering effective policing and its critical contribution to instilling community support and confidence in the delivery of justice and the rule of law. Human rights training for police officers too often draws on academic and judicial approaches. These approaches can sometimes be removed from the everyday work and real-life experiences of police officers and, while intellectually and legally sound, such approaches have limited impact in delivering human rights-compliant practices to those most affected by policing. In contrast, an important aim of this guide is to provide a readily accessible, simple, and cost-effective learning tool that can make a significant impact on those very policing practices.

The authors appreciate that what often results in bad policing and the excessive use of force in the policing of public gatherings is not due to some kind of moral weakness or personal shortcomings of individual officers, but rather to poor knowledge, limited skills and inadequate police training. The potential for misconduct and the abuse of authority can be exacerbated by inexperience

and unfamiliarity with the range of options and tactics which are available. But assemblies are too important to police badly. They are at the heart of those fundamental freedoms which are the lifeblood of vibrant, pluralist democracies. The police need to facilitate the right to assembly and, in doing so, need to be seen to be fair, impartial and respectful of the rights of all.

Taking note of the similar context to the earlier Council of Europe publication “A brief introduction to investigative interviewing – A practitioner’s guide”, all parties accepted that this guide too should be deliberately and necessarily short and simple. The intention here again is to create a resource that individual officers can readily access, understand and apply. Of course, these brief “guides” are not designed to replace more focused and in-depth training programmes that allow for greater coverage of various elements, skills building and practical scenarios. Rather, they aim to fill a gap where such programmes are not being delivered or are limited in their scope and nature due to serious constraints on police training budgets. Officers individually following the principles and practices laid out in this guide and, as importantly, ensuring the compliance of those whom they deploy and manage, will make critical improvements to police efficiency. Of equal importance is the fact that they will also be building and sustaining community confidence in the police and demonstrating their accountability at those very times when relationships with the public can be at their most tense and strained. Safeguarding the public and upholding human rights obligations, even in the face of provocation and violence, are core indicators of a police service grounded in the rule of law. Officers need to focus on the fact that their job is to protect citizens and uphold human rights while maintaining public order. The task is not an easy one. Nevertheless, finding that right balance is a goal which police officers must strive to attain.

Introduction

It is important to set out at the very beginning what this book is not, as much as it is important to state what it is. While it draws significantly from expert research and the jurisprudence of the European Court of Human Rights (“the Court”), it is neither an academic treatise nor a legal text. It is, as the title indicates, a guide for practitioners. It is intended for police officers who will be tasked with facilitating and managing public assembly. The emphasis is on informing and reminding the individual officer of their responsibilities and how best these responsibilities can be upheld. It is also intended to provide officers with a framework of principles with which they can deliver professional, effective and human rights-compliant policing.

This publication draws on work carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the case law of the European Court of Human Rights, the work of other Council of Europe bodies, training coursework and manuals offered by various European national police colleges, academic research and findings, reports by human rights bodies, security organisations, police oversight bodies and NGOs, and from a wealth of other material found within the public realm. We have not referenced individual works only for the sake of simplicity and to avoid having to punctuate the text with numerous references. However, we openly and freely acknowledge the contribution of those others, their work, opinions and materials, together with our own knowledge and experiences to informing this guide.

THE NEED FOR THIS PUBLICATION

In recent years we have witnessed a growth in the number of public gatherings taking place throughout the Council of Europe member states and

indeed, wider afield. Gatherings incorporating active protest have multiplied significantly; so also has the scale of those protests, their geographical spread and the wide variety of causes or concerns that inspire them. Protests have found their stimulus and motivation from a very diverse set of issues as people express growing concerns over social, political and economic matters as well as concerns over environmental issues. These clearly present very different dimensions to public order policing with unique challenges. Of course, you are not responsible for dealing with the issues behind the gatherings and protests and you are not tasked to resolve them. A major challenge for you as a police officer is that in maintaining order and seeking to protect life and property you do not risk losing the support of the very people to whom you are accountable and on whose support you depend to carry out your work effectively day to day. This publication aims to help you as a police officer do just that – to enable you to better balance competing rights, to uphold the law and to maintain public order but at the same time to ensure that, in doing so, you continue to have the confidence of the people you serve. You will best be able to do this if you seek to facilitate public gatherings and refrain from any use of physical force unless it is absolutely necessary.

Remember that even where there is potential for disorder this does not mean that rights associated with public assembly cannot be exercised at all. The state has a positive obligation to facilitate these rights. This means that there will be times when you will have to accept the likelihood of public disorder but still seek to facilitate a gathering and allow it to go ahead. This is extremely important given that the exercise of the right to assembly and freedom of expression are essential to the health of every democracy.

HUMAN RIGHTS

Human rights are at the very core of policing and, as such, you should never see their existence as a hindrance to you in carrying out your role as a police officer. Too often too many police colleagues tend to view human rights as something that impedes them in their ability to do their “job”. Some officers view human rights as a hurdle that they have to surmount or bypass to achieve results rather than recognising that meeting and even embracing their human rights obligations is the path by which they can achieve professional and effective policing. In fact, complying with human rights and ensuring that they are upheld and facilitated remains the primary mission of policing. Focusing on delivering these core objectives will allow you to operate at your most professional and effective level.

Be aware that human rights principles point to the state as having generally two kinds of obligation in relation to rights. One can be regarded as a negative obligation not to interfere with a human right without lawful reason, while the other can be looked upon as a positive obligation or responsibility to safeguard and facilitate the exercise of the right. You need to be sure that you reflect both of these obligations in your own professional practice.

WHAT ARE THE MAIN RIGHTS EXERCISED IN GATHERINGS?

This guide deals primarily with policing in relation to the freedom of assembly and associated freedoms. This freedom is upheld in many international human rights instruments. Your country will be party to these agreements including the United Nations Universal Declaration of Human Rights (Article 20) and the International Covenant on Civil and Political Rights (Article 21). However, we will focus on the rights guaranteed under the European Convention on Human Rights (“the Convention”), which all Council of Europe member states have ratified and have thus obliged themselves to observe.

Under the Convention, the rights most often exercised in the course of public assembly are the right to freedom of thought, conscience and religion (Article 9), the right to freedom of expression (Article 10) and the right to freedom of assembly and association (Article 11). These rights are seen as providing the foundations of a democratic, tolerant and pluralist society, enabling everyone to publicly express opinions and views and to have the opportunity to influence others and effect change. Some views can be unpopular. At times some views expressed may even be offensive. Nevertheless they must still be respected and protected within our democracies as long as they do not go so far as to incite hatred, discrimination or violence.

The rights involved during instances of public assembly are known as qualified rights and in certain circumstances restrictions or limitations can be placed on their exercise. The basis for these restrictions must have legitimate aims such as public safety, the prevention of disorder or crime, or the protection of the rights of others. Recently we have seen that limitations on gatherings can be legitimately and lawfully imposed in the interests of protecting public health. In addition, under Article 17 of the Convention people cannot rely upon their rights to freedom of expression or peaceful assembly when they are attempting to use those

rights to destroy or excessively limit the rights of others. Rights are very often in competition and an equitable balance may need to be reached in the interests of fairness and justice.

Under Article 2 of the Convention:

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:
 - a. in defence of any person from unlawful violence;
 - b. in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
 - c. in action lawfully taken for the purpose of quelling a riot or insurrection."

