



House of Commons
Home Affairs Committee

Policing of the G20 Protests

Eighth Report of Session 2008–09

*Report, together with formal minutes, oral and
written evidence*

*Ordered by the House of Commons
to be printed 23 June 2009*

HC 418

Published on 29 June 2009
by authority of the House of Commons
London: The Stationery Office Limited
£0.00

The Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

Current membership

Rt Hon Keith Vaz MP (*Labour, Leicester East*) (Chairman)
Tom Brake MP (*Liberal Democrat, Carshalton and Wallington*)
Ms Karen Buck MP (*Labour, Regent's Park and Kensington North*)
Mr James Clappison MP (*Conservative, Hertsmere*)
Mrs Ann Cryer MP (*Labour, Keighley*)
David TC Davies MP (*Conservative, Monmouth*)
Mrs Janet Dean MP (*Labour, Burton*)
Patrick Mercer MP (*Conservative, Newark*)
Margaret Moran MP (*Labour, Luton South*)
Gwyn Prosser MP (*Labour, Dover*)
Bob Russell MP (*Liberal Democrat, Colchester*)
Martin Salter MP (*Labour, Reading West*)
Mr Gary Streeter MP (*Conservative, South West Devon*)
Mr David Winnick MP (*Labour, Walsall North*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/homeaffairscom. A list of Reports of the Committee since Session 2005–06 is at the back of this volume.

Committee staff

The current staff of the Committee are Elizabeth Flood (Clerk), Eliot Barrass (Second Clerk), Elisabeth Bates (Committee Specialist), Sarah Harrison (Committee Specialist), Darren Hackett (Senior Committee Assistant), Ameet Chudasama (Committee Assistant), Sheryl Dinsdale (Committee Assistant) and Jessica Bridges-Palmer (Select Committee Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Home Affairs Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 3276; the Committee's email address is homeaffcom@parliament.uk.

Contents

Report	<i>Page</i>
Summary	2
1 Introduction	3
2 Relations with the Media	5
Communications	5
ACPO Guidelines	6
The use of Section 14 and non-identification of officers	8
3 Communications between Protesters and Police	10
Media Statements	10
The Use of Section 14 at the “Climate Camp”	11
Structure of Protest Groups	12
ACPO Guidelines	13
4 Use of Close Containment	14
The application of containment tactics at Bishopsgate	15
7pm onwards at the Climate Camp	16
5 The Use of Force	19
A lack of communications and training	19
Force, the use of Section 14 and Close Containment	20
6 The Use of Tasers	22
7 Conclusion	25
Conclusions and recommendations	26
Communications between the Protesters and Police	27
Use of Close Containment	28
The Use of Force	29
The Use of Tasers	30
Conclusion	30
Formal Minutes	33
Witnesses	34
List of written evidence	35

Summary

The policing of the G20 Protests was a remarkably successful operation; more than 35,000 protesters demonstrated in the centre of London with a police presence of several thousand, yet there was a minimum of disruption to the City. Aside from a few high-profile incidents, the policing of the G20 Protests passed without drama.

However, these incidents and the tactics that led to them caused considerable adverse comment and have the potential to seriously damage the public's faith in the police. The use of containment (detaining people in a confined area for a sustained period of time), and distraction tactics (the controlled use of force against those who appear hostile) while legitimate according to the police rule-book, shocked the public. Whether they should continue to be used must form the basis of a wide-ranging discussion on the future policing of public protests.

Police communications with the media and the protesters must also improve. This would require the police, media and protesters to engage better with one another both before and during the protest.

There no circumstances in which it is acceptable for officers not to wear identification numbers and urgent action must be taken to ensure that officers have the resources to display identification at all times; those officers found to be consciously removing their identification numbers must face the strongest possible disciplinary measures.

While the vast majority of officers on duty performed very well, we are deeply concerned that untrained and inexperienced officers were placed in such a highly combustible atmosphere. We cannot condone the use of untrained, inexperienced officers on the front-line of a public protest and feel that an element of luck must be attributed to the success of the operation.