This means more than the prohibition of the unlawful taking of life by the state but also places a positive duty on the state to protect individuals by taking practical and effective safeguards. In the context of policing public assembly, this requires you as a police officer to be properly equipped, and effectively trained, and to have received clear instructions on the manner and circumstances in which force, particularly potentially lethal force, can be used. It also places responsibilities on police officers to ensure that they properly plan operations so that they can limit any threat to life.

Those taking part in gatherings also have the right under Article 3 not to be subject to torture or any cruel, inhuman or degrading treatment or punishment, and under Article 8 have a right to respect for privacy in family and private life. Other rights include the right to participate in political and public life, a right to remedy for any violation of their human rights and the right to be treated with dignity and respect. You need to consider how police operations and individual behaviours can affect these rights and to ensure that any interference is lawful, justified and proportionate. This applies to all participants in all gatherings. It is important to remember that even if an assembly is not peaceful from its very start, or if a gathering ceases to be peaceful, participants do not lose their rights other than those rights associated with peaceful assembly. Their other rights are unaffected and, of course, whatever their behaviour, they are still entitled to protection and must be treated with dignity and respect.

WHAT IS A GATHERING OR ASSEMBLY?

There is no recognised legal definition of an assembly or gathering in the Convention. However, assembly is generally recognised to include processions, protests, parades, rallies, gatherings and sit-ins. Generally, they involve a group of people intentionally and temporarily gathering together to collectively express their shared values, views or opinions. This can be to celebrate, commemorate or demonstrate and, while usually taking place in public, can also take place on private property.

Assemblies or gatherings can therefore take many forms. They may be as simple as a small celebration by a local football team, their families and supporters, comprising no more than 100 people. However, they may also extend to demonstrations involving thousands of protesters, many of whom may have come from outside the area and even from other countries. Examples of the latter have been seen in gatherings aimed at voicing opposition to G8 and G20 summits.

Whatever the size of the assembly, the aim of the participants or the level of popular support for or protest against the assembly, many of the attributes and challenges for you as a police officer will be precisely the same.

Unquestionably, the police have a duty to uphold public order, to protect people and property and to safeguard rights. This does not mean that police should be blind to their primary duty to facilitate public assembly, including peaceful protests.

NOTIFICATION OF ASSEMBLY

In many jurisdictions, those seeking to organise a gathering in public are required to give prior notification. This normally requires the organiser to provide basic information such as contact details; the purpose of the assembly; the date, time and place of the event; how many are expected to participate; whether there will be bands or vehicles as part of the assembly; and the direction or route to be taken if it involves a procession or a march. This notification is not a requirement to seek authority or permission, as the right to assemble already exists. Rather it is a means to assist you to facilitate the event, to protect the rights of others, to minimise disruption and to allow others to make arrangements where the event may interfere with the exercise of their rights, such as freedom of movement. You should not use the notification process as



an opportunity to restrict the freedom to assemble or seek to impose a process that is overly bureaucratic or presents obstacles to those seeking to exercise their rights. Even when there is no notification, this is not sufficient grounds for you to seek to disband the assembly in the absence of any other illegal misconduct by the participants. Such an action is likely to be disproportionate and thereby unwarranted.

Officers should be aware that even when organisers fail to meet the requirements of notification and therefore may be in technical breach of domestic law, this does not mean that the assembly is not peaceful. Participants, even when notice of the assembly has not been given, still enjoy the full rights afforded under the right to assembly as provided by the Convention and should not be subject to dispersal on those grounds alone. Moreover, it should be assumed from the start that an assembly is peaceful until there is evidence to the contrary. There will be times when gatherings are spontaneous and lack the co-ordination and management provided by formal organisers. Clearly, under these circumstances, there will often not have been formal notification given for these gatherings, but they will still need to be facilitated by the police.

REPEAT GATHERINGS

It is likely that you will have to police a number of repeat events, that is, gatherings that take place as annual events or which otherwise take place periodically but are organised by the same groups or organisations. In such circumstances you should work with organisers to help ensure that these events take place with a minimum of disruption to the rights of others but also in such a way as to maximise the facilitation of the exercise by participants of their right to freedom of assembly.

One way in which you can do this is to work with the organiser to promote greater and more effective control of the assembly by empowering the organisers themselves. This allows them to take on their own responsibilities while minimising the demands placed upon your resources or the likelihood that you will have to intervene in any forceful manner. This can include you providing training for marshals or stewards nominated by the organisation so that they have a greater understanding of how to plan and operate an assembly effectively as well as to deal with arising problems, such as those regarding health and safety issues. It also allows organisers to be the first to intervene in addressing any misconduct by participants directly and only to rely on the police when their own efforts are ineffectual. This allows you to build a very positive and co-operative relationship with the organisers and reduces any likelihood that you will be placed in a more confrontational position. In some cases, police services have even provided organisers, where they lack the resource themselves, with temporary use of mobile phones. This allows the organisers and their marshals to communicate internally during the event, to communicate directly with the police to promote safety and to request police intervention or advice when it may be required.

Of course, providing these levels of resources and engagement should not just be limited to those organising repeat events. Where it is possible to know well in advance that an assembly will take place, it may be feasible and certainly desirable to offer the same level of support to those organisers to ensure a better organised and safer event.

The need for speed

Today public assembly can take place rapidly and with the minimum of notification – on some occasions there will be no formal notification given to the police or local authorities. These spontaneous gatherings may be for a variety of reasons, including artistic expression, often called “flash mobs” or “smart mobs”, where the motivation is political or for some other reason. Protests and demonstrations can occur equally quickly when driven by a particular current political, economic or social issue. A key feature of all these gatherings is how a great number of participants can be organised to come together in a very short space of time, even within a matter of hours, through the use of mobile phones and social media platforms. Such gatherings can also change in emphasis and focus quickly once they are assembled. There is a need for police commanders to be adaptable on the

ground and to be ready to respond quickly with the appropriate array of tactics. These situations can be very fluid and dynamic. You will also need to be able to use social media to communicate not only with the general public but, critically, with likely participants or protesters, in order to counter rumour and to explain your actions in order to build support and help maintain order. While it is always necessary to be prepared to deal with violence, do not presume that those gathered are already predisposed to attack persons or property.

ENGAGEMENT WITH ORGANISERS

There may not always be a formal organiser of an event or protest with whom you can discuss ways in which you can facilitate their rights and maximise the potential to ensure public safety, including their own. The use of social media and mobile phones enables the rapid and more spontaneous coming together and involvement of participants, without any formal prior notice being given to the police. Even though you may not have received notice, this is not grounds for you to view the assembly as illegitimate and begin to assess it negatively. It may nonetheless be a peaceful assembly and therefore still deserving of facilitation. You should have an open mind, informed by intelligence.

Whether or not it is difficult, it is still understandably vital to seek to engage with the assembly organisers. This may not always be possible as, depending upon the nature of the assembly and past relationships with the police, organisers may be reluctant to enter any form of discussion. However, having communication channels through which you can engage with organisers will help create opportunities to negotiate agreed outcomes that will be advantageous to all concerned. The positive benefits to engagement need to be communicated to organisers so that they know that you are working impartially to deliver a professional police service that aims to enable their assembly. It also allows you an opportunity to manage their expectations and to let them know how you intend to police the event. This feeds into the principle of “no surprises”. During the course of the assembly, if difficulties arise, you must have a means of communicating and negotiating with the organisers. You should consider having special skilled personnel who can intervene to negotiate if an incident occurs, so that they can defuse situations and resolve matters peacefully. This role can sometimes be performed by community police officers who enjoy trust and credibility from those involved. Of course, all officers involved in

policing the assembly should be able to communicate respectfully and have a responsibility to ensure that opportunities to engage the public in ways that minimise the likelihood of disorder are taken.

There may be a need, in balancing the rights of others and in maintaining safety and order, to impose certain restrictions on the assembly. But just as in the case of the use of force, any such restrictions must also be lawful, necessary and proportionate. In addition, they must not discriminate against any group or individual on the basis of characteristics such as race, colour, sex, religion, political or other opinion, national or social origin.

ENGAGEMENT WITH THE COMMUNITY

You will need to engage the community before, during and after your policing of any public assembly. Indeed, you should be aware of the importance of addressing each of these three stages – before, during and after – across all aspects of your policing operation; for example, when dealing with the media, shaping police conduct and assessing lessons to be learned. The ability to engage effectively and with credibility will depend upon the relations and trust you have already cultivated and established with the community. As you will appreciate, the “community” itself is likely to be comprised of several potentially less-accessible communities, whether they are defined on the grounds of ethnicity, sexual orientation, religion or some other key defining element. Relationships with community leaders and those with influence and the ability to disseminate information and engage with harder-to-reach members should be actively cultivated. Keeping them informed and enabling them to inform you will help you to police a peaceful assembly.

TRUST

Trust is a fundamental cornerstone of the relationship between the police and the public. It is the foundation upon which the co-operation that is essential for the police to have if they are to operate effectively is built.

Trust is hard to earn and only earned slowly, but it can be lost quickly. This is reflected in the Dutch proverb that says: “Trust comes on foot but leaves on horseback.” A single negative action during the policing of a public assembly may have serious detrimental consequences for the relationship the police have with the wider public. If you are seen to act illegitimately then you will risk losing trust and people’s belief that they should comply with your instructions will be seriously undermined.

No surprises

The police should be seen to be as open as possible in the policing of events. This is part of a communication strategy that seeks to inform and engage with the local community, with others affected by the event and with those organising and participating in the event. Relationships are established by communicating openly and honestly, with such relationships providing opportunities to prevent or deal with arising conflicts. Honesty is vital to building trust. People do not have to like the policing arrangements for their event, but if they understand their basis, the reasoning behind them and how they can be influenced positively by their own behaviour, then this creates opportunities to affect how they respond.

In this it is important for the police to share as much as possible without compromising the operation. The emphasis should be on letting stakeholders see that the police are interested in facilitating the event as far as possible while also ensuring the safety and freedoms of all. The police are not hostile to the event but are rather seeking to police it with a minimum of disruption. In this way, it is possible to gain the support of participants and allow them to directly intervene themselves when challenging misconduct arises.

ENGAGEMENT WITH THE MEDIA

Another significant client group with whom you must engage is the media, in many forms. You will need to invest resources in developing and maintaining a positive working relationship with those parts of the media that are most likely to cover gatherings and that are particularly influential. The media represent a vital communication channel to the public through which the police can improve their ability to prevent and detect crime and to maintain public order and community safety. While the police are required to uphold people's right to respect for private and family life and must keep certain information confidential, they also have a requirement to be open and transparent as far as possible and this can involve sharing information with the media. You need to have a media strategy and one that will allow you to respond quickly and positively to questions and concerns. Generally, it is best for all communication to go through your press office to ensure everyone is "on message" and to provide information that helps garner public confidence and support.



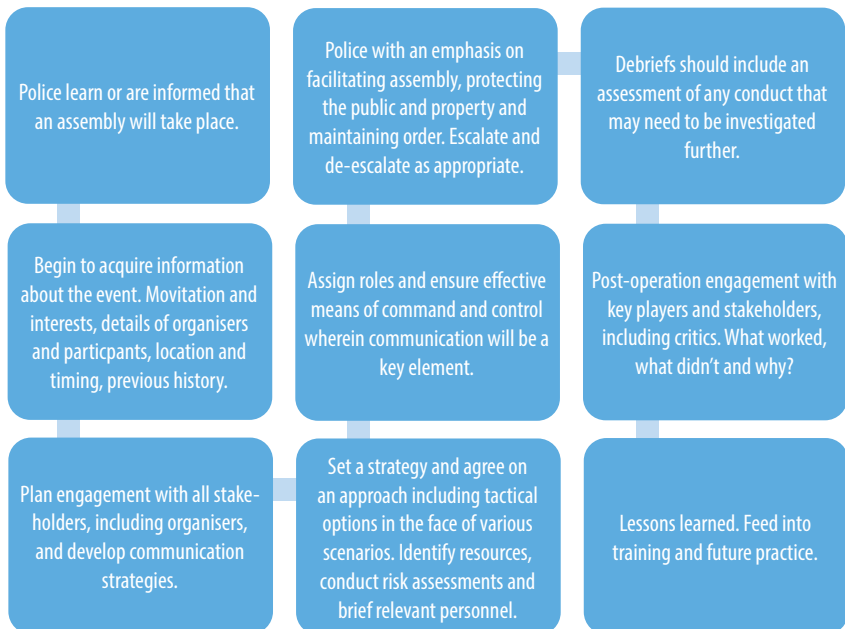
However, to allow for timely updates, it can be useful to empower individual commanders on the ground to respond to media enquiries, provided they are trained to reply within guidelines that have been previously agreed.

Police need to be aware of the core role of the media in a vibrant democracy and actively work to support the media in accurately informing people in the interests of public safety and tackling crime. Often the police can view the media as hostile or otherwise believe that they treat the police unfairly and therefore relationships can be strained or difficult from the outset.

Of course, the media should not interfere with you in the lawful exercise of your duty or otherwise hinder or obstruct. This may happen when photographers in particular seek to place themselves in the most advantageous positions that allow them to get “better shots”. By offering an invitation to work with photographers in advance, or even on the day when events progress rapidly, you can help to prevent their efforts getting in the way of your own. At the same time you can demonstrate that you respect the job they have to do and show your willingness to help them carry out their work, while putting down a firm marker that this understandably cannot be to the detriment of public or police safety. The availability at briefings of police press officers with a good understanding of the work of the press and a special remit to develop and build positive working relationships is highly desirable. Ideally, during any assembly, accredited members of the press should be easily identifiable by means of clothing, such as tabards. The benefits of this should be stressed to the media as part of your communication strategy underlining how it will enable you to better support them in their work.

Steps to be taken in policing a gathering

Remember that the policing of all gatherings has three stages in its life cycle: before, during and after. Proper planning, delivery and handling of all stages are critical to your success in providing professional and effective policing now and in the future. The main features of the process are set out below.



PLANNING

Police are obliged to plan and conduct their activities in such a way as to prevent the need to resort to the use of force, or, where the use of force cannot be avoided, to ensure that only the minimum amount of force is used. This also means that you will need to deploy sufficient resources for the size of the assembly, taking into account any threats or risks that might arise. Remember that a critical element to cover in planning is to establish a precise and effective command structure capable of controlling and communicating in a responsive, flexible and timely manner. Officers on the ground need to be directed so that they can respond quickly to changes in the situation. This means that they too need to be able to communicate with command and with participants.

It will be important for you to take early control of any ground in a contentious area where an assembly is likely to take place. This will negate the requirement for you to move people from such spaces as you already occupy it to their exclusion. Being on the ground early also enables you to have discussions with interested parties, including organisers, and to keep all informed of your plans as you attempt to ensure that there are “no surprises” in what you and colleagues intend to do in your efforts to facilitate peaceful assembly and protect the safety of all concerned.

Your planning must ensure that officers know what they are trying to achieve and what they have to do – and why – in order to achieve that. They need to be empowered to both give and receive information.