1 Introduction

1. In some respects, the policing of the recent “G20 Protests” on 1-2 April was remarkably successful. More than 35,000 protesters demonstrated in the centre of London, requiring police officers to work over 10,000 shifts. Despite this, businesses in the City reported, at most, minor damage and non-protesters were able to go about their lives with little or no major disruption: as Gold Commander of the police operation, Bob Broadhurst told us, “if you put the disorder and violence that was seen [on the day of the G20] into the context of other demonstrations such as Poll Tax, May Day 2001, it is nowhere near on that scale.”¹ Indeed, it can be said with confidence that aside from a few, high-profile isolated incidents the G20 Protests were extremely peaceful and successful both from the perspective of the police and the protesters. It should also be remembered that the policing of public protest is a labour-intensive, expensive task. It is estimated that the policing of the G20 Protests cost around £7.2 million. By comparison, the Tamil Protest in Parliament Square which took place over a much longer period of time cost, as of 19 May, £8 million and encountered many of the same problems as the G20 Protests.²³

2. However, these isolated incidents have caused serious concern over the tactics used in policing large-scale protests and demonstrations. The use of so-called “kettling” tactics and similar “containment” strategies and allegations of the use of force, as in the well-publicised cases of Ian Tomlinson and Nicola Fisher, have raised serious questions over the methods, doctrine and attitude of the police in these situations.

3. There are currently several reviews of separate aspects of the G20 policing operation: the Independent Police Complaints Commission (IPCC) is investigating four individual complaints of violence against protesters, including the death of Ian Tomlinson and the allegations of violence against Nicola Fisher, and Her Majesty’s Inspectorate of Constabulary (HMIC) is reviewing the tactics used by police in public order situations. Our inquiry investigated some of the wider concerns which have been raised over the policing of large-scale public protests and the application of “kettling” tactics, particularly at Bishopsgate. In particular it focused on:

- Police relations with the media, including the use of Section 14 of the Public Order Act 1986 to remove journalists from an area;
- Communications between police and protesters and the level of leadership displayed by both parties during the protests themselves;
- The use of close containment (“kettling”) both as a question of ideology and application; and
- The use of force by the police. We also examined the possible use of Conducted Energy Devices in similar circumstances in future.

1 Q366

2 Q368.

3 The protest in Parliament Square lasted from 7 April 2009 to 18 June 2009. The overall cost may be in excess of £10 million

4. During the course of this inquiry we have taken evidence from Jeremy Dear, General Secretary of the National Union of Journalists (NUJ); David Howarth MP, who was a member of a contingent of Liberal Democrats who acted as “observers” to the protests; Frances Wright, Chris Abbott and Nicola Fisher who told us of their experiences as protesters; Oliver Sprague of Amnesty International; ACC Simon Chesterman and ACC Sue Sim of ACPO; Sir Hugh Orde and ACC Duncan McCausland of the Police Service of Northern Ireland (PSNI); and Sir Paul Stephenson and Commander Bob Broadhurst of the Metropolitan Police Service. We have also received numerous written submissions from interested bodies and visited the Public Order Training Centre in Gravesend, Kent. We thank everybody who has assisted us.

2 Relations with the Media

5. The importance of an unencumbered media, free to report on large-scale events like the G20 Protests, is self-evident, not just as an end in itself but because a good relationship between the media and the police can be mutually beneficial. As ACC Duncan McCausland of the Police Service of Northern Ireland told us:

We have found it far easier, in effect to help the media do their job and the media work with us in terms of what we are trying to achieve on the day, because the media are part of the community and part of potentially providing a win-win situation and a compromise.⁴

6. It is clear from ACC McCausland's comments that good relations with the media before, during and after large-scale events should be viewed by the police as a valuable resource and therefore a high priority. While we were told that the Metropolitan Police values good relations with the media because "it is in our interests that things are reported accurately"⁵ we question whether during the G20 Protests this really was the case. We have received evidence which has suggested that during the G20 Protests (and similar events at Kingsnorth) the police have not been as diligent as could be expected in building good relations with members of the press. We were particularly concerned to hear allegations of:

- A lack of communications between police and journalists prior to, and during the protests;
- Ignorance, or at least non-application, of the ACPO Guidelines on this area; and
- The use of Section 14 of the Public Order Act 1986 against journalists.

However, we saw little evidence that members of the press were specifically "targeted",⁶ as has been implied in the newspapers and as Jeremy Dear told us. We accept that because of the nature of the work of journalists and the situations in which they place themselves, a certain amount of what has been called "collateral damage" is to be expected. We have been told that the number of claims lodged by the NUJ after the G20 Protests is proportionally the same as at similar events,⁷ which suggests to us that there was no specific, systematic effort on behalf of the police to target journalists or prevent them going about their business.

Communications

7. The police said that they value relationships with the media and invest a large amount of effort in facilitating journalist's needs; Sir Hugh Orde told us explicitly that "we brief before, we brief during and we brief after".⁸ In practice this means that at any large public

4 Q277

5 Q396

6 Q57

7 Q55

8 Q278

demonstration in Northern Ireland, “the media have our contact points in terms of our press officer ... and facilitation can be made to facilitate the media where it is operationally feasible to move them around”⁹ and all officers are briefed on the “handling of the media” on the day of the events.¹⁰ According to Sir Hugh Orde, during the policing of public protest in Northern Ireland, the police’s objectives are clear, “everyone knowing what is going to happen as best you can”.¹¹

8. We do not doubt that this was the aim of the Metropolitan Police Service prior to, and during the G20 Protests, in the run-up to the policing of the G20 there appears to have been a ‘capabilities-expectations’ gap between the police’s intentions and what actually occurred. Mr Dear told us that, while a briefing was given to members of the media, it was concentrated on those journalists representing large media organisations such as the BBC. There was not a briefing with the vast majority of, usually freelance, journalists who planned to attend the protests.¹² Equally, it seems that the briefing was not then disseminated among the rank-and-file police officers. Mr Dear complained about a lack of consistency in police actions, with some officers respecting the rights of the press and others not understanding the rights and responsibilities implicit on the police in these situations.¹³ We were told that that lower ranked officers also seemed unaware of the presence of a designated contact point or were unwilling to refer any issues regarding press access to more senior officers.

ACPO Guidelines

9. There are already ACPO Guidelines in this area. As Jeremy Dear told us:

There is a set of guidelines drawn up by ACPO ... that are meant to govern access requirements, what are the rights and responsibilities of journalists and, in particular, photographers and camera crew when they are covering public order incidents. The problem is too few of the officers on the front line say they have heard of them, know how to implement them, [or] recognise the press card.¹⁴

Commander Broadhurst commented that, “when there is a disorderly situation they [journalists] have no more right than the ordinary citizen to come through all our cordons”¹⁵—an apparent contradiction of the ACPO Guidelines which state: “We [the police] should actively help them carry out their responsibilities provided they do not interfere with ours.”¹⁶ Leaving aside the question of how “disorderly” the protests really were and remembering that the ACPO Guidelines are not binding, we are concerned that this attitude from senior officers goes a long way to explaining the somewhat dismissive

9 Q279

10 Q283

11 Q278

12 Q70

13 Q69.

14 Q56.

15 Q396

16 Guidelines for Metropolitan Police Service Staff on dealing with media reporters, press photographers and television crews.

attitudes of front-line officers to the press. Police relations with the media is not an issue of guidelines, but is instead one of training and briefing

10. **We accept that it is not possible for all officers on front-line duty, some of whom may be inexperienced in this line of work, to know, understand and fully implement the ACPO Guidelines, particularly in a high tension environment like the G20 Protests. However, we cannot understand why those officers who were unable to communicate with journalists were not willing or able to pass this problem on to a more experienced officer. We suggest that at the heart of most communication difficulties encountered by journalists is a lack of leadership on the ground and an inadequate briefing before the protests.**

11. **At the very least all officers should be aware of the existence of a designated media contact point, who is trained in basic communication with journalists and able to give correct information on request. It seems to us that some members of the media experienced a broken chain of command and ignorance on the part of the police which impaired their ability to do their jobs.**

12. It was not only the behaviour of individuals which hindered communications with the media, but failings in the systems and structure put in place. Commander Broadhurst assured us that he made every effort to communicate with officers on the frontline and remind them of their responsibilities to the media but he also admitted that “we need a better way of communicating to the officers at the front of the cordons”¹⁷ and that a “message takes a long, long time to get down to the front line”.¹⁸ Aside from reiterating the need for better briefings before protests, so limiting the need for subsequent communication, this highlights the lack of real devolution of responsibility to those on the ground.