COVERT OPERATIONS

There is a need to ensure that any covert operations, presumably in relation to intelligence gathering, are conducted according to the law. It is also essential to ensure that the risk of their undermining or complicating other policing operations concerning the assembly in question is considered.

Public order intelligence gathering does not consist of political information gathering. It is done to alert the police commander about demonstrations planned and to provide them with all the necessary information about the event: why it is being organised, the nature of any problems, the social context, the number of people expected and their state of mind, the place of gathering, whether there is a march planned or not, the itinerary and possible targets (such as specific buildings or other gatherings).

Intelligence gathering

Part of the answer to the question of how you will conduct your operation and how you may need to adapt it in real time lies in the intelligence that you already have and in the intelligence that you continue to collect during the event. Of course, intelligence can only ever be part of the answer because it is never complete. Because of its limitations some aspects will be questionable and you may still have to work using rational assumptions. Nevertheless, every effort must be made to gather intelligence and to do so in the context of the social environment. The success of this depends on many things, including the relationships that exist between your police service and the public. You can never invest too much effort in ensuring that this relationship is strong and mutually respectful. Whatever intelligence-gathering methods you employ to obtain information – including the use of open sources or professional covert sources – the community will always be your most valuable resource.

While intelligence makes an invaluable contribution to your initial policing plan, it must continuously be updated as situations prove dynamic, affecting the level and nature of the risks to be encountered. You need to ensure that you have mechanisms in place (such as intelligence teams) that can continue to inform. You need to ensure that you have robust processes that allow you communicate and manage the intelligence as it is acquired and to ensure that it feeds into your operation, informing both your tactical options and strategic direction.

THE CHALLENGES

Despite your best efforts at intelligence gathering you will still be faced with many unknowns on the day of the event. This situation will be made more difficult when you are not notified in advance of the event or the advance notification given to you is very limited. This is to be expected. Even with the best intelligence it is not possible to predict outcomes as gatherings can be very dynamic events with potential changes taking place according to the mood and the number of participants as the event unfolds.

Past police behaviour

Police officers carry a legacy with them into every public assembly situation. The participating members of the public will have a view of the legitimacy of police conduct that affects their disposition to co-operate with the police during any public assembly. This view may be influenced by previous personal police encounters and indeed by observation of past police encounters with others, whether directly or through the media. This will set the scene. Therefore, if you are aware of any negativity from the community or certain community groups concerning former policing operations, you should make efforts to build relationships and understanding. As in everything you do, showing openness and respect will be immensely useful to achieving this goal.

Photography and video recording

The use of photography and video recording are essential tools in policing gatherings. They can provide you with vital sources of information for both contemporary and later use. Most obviously, they can be used to identify any individuals engaged in criminal conduct and provide information and evidence that will assist you in your investigations and in any future prosecutions. They also provide you with an option not to intervene immediately to address misconduct or identify transgressors, as this, in certain circumstances, can inflame the level of tension and even aggression within the assembly. Instead, you have the option to hold back and follow up in a more advantageous time frame, while still making arrests immediately where necessary. In such circumstances the community will soon become aware that you have not simply stood back and allowed misconduct and criminality to take place as news of arrests and prosecutions will quickly circulate after the event. There will be awareness that such behaviour carries consequences. Your own communication strategy is one means of addressing this, whereby before, during and after the event you let people know how you operate with regard to evidence gathering and investigation and how you will pursue justice in a way that best serves the maintenance of public order and respect for the law. It can be useful to deploy evidence-gathering teams for this purpose, equipped with handheld video recorders or other equipment to enable them to carry out their work.

Video footage in particular can also be used in circumstances where allegations are made of police misbehaviour. As well as being useful to defend the actions of falsely maligned police officers, they can also be used to challenge malicious, spurious or simply ill-informed rumours of police behaviour generally. This is one reason why you should consider sharing video in your possession with the

media or other stakeholders or otherwise making the footage available to the public via social media or your own website, where this does not contravene individuals' rights to privacy or break confidentiality or data protection laws.

Photography and video recordings also provide evidence of your policing operation that will prove useful for debriefing and when seeking to learn lessons.



The use of force

” Individual police officers cannot be expected to consistently make the right choices in their use of force when they do not have a developed understanding of their obligations under human rights law and have not assimilated a genuine sense of respect for the dignity of all people. These are critical areas to be addressed by training, briefings and performance management.

The power to use force in civil society is one that almost uniquely rests with police officers. There is a special trust placed in the police that cannot be used lightly. Citizens appreciate that you as a police officer, when carrying out your daily duties, may have to use force in certain circumstances. Indeed, they will welcome your ability to apply force where it is required to protect and defend them or others in circumstances where lives or property are under threat. There are ways in which you can apply this force legitimately so as to continue to enjoy the confidence and trust of the community. On the other hand, very often the circumstances and way in which you use force, rather than the mere use of force itself, can be problematic and result in loss of public support. It can even result, in certain circumstances, in the public opposing the actions you are taking and could motivate them to adopt forcible counter-measures of their own. When acting together with other colleagues the use of force can prove counter-productive if it angers the crowd and provokes a hostile reaction.

You and colleagues need to be aware of the need to respect the right to life when dealing with any public assembly where the use of force may need to be considered, but you should also be aware of the need to treat people with dignity and respect.

When contemplating the need to use force you need to consider being able to employ a range of options that are proportionate to the threat faced. Officers clearly cannot resort to beating people with batons to affect some change in behaviour when verbal requests would achieve the same end. In the same way, a range of less-than-lethal options should be available to officers. Even where police have access to range of tactical options, water cannons, rubber bullets, stun grenades, tear gas, etc., there remains a responsibility to consider the necessity to use any given option and whether its use would be proportionate to the legitimate objective sought. The decision and authority to deploy and use different tactical options will generally be regulated by national law and/or administrative rules. Operations therefore need to be planned and controlled, with a robust and transparent command structure within which different tactical options are employed. Just as it is important to be aware of when it is necessary to use any particular means of force, you need to be equally aware of when to stop, when that need no longer exists. Moreover, as will be seen in the section “Differentiating”, there is a need to target misconduct and only address action against those elements responsible for any misconduct while respecting the peaceful conduct of other participants.

The use of force

The legal authority to use force in the exercise of one’s employment is a defining characteristic of policing. Each police officer is individually responsible for using force, and while they have the discretion of when to use it, its legal use is dependent on the nature of the force used, the degree of force applied and the circumstances in which it is employed.

The nature of the force used by police officers can depend on the equipment available to them. If police are confronted with violence when they have no access to batons or shields but do have access to firearms, then they may deploy firearms in circumstances where less-lethal means may have been effective.

Police officers need to be appropriately equipped to deal with violence that may take place during any public assembly. Furthermore, they need to be adequately trained in the use of any equipment issued to them. As circumstances dictate, officers may require

access to batons, shields, rubber bullets, stun grenades, tear gas, water cannons and other less-than-lethal means to quell disorder when it arises.

Whenever the use of force is considered during any planning exercise, consideration should be given to the provision of any medical assistance that may be required.

UNDERSTANDING THE USE OF FORCE

You need to have an absolutely clear understanding of when force can be applied, how it should be applied, the amount of force to be applied and, critically, when the use of force should be stopped or abated. You are also responsible for ensuring that all officers under your command have the same understanding. You should also be aware of your own national codes, standards and laws regarding the use of force. In addition, you should follow, as a minimum, the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, as well as the United Nations Code of Conduct for Law Enforcement Officials and the Council of Europe's European Code of Police Ethics. It is essential that police training is sufficient to ensure that all officers know when force may be applied and how that force should be applied. You have most likely seen examples of police officers in public order situations using the baton to strike protesters or participants who are leaving the scene. Clearly these strikes cannot be justified as they have no legitimate purpose and no pressing necessity. They are often merely the outworking of police frustration or anger. They are neither professional nor lawful. Officers will be responsible for their own misconduct and are liable to sanction, including criminal prosecution. The immediate effects, however, are that such actions are likely to contribute to undermining the legitimacy of the police and to greater violent resistance from participants.