13. **We accept the difficulties implicit in briefing freelance journalists, some of whom may not wish to be contacted by the police prior to an event, and to some extent we sympathise with the Metropolitan Police who appear to be keen to improve relations in this area. However, more must be done. While accepting that it is not possible to brief every journalist who wishes to attend large public protests, and that at the G20 Protests budgetary and time constraints prevented every officer from being adequately briefed beforehand on “handling the media”, we propose two relatively simple solutions which could be implemented at little cost.**

14. **Since it is to everyone’s benefit that the relationship between the police and journalists is clear and codified, we suggest that the briefings given to members of the media before public protests be published on the website of the police and the National Union of Journalists prior to the event. While there may be operational reasons why a complete brief cannot be published, we are surprised that a version of this information is not made public already. In this way anyone who is planning to attend a public protest in a media capacity will have the ability to receive a briefing in this area and at**

17 Q393.

18 Ibid.

the very least be assured that a media contact point will be available on the day. We urge the police to consider this action.

15. Equally, we cannot understand why experienced officers on the ground were not granted a degree of discretion in how the police strategies were enacted. While we accept that communications between the control centre and the front-line can always be improved, we are yet to be convinced of the absolute necessity of why a relatively simple message like “please let them out if they are bona fide press” needed to be sent from the Gold Commander, who presumably had many other more pressing matters to concern him.

16. We recommend that in its promised review of police tactics on public order situations HMIC looks at the command structure at big events and considers the benefits of allowing experienced officers on the ground the power to make relatively simple, non-controversial decisions such as these. As far as possible, power should be devolved to officers on the ground authorised to react to changing situations.

The use of Section 14 and non-identification of officers

17. Section 14 of the Public Order Act gives the senior police officer discretion to end or limit protests where this may be “necessary to prevent disorder, damage, disruption or intimidation” and the protest continuing “may result in serious public disorder, serious damage to property or serious disruption to the life of the community”.¹⁹ The use of this power against journalists, coupled with the non-identification of officers, typifies the somewhat contradictory attitude of the police towards the press during the G20 protests. Both actions suggest, rightly or wrongly, that the police felt that they had something to hide. This is a dangerous perception to foster, particularly as, “The reality is, as every officer should be fully aware whether or not the press are there, cameras are now everywhere.”²⁰

18. This was borne out in the footage of force used against, among others Nicola Fisher and tragically, Ian Tomlinson—this footage was almost instantly uploaded onto the internet and transmitted around the world. The police’s actions in each case may or may not be justifiable but they were certainly shocking. Actions which may appear justifiable in the cold light of day can be extremely troubling when relayed instantaneously around the globe. While these images provide only one, possibly misleading viewpoint²¹, they undeniably have power to shake the public’s confidence in the police and negatively affect their perception of the performance of the police at the G20.

19. The police must be aware that, as a matter of course, their actions will be filmed whether or not journalists are present. They must amend their attitude and tactics accordingly. The police should be aware that in the modern world actions which may be justifiable under the rules may nonetheless be completely unacceptable.

20. Both at the G20 Protests and the protest at Kingsnorth Power Station in Kent the police have used Section 14 of the Public Order Act to disperse journalists. We heard from Jeremy

19 The full act can be found at: <http://www.statutelaw.gov.uk/content.aspx?activeTextDocId=2236942>

20 Q280

21 Q249.

Dear that Section 14 was used in an apparently pre-meditated fashion to remove journalists from an area, rather than as a response to “serious public disorder”.²² We will return to general questions on the use of Section 14 later, but if, as Jeremy Dear alleged, it was used in this fashion then it would clearly be a misuse of powers granted to the police. The fact that the police have in both cases apologised does not excuse the fact that forcing members of the press to leave an area without justification sends out completely the wrong signal of the police’s intentions and does not help the police build strong relationships with the media. For this reason alone the misuse of Section 14 must be addressed.

21. This impression was reinforced by the fact that some officers were seen not wearing their identification numbers. According to Nick Hardwick, this is an “absolute obligation”²³ on the part of the police and Sir Paul Stephenson called it a “statement of the blindingly obvious. Uniformed officers should always be identifiable”²⁴. We accept that there are, in some cases, justifiable reasons for police not to wear their identification²⁵, and that the numbers of officers involved may have been exaggerated,²⁶ but the impression given is still clear and worrying:

Certainly, in the public order work, we are aware of the implications of officers not being identified, because it gives the impression that they are trying to cover up their actions, which is clearly wrong.²⁷

22. We echo Sir Paul Stephenson’s comments: in many ways the problem for the police in these situations is not their actual actions, but the perception that they are seeking to avoid accountability for these actions. We are therefore surprised that the problems of identification posed when officers change into protective equipment have not been addressed before and recommend more funding specifically for solutions in this area.

23. Senior officers must take personal responsibility for ensuring that all officers are displaying their identification numbers and the individual officer must be provided with enough numbers so that these can be worn at all times and on all equipment. It would be helpful if the Home Office and Metropolitan Police would let us know the length of time it takes between the ordering of a new identification badge and this badge being delivered to the individual officer. It is unacceptable for officers not to wear identification numbers at such events; this must be a matter of the highest priority. We urge that any officers found to be deliberately removing their identification face the strongest possible disciplinary measures and the police must make every effort to be identifiable at all times.

22 Q66

23 Q48

24 Q336.

25 Q361.

26 Ibid.

27 Q361.

3 Communications between Protesters and Police

24. In addition to the breakdown in communications between police and journalists during the G20 Protests, we were also told there were failures of communication between the police and representatives of the various groups who wished to protest at the G20. This Chapter will analyse this claim, by examining:

- media statements released by the police before the protests;
- the use of Section 14 of the Public Act and whether this was fully and intelligibly communicated to the protesters before its use at the Climate Camp; and
- the structure of the protest groups themselves to see whether this was a hindrance to communication and police planning.

Media Statements

25. In oral evidence to us, David Howarth MP, who acted as an observer at the protests, told us why he had taken on this position:

I was increasingly concerned about the hyping up of the possibility of violence ... What we were doing there was as a result of what was happening in the previous weeks in the media and concern about the police apparently ... raising the spectre of major violence.²⁸

Before the G20 Conference police comments suggested that 1 April would be “very violent”.²⁹ This in itself could be considered provocative but when, as Commander Broadhurst admitted to us: “they [officers trained in public order]... get two days’ training a year, and the vast majority [of officers]... have never faced a situation as violent as that”³⁰ it appears inflammatory. To compound this failing, both sides appeared unwilling or unable to communicate during the day and diffuse any tension without resorting to confrontation. Commander Broadhurst told us that due to lack of time for training, “we do not do enough around the softer issues of speaking to crowds, etc.”³¹ This was borne out in the evidence of Chris Abbott, a protester at the “Climate Camp”, who told us that before a police ‘charge’ at 9 or 9:30pm “there was no warning given. There was no request to move. There was no indication of what was going to happen”.³² In this case the use of force seems needless; Mr Abbott had given no indication of being obstructive and every indication that he, for one, would have moved back if asked.

28 Q93.

29 <http://www.guardian.co.uk/uk/2009/mar/27/g20-protest>; “Fears police tactics will lead to violence”, *The Guardian*, 27 March 2009

30 Q374

31 Q393.

32 Q130

26. We cannot understand why, knowing the pressures that inexperienced officers would face the police would use language which would only serve to create a “them and us” attitude and antagonise the most violent elements within the protesters. We feel that such statements essentially become a self-fulfilling prophecy and they should be avoided in future.

The Use of Section 14 at the “Climate Camp”

27. The inadequacy of the communications between the police and protesters is best evidenced by the use of Section 14 of the Public Order Act at the Climate Camp from around 9pm onwards. We were told that prior to this the Climate Camp had settled down after being “kettled” at 6pm, and there was a “friendly atmosphere” between the protesters and police.³³ Between 9 and 10pm the police applied Section 14 of the Public Order Act to move the protesters and from around 10:45pm to disperse the group completely. It is not clear how or indeed whether this information was communicated to the protesters. We have heard that no intelligible announcements were made.³⁴ To the protesters being dispersed it seemed as if the police, without warning had began to use force to clear a peaceful protest.³⁵

28. Despite the inadequacy of communications, we have found no proof that the police were systematically unwilling to communicate to protesters throughout the day. The lack of intelligible communications with the crowd stemmed from inadequate equipment. It appears that genuine efforts were made to communicate with the crowd.³⁶ However, in this instance the motives are largely irrelevant. Sir Paul Stephenson was correct when he said to us:

I think it is fair to say that the presentation of that, and the way in which that video evidence looks, does stand the potential of damaging public confidence.³⁷

The issue is not one of motives and willingness, but of perception, openness and accountability.

29. Policing public protest is an activity under much greater scrutiny than twenty to thirty years ago, Sir Paul Stephenson told us that “as technology changes, there are different ways and many more opportunities for people to be caught behaving badly if they choose to behave badly.”³⁸ This undoubtedly increases the pressure under which front-line police officers have to work; because of this they have our sympathy. However, this does not excuse behaviour which appears to contravene the norms of democratic protest. The police must be aware that their behaviour will be monitored, recorded and instantly made public via the internet. They must modify their behaviour and briefings accordingly.