There is a danger that police services with experience of having dealt with violent demonstrations in the past will be influenced by this and will display a greater tendency to adopt more aggressive approaches when tackling future events and potentially view even peaceful assemblies as threats. This particular mindset can constrain the planning process and limit possible responses with a focus on how best to achieve control often by controlling space, controlling movement and intensifying the surveillance of participants.

Of course, you and your colleagues may need to resort to the use of force rapidly and may need to do so in very difficult and even dangerous situations. Nevertheless, each officer must know that force can only be used when it is 1. lawful; 2. necessary; and 3. proportionate.

Lawful

There must be lawful authority to use force set out in national legislation or common law and the force to be used in line with that authority. The legal framework should be clear in order to inform police officers of their responsibilities.

Necessary

The use of force will be necessary if the legitimate objective sought cannot be achieved by any other non-forceful means. Force is necessary for such legitimate objectives as maintaining order, preventing or detecting crime or keeping the public or police officers themselves safe from harm. Where people are complying with lawful verbal commands given by police, there may be no need to use force.

Proportionate

Proportionate refers to the minimum amount of force necessary to achieve a legitimate aim. Being clear about what you are trying to achieve is essential to understanding whether the use of force is proportionate; for example, whether your objective is to remove individuals who are obstructing traffic, or you are trying to prevent physical assault on others. During an assembly, gently prompting people to move by the use of verbal commands and slight pushing may be the proportionate action required to move demonstrators from one area to another. There may be no need to employ greater force, such as the use of shields to push or prod or the use of batons to strike participants. An action will not be proportionate where a less-forceful alternative could have been used with equal effect. There can be no justification, for example, for striking participants who are peacefully leaving an assembly and are therefore offering no resistance or obstruction.

DEALING WITH FRUSTRATION

No doubt there will be times in policing public gatherings when you personally become frustrated or even angry. These are natural and understandable human emotions in the circumstances you will face. It is also very likely that some members of the assembly around you will be sharing very similar feelings, becoming restless, frustrated or even angry themselves by how events are unfolding. Their feelings may be because you have had to divert their protest or otherwise curtail it in the interests of safety and public order. Such emotions may manifest themselves in name calling or personal insults or other

acts of abuse and deliberate provocation. Individuals' behaviour towards you may descend into even more offensive and even criminal acts such as spitting or attempting to physically assault you and your colleagues. This behaviour is completely unacceptable, but nevertheless, must be expected as likely to happen in certain circumstances. It will be difficult for you not to take such behaviour personally but you should recognise that it is most likely not aimed at you as an individual but rather at you because you are seen as a symbol of the government or state authority.

Your style of policing is very important and will affect how successful you are in facilitating assemblies as well as controlling any disorder that may emerge. Too often police in some jurisdictions begin by adopting a confrontational stance, which is compounded by the apparel they must wear in the interests of their own safety. It is extremely difficult to see the humanity in a police officer fully clothed in a protective suit with boots, helmet visors, padding and perhaps behind a shield. This is why some police services will only use the helmet at a later point and have officers wear soft caps until the helmets are needed.

While one accepts that it can be difficult, being able to show good humour can often help to curb such behaviour and humanise you. Welcome and use any opportunity to offer assistance to participants or members of the public. Seeing the police involved in supportive acts tends to have a very positive effect on onlookers' assessment of the police as decent, caring people who are simply there to do a job, professionally and impartially.

DEALING WITH FEAR AND ANXIETY

As a police officer you work in a high-risk profession with the threat of death and injury facing you every day, particularly for those officers who are on the front line. The public expects you to put yourself in harm's way to protect them and they expect you to be brave. But being courageous does not mean that you are devoid of feelings of anxiety and even fear. This can more often be the case in public order situations that present both perceived and real threats to your safety and the safety of your colleagues. While it may be presumed that such feelings are more likely to occur in younger or less-experienced officers who do not know what to expect, no officer is immune. There is a possibility that the anxiety of expecting violence can cause officers to overreact as they seek to defend themselves from threats that do not exist but that they have misinterpreted or exaggerated. Anxieties can be increased when you harbour prejudices or suspicions about the people concerned. Fear of definite threats

can cause similar overreactions, which can lead to the use of unnecessary and excessive force as officers feel stress. You will experience an increase in adrenaline in such situations, which can heighten your awareness.

Training is the key to responding appropriately in highly stressful situations. Those who have been well trained and are experienced more often react automatically and appropriately to threatening situations, without even being aware of having to think about the correct response.

Remember that in the context of a public event, or more particularly a protest, you do not have to agree with the sentiments or positions expressed by the participants. Neither do you have to like them or be indifferent to them. You may in fact be opposed to the views. You may find them to hold values and beliefs completely opposite to your own. In a pluralist democratic society this is to be expected. You will be confronted with behaviours and views that you may even find offensive but not criminal. Facilitating peaceful protest offers an alternative to violence. People may, for example, need this particular vehicle to express their concerns regarding aspects of public policy and by taking part seek to effect change by expressing their opposition in a peaceful way. These are normal and welcome manifestations of a healthy democracy as citizens seek to participate in and influence political discourse. Taking part in public assemblies and expressing views therein is especially important for minority and marginalised groups whose voices might not otherwise be heard.

A note on privacy

Taking photographs of and filming (including through the use of closed-circuit television) individuals engaged in assemblies entails a number of responsibilities and even risks. Doing so must always be carried out in accord with national legislation and in line with police policies. You will be aware that pointing a camera at an individual can, depending on how it is done and in the surrounding circumstances, be viewed as intimidating or even threatening, or at best may cause subjects to feel that their privacy is being invaded. Indeed, if people believe that their attendance at an assembly will be recorded by the police, this possibility alone may dissuade them from exercising their democratic rights to take part for fear that the information gathered by the police may not be used legitimately. This will depend on the history and currency of police relationships with the public, but inevitably this relationship should be developed to a point where the public understand the legitimacy and even the need for you to record certain public gatherings. Being open about what you are doing and why you need to do it will greatly help you to win the public's trust and confidence.

This will be more achievable if you are responsible in your use of recording equipment and by making sure that your collecting of images and footage is done in a sensitive way. It should be done judiciously and carefully, not in a manner that suggests that it is underhand, secretive or is part of a covert surveillance operation. If practices are discovered or interpreted as such, they may quickly prove to be counter-productive when elements in the assembly react negatively and thereby increase the likelihood of the very public disorder you are seeking to avoid. This is not to deny that there may be a need for discreet recording, but the potential risks of this should be balanced against the perceived merits. A similar point relates to the use of undercover police officers used to monitor participants and gather information, often by blending into the crowd and working among members of the assembly. You should

consider whether it is really necessary to employ such officers or whether information can be gathered by another means, seeing as their deployment is often highly intrusive and problematic. People are entitled to respect for their privacy and this should not be interfered with without proper cause.

OPERATIONS UNDER THE “EYES OF THE WORLD”

Of course, the police will not be the only observers at an assembly engaged in photographing and videoing events in the public space. Individual members of the public are normally entitled to shoot photos and videos of any public scene, without restrictions.

Any event is prone to being registered by every person present and immediately posted on social media, which means that every instance of misconduct is likely to be publicised, commented on and evaluated by a significant number of people. This should act as an incentive for police officers to behave in a professional, ethical manner, whatever may be the behaviour of the people in front of them.

STOP AND SEARCH

You may need to carry out organised or ad hoc stop-and-search operations on those attending an assembly or perhaps on those you suspect are seeking to disrupt or protest against the assembly itself. Remember that experience shows that stop-and-search operations are very often of limited use and can create more problems than they solve. Stop and search can be a justifiable means of helping to ensure the safety of the public when it is necessary rather than arbitrary and is used effectively with a view to preventing and detecting criminal conduct. However, this practice should be carried out when you have reasonable cause to suspect that certain individuals are carrying weapons or other items that might be used to commit crimes or breach public order. Unfortunately, stop-and-search operations are often open to abuse and many police services have been accused in the past of racial or ethnic profiling, deliberately targeting young men from a particular background. You must ensure that any stop and search is done fairly and does not discriminate illegally against one specific group. The tactic should be targeted and used sparingly, ideally on the basis of intelligence received. It is particularly important that anyone who is stopped and searched is treated with courtesy throughout the operation and that their dignity is upheld. You may come across an individual

who for religious reasons has their face covered or is wearing some form of headgear. You should be particularly sensitive when you feel that these should be removed during the search and should be ready to give an explanation. The use of your powers should always be proportionate. Ideally, even while you have the power to conduct a search, you should seek the agreement of the person concerned. At the very least they should understand why you are searching them and believe that you have done so professionally and politely and have not simply sought to harass them or otherwise abuse your powers. This means that you will also need to consider their privacy if you are conducting the search in public view and ensure that you do nothing to embarrass them or otherwise undermine their self-respect. Their privacy must be respected. How you behave will have a significant impact on public confidence. Remember that the aim is to increase community safety.

De-escalation

There are two ways in which you should be actively involved in de-escalation. The first is to take all steps possible to de-escalate or reduce tensions within a gathering before they escalate into confrontation or violence. This will certainly depend heavily on your ability to communicate as you will need to have a means with which to engage participants directly should tensions increase and should you wish to direct participants to alternative routes or otherwise instruct them and the public in a way that ensures their safety and facilitates their aims, as far as is possible.

Too often police services have focused on ensuring their ability to escalate their capacity when dealing with public disorder but have paid less attention to the importance of being able to reduce the scale or intensity of their operation. This is the second way in which you should be involved in de-escalation, involving the downplaying of your own confrontation and even presence. Remember that there is always the tactical option to disengage and withdraw temporarily, geographically or completely. This does not mean retreating. Sometimes you may wish to withdraw personnel if you consider that a continued police presence is acting as a focus or magnet for violence and that choosing to withdraw is more likely to result in those involved dissipating. Of course, you cannot do this when there still exists a real threat to the lives or property of others who therefore require your presence and protection.

There is a requirement to scale down or even desist from the use of a particular tactic when it is no longer necessary. Tactics used should always be proportionate, which applies particularly to the use of force. The flexibility to respond in a timely manner to the dynamics of the situation and changing levels of threat will require quick judgments and good communication.

CROWD DYNAMICS

Understanding how people behave in crowds is essential to conducting effective policing operations. Formerly, it was believed that people in crowds had a mob psychology and thought as one body. Participants were seen to be impulsive, unable to reason and likely to lose their sense of individuality as they acted en masse, at times even as if they were in a state of hypnosis. Nowadays, it is generally recognised by experts in the field, both practitioners and academics, that there is no single type of crowd but rather a variety of crowd types wherein behaviour can be shaped by a number of factors as diverse as location, weather and even time of day. Consumption of mind-altering substances such as alcohol or drugs can obviously play a part in shaping group behaviour. That is why it is important to bear in mind that within the same public gathering there may be a number of very different “crowds” each behaving and thinking differently.

However, you must be aware that simply being a part of a large group can influence an individual's behaviour. Some individuals may be influenced by observing the behaviour of friends or others nearby, especially when that behaviour is a reaction to some form of police action and creates an impression that the behaviour is acceptable as a response when it might not have been viewed so earlier. Others may seek to use the cover of a crowd to engage in anti-social or criminal behaviour in ways that they would not otherwise contemplate. They may feel there is immunity from consequences because of the number of people involved and from the increased likelihood of their own anonymity. Therefore, there is always a potential that challenges to public order may come from individuals who would not normally contest police authority and react to that authority with violence.

DEALING WITH VIOLENCE

If violence erupts at a demonstration, you must identify from where the violence is coming and address that locus while at the same time, if possible, facilitating the continuation of the peaceful assembly. You will need to ensure the safety of peaceful participants who may be caught up in a violent environment. You should have some means by which you can effectively communicate with them and if your request is for participants to disperse and leave the immediate area for their own safety, then you need to ensure that there is an exit route available for them and that those wishing to leave know what that route is. Participants also need to be given sufficient time to respond to any command or advice given before you take further action. Your directions



need to be clear. Asking people to “disperse” is not sufficient as they may not know how best to achieve this. Tell them how to disperse. This will help to isolate those present who are seeking to cause trouble or otherwise behave violently. Nevertheless, bear in mind that despite a direction to disperse it is very likely that some individuals, while not intent on violence or opposing your actions, will simply stay to see what happens. This can make it difficult to differentiate between naïve onlookers and those intent on remaining to engage in illegal acts.

It is important to differentiate between behaviour that is disruptive and that which is violent. Indeed, in the course of maintaining order rather than enforcing the letter of the law, you may find it useful to show some latitude towards minor breaches or infringements of the criminal code rather than take immediate action.

At times participants may disrupt traffic or interfere with others who are lawfully engaged in the course of their business but this may not amount to violent behaviour. In fact, many assemblies will inevitably cause some degree of disruption as they take up space used by other members of the public for other activities. There is most likely to be some interference with other people exercising their freedom of movement, but this does not detract from the right to assemble and should be tolerated. There will always be a need to balance rights.

DIFFERENTIATING

There is an extremely important requirement on you as a police officer to be able to identify and differentiate elements in a gathering. Even if some in

the gathering are involved in violence or unlawful conduct, you should not attribute this misconduct to all participants, as many will continue to behave peacefully. Do not assume that the behaviour of a few makes the entire assembly unpeaceful. You need to be able to discriminate between those who are peaceful and those who are not.

It is interesting that the European Convention on Human Rights, when defining freedom of expression, states that: "The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary." Nowhere else in the Convention does it make such a provision with regard to any other right. It acknowledges how freedom of expression can be used in a dangerous manner. The police will need to ensure that the freedom of expression is not used to undermine or attack the freedoms of others or incite violence, discrimination or hatred against others on the grounds of race, religion, sexual orientation, etc. or seeks to undermine the principles of democracy.

COUNTER-PROTEST

There will be occasions when a gathering such as a demonstration or march is faced with a counter-demonstration of some kind by those who oppose the values, sentiments or ideals expressed or who otherwise oppose the message that the assembly is seeking to voice. Those taking part in the assembly, regardless of their unpopularity, are entitled to protection from any threat or violence from a counter-demonstration that aims to prevent them from exercising their right to peaceful assembly. In such circumstances it is likely that you will seek to maintain distance between the two groups and keep them physically apart. You should consider your tactical options as to how you can best achieve this. You will need to accept that the right to assembly of those participating in a counter-protest is equally valid. As this counter-group intends to give public voice to their opposition to the original assembly, they should, as far as possible, also be accommodated to hold their protest within sight and sound of that assembly. Of course, this is particularly challenging for you as the distance must be sufficient to protect participants on both sides from physical assault or damage to their property. In such cases physical barriers

can be used, including the erection of tall polycarbonate plastic (Perspex) screens that allow “sight and sound” but prevent contact. You may not have access to such resources and therefore will need to consider other options.