33 Q138

34 Q147

35 Q130

36 Q147.

37 Q363.

38 Q364.

30. **We recommend that the police wherever possible refrain from any activity which can suggest violent intent. Instead, they must firmly prioritise communications and policing by consent, negating the need for violent action wherever possible.**

31. **We also recommend that more funding be made available specifically for training in the softer issues of communication and speaking to crowds. At the very least each unit involved in the policing of large protests should contain one officer trained and able to communicate with crowds of protesters. This would enable communications with protesters to take place on a consistent, codified basis, and increase the opportunities for large groups of protesters to be policed by consent.**

Structure of Protest Groups

32. However, we do not hold the police wholly to blame for the lack of communications during the day of the protests. It seems that the structure of the Climate Camp, the protest which experienced the greatest difficulty communicating with the police on the day hindered communication. Commander Broadhurst told us that prior to the event:

they [the Climate Camp] will not put forward organisers because they say they are a non-hierarchical organisation where nobody makes decisions, which then gives me huge problems in trying to find out, as happened on 1 April, what they intend to do and where they intend to do it.³⁹

Without identifiable organisers it was much harder for the police to gain the information they needed to plan their operation and also to communicate with protesters throughout the day.

33. While we fully respect the rights of peaceful protesters to organise their groups however they wish, it seems to us that it was very unhelpful to choose a structure for a large, disparate group that would add unnecessary complications to police efforts at communication. It is no coincidence that those protests which lacked a clear hierarchical structure and did not fully communicate their intentions to the police beforehand were those which experienced the greatest use of force by police. It is the relationship between the protesters and police which defines the success of the protest from a public safety perspective and we are not convinced that all protesters did everything they could to strengthen this relationship.⁴⁰

34. **It seems paradoxical to us that both sides stress the importance of communications, and complain when these are not forthcoming yet are unwilling to put people in place to make this process easier. Elsewhere in this Report we have recommended that the police designate 'contact points', we also recommend that protest groups put ideological concerns to one side and instead do everything they can to aid communications both before and during the protests.**

39 Q398.

40 We were sent the notes of a meeting between the MPS and representatives of the Climate Camp which took place prior to the G20 Protest on 31 March 2009 where the police reiterated that the problem from their perspective was the lack of an "organiser" which would make communication through the day much more difficult. The police also complained at this meeting that the plans of the "Climate Camp" had yet to be fully communicated.

ACPO Guidelines

35. It is possible that the police actions at Bishopsgate were in violation of ACPO Guidelines in this area, and certainly differ from what ACPO Lead Sue Sim considers to be best practice:

The guidelines are clear that communications should be given to the crowd. My interpretation would be that people understand the communication which has been given.⁴¹

Commander Broadhurst admitted to us that this certainly was not the case at the G20.⁴² The police faced similar problems caused by a large number of people in one area at the Countryside Alliance protest in 2004 and the May Day protest in 2001, yet they are still investigating alternative methods or communication, such as “dot matrix signs or louder PA systems”.⁴³ This hints at a wider problem of the dissemination of best practice.

36. In our evidence session with Hugh Orde and Duncan McCausland we heard that the PSNI have faced similar problems in the past and these were challenged by the Police Ombudsman. As a result the PSNI, rather than relying on a megaphone, “record [on] CCTV or cameras, warnings that we would be giving and that we were preparing to advance”.⁴⁴ This does seem a more effective method for communicating to large groups, rather than relying on a loudhailer which apparently gave signals which were “unintelligible” and could only be heard from ground-level.⁴⁵

37. We question why these new, up-to-date tactics used by the Police Service of Northern Ireland have not been shared and adopted nationally and urge all forces to adopt newer, more efficient methods for communicating to large crowds as quickly as possible.

41 Q253

42 Q393.

43 Q393

44 Q288

45 Q147.

4 Use of Close Containment

38. The use of containment strategies has “been around since the [ACPO] manuals began”,⁴⁶ and it is an established, accepted tactic by the police. After its application at Oxford Circus during the May Day protests of 2001, its use was challenged in the courts. A case brought by Lois Austin against the tactic is currently being considered by the European Court of Human Rights. The House of Lords has already passed a ruling in this case. The *Austin* ruling says that containment as a strategy is lawful only in specific circumstances including: when the cordon is necessary for purely crowd control purposes and to protect people and property from injury, when many of the people contained were bent on violence; and those who were not demonstrators, or were seriously affected by being confined, were allowed to leave.⁴⁷ The continued use of containment strategies from a lawful perspective is therefore a matter for the courts and as a tactical measure is to be addressed in the forthcoming HMIC Report. However, we have been told of several problems with the application of close containment at the G20. This Chapter will address these problems.