In addition to the general requirement to protect peaceful gatherings, the police are also often called upon to facilitate them. You may have lawful powers to impose restrictions on public gatherings and even prohibit them from taking place if there is a serious risk of disorder that you cannot otherwise prevent. Restricting assemblies and even prohibition are legitimate options and at times imposing such restrictions may be the most advantageous way of upholding and balancing rights, protecting life and property and dealing with the potential for disorder. However, any restriction must be necessary and proportionate. You cannot, for example, seek to limit or impose restrictions on an assembly merely because of the threat of a counter-protest. It can happen that an assembly will prove unpopular and may be opposed by a majority. This may be the case for gatherings involving an ethnic minority or marginal political or religious group, or perhaps by some other minority groups within the LGBTI community. However, the state must look to the importance of upholding “pluralism, tolerance and broadmindedness” and will rightly expect you to work to facilitate peaceful assembly. You must assess the risk of violence and also from whom the violence is likely to come. There will be occasions when, despite the threat of violence, you will still have to make every effort to facilitate the assembly because to do otherwise would mean that a protest group would simply need to threaten violence in order to prevent the lawful exercise of freedoms by others. While the risk of disorder and violence clearly exists, you should plan to impose only the minimum restrictions necessary to protect life and property.

” Identification

It is essential that police officers engaged in managing public assemblies, particularly protests, are individually readily identifiable to members of the public. This helps officers appreciate that they are individually responsible for their actions and to know that, if and when they behave wrongly, they will be held accountable for their misconduct. It also provides some reassurance to the public that they are not dealing with “faceless” anonymous agents of the state and that police are identifiable and accountable.

ACCOUNTABILITY

All officers need to appreciate that they are responsible for their individual actions and will be held accountable for them according to official codes of conduct and criminal law. When a police officer is seen to be unnecessarily impatient, rude, brutal or otherwise unfair in dealing with a protester, people are more likely to view the police (and the law more generally) as illegitimate.

Remember that any alleged breach of human rights must be investigated robustly and in a timely manner. Liability will not be limited to those individual officers who are guilty of misconduct but can extend to officers who are responsible for command and control of the operation and have failed to do so to professional standards compatible with human rights policing.



In 2016, the United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions jointly compiled practical recommendations for the proper management of assemblies. <https://digitallibrary.un.org/record/831673>



Also in 2016, the OSCE ODIHR published their Human Rights Handbook on Policing Assemblies. www.osce.org/odihr/226981

Police officers will find both publications (which are available in a number of languages) useful additional sources of information on policing public assemblies in a human rights-compliant fashion.

Equipping and training police officers

When dealing with public assemblies you must be adequately and appropriately equipped and trained to deal with the situations you are likely to confront. This means that officers in command positions will have received training specific to public order policing and the policing of gatherings and training on their responsibilities to plan and execute an operation. This will be reflected in the chain of command so that officers are not given command positions beyond their capabilities.

Officers must be issued with a level of personal protection equipment commensurate with the threats faced or likely to be faced by them. You need to have a range of equipment at your disposal to enable you to control the situation and to intervene where necessary. This includes the availability of less-than-lethal options as well as firearms. You should ensure that those being allocated such equipment are properly trained in its use and are aware of policies and laws on its appropriate and legal use. There are many examples of police officers inappropriately using less-than-lethal interventions in a manner that increases the likelihood that their use will result in serious injury or even death. In some jurisdictions, officers have directly fired tear-gas canisters at protesters despite warnings often printed on the canisters themselves. This misuse has resulted in life-changing injuries and fatalities that cannot be justified. There is a need to ensure that tactical equipment is used only for the purpose intended and in the approved manner.

One of the challenges of police training is to ensure that while officers will very often need to focus on how to deal with problematic and violent participants, they do not come to see the majority of demonstrators through this prism and react to them accordingly. There will always be a media focus on

violent demonstrations and assemblies and on those participants engaged in criminal assaults and destruction of property. This skewed spotlight should not misdirect your understanding that most people wish to behave peacefully and will continue to do so if you can facilitate their lawful interests and avoid confrontation. There is always the danger of creating a self-fulfilling prophecy, whereby one predicts that disorder will ensue, so shaping one's behaviours and attitudes in a way that contributes to that very disorder coming to pass. This can manifest itself when officers begin by taking too firm and confrontational a stance when it is not merited by the situation before them.

As well as helmets, gas masks and protective clothing, including fire-retardant suits and even barriers and shields that are primarily used for the safety of police officers, there is a range of commonly available equipment that can be used in crowd control, as listed below. Such equipment, as has been stressed throughout this guide, must only be used where there are clear grounds to justify its use and where that use is necessary, proportionate and in accordance with the law. No item should be used by untrained officers and must be deployed by officers operating as part of a coherent command structure.

Equipment more commonly used:

- ▶ batons
- ▶ shields
- ▶ pepper spray
- ▶ tear gas
- ▶ rubber bullets
- ▶ water cannons
- ▶ firearms

Less commonly employed resources include:

- ▶ stun grenades
- ▶ long-range acoustic devices
- ▶ laser devices
- ▶ dogs

The skills required are those that best facilitate the exercise of peaceful assembly. Therefore, there should be a focus on how to communicate with participants particularly in difficult situations and how to de-escalate aggression and violence as they arise.



OBSERVERS AND MONITORS

Not everyone at an assembly will be an active participant or a protester. It is likely that, besides interested parties from the media and curious onlookers from the public, there will also be domestic and/or international observers who are specifically there to observe and record what takes place. These people have a right to monitor the assembly and the actions of the police. Such observers may use cameras or video recording equipment to aid them in their monitoring and to document what they see happening. Often some police officers can view this as intrusive or even threatening and therefore seek to intervene to stop recording or otherwise to obstruct or prevent the work of monitors, sometimes even seeking unlawfully to confiscate or to damage equipment. In fact, you should remember that as a police officer you have a responsibility to facilitate monitors in their lawful activities. Ideally, you will have engaged with monitors before the assembly and, along with members of the media, will have discussed with them what you are hoping to achieve and how you will do this, providing them with as much information as possible without compromising your operation and strategy. You should ensure that you build a relationship with monitors that allows you to maintain an open communication channel even beyond the duration of the event. Having access to their reports will be useful and responding to them in a positive manner will contribute to your police service's standing as progressive and transparent. Police actions that seek to confiscate recording equipment or otherwise interfere with monitors are seldom justified but importantly can also contribute to changing the tone of the assembly and increasing hostility. There will always be an argument that if you are doing your job professionally you should wish to have this witnessed. It is only when officers are not behaving professionally that they are likely to be unhappy with witnesses and records.

The importance of freedom of assembly around elections and political demonstrations

Elections and referendums are regular occurrences in every state. They may occur at different levels, locally or nationally, and are normally held for very significant reasons, such as choosing a president, a legislative assembly or provincial governors, or for changing a nation's constitution. Inevitably they are politically charged, competitive and contested and they are environments within which the rights to freedom of peaceful assembly and of association are particularly contentious and liable to violation. In such circumstances peaceful gatherings can too often be subject to unnecessary restrictions or curtailment, with participants facing harassment and even violence from opposing party interests or even from the police themselves. People must feel safe and able to participate in rallies or other assemblies whereby they can express their opinions without fear of attack. This will play a key role in ensuring that the entire electoral process itself is in accordance with democratic standards, as the electorate will feel that they can turn out and freely express their right to vote. Upholding the right to freedom of expression and association through facilitating assemblies is an essential part of enabling the will of the people to be expressed and is the basis of the authority of government. Restrictions should not be imposed simply to restrict critics. The aim should always be to facilitate assemblies as far as is possible, because a plurality of voices and opinions is critical to the health of a democracy. As pointed out elsewhere, all are entitled to equal protection from the law and to be free from discrimination on the basis of their political views as well as on the basis of their race, ethnicity, religion, sex, language, colour or national or social origins.

Police officers should recognise that people's participation in peaceful assemblies during these times is preferable to having frustration boil over into violence as they seek to express their views. Their participation in peaceful expression should be encouraged and actively supported as an alternative to potential public disorder fuelled by high tensions. It is understandably difficult for police officers who are paid by a government to maintain professional standards on the use of force when those governments themselves may not respect democratic principles and the rule of law and prefer to use the police as an instrument to intimidate, harass and subdue opposition. But the protection afforded must extend to facilitating monitors from civil society organisations or the media who seek to observe assemblies and their policing.

CONTAINMENT

There will be times when circumstances dictate that you need to control or restrict the movement of participants in a gathering or, indeed, the movement of bystanders or other people present at the scene. This may be for any of a variety of reasons, including the need to prevent or tackle the spread of serious disorder or for the safety of the people themselves. The degree of restriction that you place upon people, including the duration of that restriction, will, in the prevailing circumstances, determine whether or not the restrictions are seen to be justifiable. The challenge will be whether or not you are breaching participants' or others' rights under Article 5 of the Convention, which states that everyone has the right to liberty and security of person. However, this tactic will be justifiable where it can be demonstrated to be the least intrusive and most effective means available to you at the time to achieve a lawful objective; some restrictions are permitted under the European Convention of Human Rights when certain conditions are met. Restricting movement, even for a number of hours, need not amount to deprivation of liberty if properly applied. Of course, some individuals may be caught up in your containment area inappropriately and may need to be "released". Others may need to be "released" because of ill health or other pressing circumstances. You need to recognise that being seen to let some people out of a containment area while continuing to hold the majority of others is likely to raise tensions. Again, it should be emphasised that you need to keep your tactics constantly under review. What was justified at one point may cease to be lawful when events change so as to make the tactic you are employing no longer reasonably necessary.

DISPERSAL

In most cases gatherings will disperse naturally at the conclusion of the event. This is obviously the preferred outcome. Ideally the police should not seek to disperse crowds unless violence is taking place or there is a serious threat of public disorder. Even where you have to disperse an assembly your first action should be to attempt to do so by verbal or visual commands, notifying participants that they must disperse and where possible discussing and working with organisers to promote a safe and rapid dispersal. If force is needed to effect a dispersal then, as in all cases where the use of force is to be employed, a warning should be given unless the delay caused by issuing a warning would increase the likelihood of death or serious physical injury to police officers or the public.

A WILLINGNESS TO LEARN LESSONS

This is critical to your future success. You must be prepared to learn lessons from your own experiences of policing assemblies and from the experiences of police colleagues in other jurisdictions, including through considering reports and critiques of those operations. Such analyses will help to identify best practices as well as those that are problematic.

As a learning organisation committed to improvement and delivering the best service to your community, you need to identify what worked and what did not work and to assess the implications of this for training and your policing of future events. Ideally after each assembly, but certainly after any major event, debriefing should take place at all levels, including with those officers who policed “on the ground”, at the sharp edge of the operation. You need to assess whether or not the actions you took achieved any of the objectives you set out to accomplish. It is also useful to obtain assessments from independent observers and, if possible and appropriate, the organisers themselves, as your goal is to improve your capacity to deliver effective policing that best enables you to facilitate assemblies. Do not concentrate on defending your behaviour from criticism or on dismissing complaints. These are significant and important sources that will help you to change for the better.

You need to consider what changes need to be made in the light of these lessons, including the best ways to quickly operationalise them, including providing training to those officers who need to apply them in the field. Lessons are not learned if they do not feed into organisational change that includes overall culture, practices and values. You should have a means to ensure that this is happening.

Conclusion

To ensure that you are policing gatherings in a human rights-compliant and professional manner, you need to ensure that everything you do as a police officer is always lawful, necessary, proportionate and respectful to all those with whom you engage. Treat everyone as equals and never show any partiality or discrimination against individuals on the basis of their race, colour, sex, religion, political or other opinions or their national or social origin.

As pointed out at the very beginning, this guide does not set out to be a step-by-step manual on policing gatherings. To do that would require a document running to many hundreds of pages. It does not provide details, for example, on how to set up exclusion zones or how to perform operations to contain sections of a crowd. It does not cover the use of tactical mobile units or how to address dedicated protesters such as Black Bloc participants or the importance of planning to address any need for a dedicated prisoner-processing centre, for instance. Rather, as stated at the outset, the intention of this guide is to provide the practitioner with a brief summary of the key principles and practices critical to facilitating an assembly in a modern democracy. For many it will contain a great deal of new material for consideration, while for others it will serve as an aide-memoire.

Finally, bear in mind that policing assemblies and even violent demonstrations is a normal part of the policing mission. Indeed, it is an essential part of your police responsibilities and lies at the very heart of maintaining and supporting vibrant pluralist democracies. Nevertheless, arguably more than many other aspects of your work, your policing of gatherings has the potential to place you in confrontational situations with broad sections of society who might never have otherwise stood face to face against you. These engagements will present serious challenges and will test your professionalism. You may be seen in this context, and understandably, as an arm of the state, but this

does not mean that you cannot behave in an impartial way. There is no doubt that across the many jurisdictions that lie within the Council of Europe area, police officers do not enjoy the same level of operational independence. In some areas, officers may come under pressure from government ministers, officials or even superiors to police certain assemblies in ways that are not human rights-compliant and that are in clear breach of your commitment as police officers to protect and uphold your commitments under the European Convention on Human Rights. These directions or attempts at “persuasion” can compromise your operational independence. Remember that you are policing not only to national standards but to the international standards your country has agreed to set for itself. Governments come and go, but your individual responsibility and accountability to the people and to the law for your actions will not change. You must answer for your own actions and indeed for the actions of officers you command when you are responsible for directing them wrongly or when you fail to take appropriate action in instances where they are guilty of misconduct. Do the job that you signed up for, with dignity and professionalism, and with respect for others. You will find that this is when it is most personally rewarding and most widely appreciated by the people you serve.

Initiated by the Criminal Law Co-operation Unit of the Council of Europe, this brief introductory guide is designed as a training tool for police officers involved in policing public gatherings.

Public gatherings are too important to police badly because they are at the heart of the fundamental freedoms which are the lifeblood of vibrant, pluralist democracies. The police need to facilitate public gatherings and, in doing so, need to be seen to be fair, impartial and respectful of the rights of all.

In recent years we have witnessed a growth in the number of public assemblies taking place throughout the Council of Europe member states and indeed, further field. Assemblies incorporating active protest have multiplied significantly, as has the scale of those protests, their geographical spread and the wide variety of causes or concerns which inspire them.

The intention of this guide for practitioners is to create a resource that individual officers can readily access, understand and apply to help them focus on the fact that their job is to protect citizens and uphold human rights while maintaining public order.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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