39. From a tactical perspective, a containment strategy has much to recommend it both in the context of the G20 Protests:

If [the protesters] intention was to cause as much disruption to the City as possible, containing them is the most sensible option. The only alternative to containment is dispersal ... you push the crowd back and get them to disperse in small groups so they go their own ways.⁴⁸

And more generally, as ACC McCausland told us:

our role in terms of the use of containment has been to potentially diffuse the situation and allow protesters and people to move away from the area that they are potentially wanting to get into.⁴⁹

40. It is undoubtedly to the benefit of the police if protesters can be contained in one area; it allows the police to focus their efforts and resources on one area and theoretically prevents many minor disturbances. If there are potentially violent elements in a crowd of protesters, it is certainly better for these to be contained in one area under heavy police supervision. Containment tactics should be encouraged in these circumstances. However, it is entirely possible, as at the G20 Protests, that innocent bystanders can be caught up in the contained area and be detained for several hours until the police judge it appropriate for them to leave. This detainment of innocent, peaceful bystanders is a violation of their rights and is something which must be minimised as far as possible.

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

46 Q248.

47 For the full ruling: <http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090128/austin.pdf>

48 Q373.

49 Q270

circumstances should be codified. The use of containment tactics should also be closely linked to police intelligence. The police must have reasonable grounds to believe that the protesters being contained are liable to cause disturbances elsewhere and innocent bystanders and non-violent protesters (where they can be identified) must be allowed to filter out; containment should continue only for as long as absolutely necessary and the comfort of those contained must be given as much consideration as possible. As we discuss later on, this was not the case in the particular example of the G20 Protests.

The application of containment tactics at Bishopsgate

42. The use of “containment” as a tactic remains controversial and we would appreciate greater clarity from the police over its use. We are also concerned about incidents that occurred within the “kettle” and question elements of its application.

43. One point of contention is the question of how comfortable protesters were made during their containment. After the May Day protests in 2001 it was recommended that the police make a greater effort to ensure the comfort of those ‘contained’. We have heard conflicting information on the provision of water and toilets at the ‘Climate Camp’ in Bishopsgate and at Bank. Commander Broadhurst assured us that the City of London Corporation provided water supplies and toilets for those contained⁵⁰ but we also have been told that this was not the case throughout the day; after one police “charge” the toilets were behind a cordon and water was not made available to those who requested it.⁵¹ It is impossible for us to judge whether water and toilets were made freely available to protesters. However, given the recommendations made after the May Day protests this is a question that should not need to be asked; that there remains doubt on this issue is unacceptable.

44. While the comfort of those contained at the Climate Camp and at Bank is one issue of concern, a more worrying element of the application of the kettle is the attitude of police towards protesters who claimed they had a medical problem. We have heard much anecdotal evidence from those present at the protests that people requiring medicines were unable to leave the containment area despite their medical need. “We were told specifically by the police that they were under specific orders not to let people out even for medication.”⁵² According to Commander Broadhurst, the Bronze Commanders on the ground at the G20 Protests were unwilling to allow protesters to leave the containment area to gain access to medicines in case they were lying about their medical condition.⁵³ This position seemed to be endorsed by the Commander.

45. There is no excuse for the police preventing peaceful protesters or other people innocently caught up in a protest from leaving a “contained” area when the police can be sure that they do not pose a violent threat to society. This is doubly true when people are asking to leave for medical (or related) purposes. We are particularly concerned at the evidence we have received suggesting that an explicit order was given to maintain

50 Q392

51 “Legal Observation at the Climate Camp” *Tom Brake MP*.

52 Q139.

53 Q393.

the “cohesion” of the police lines at the expense of peaceful protesters’ right to egress and to access medicine. While it may be true that some protesters would falsely claim a medical need to leave a contained area for the purposes of causing disorder, we believe that this is a risk that the police must be prepared to run; the dangers of denying protesters their needed medications are too great.

46. The police must reorganise their priorities with regards to the circumstances under which protesters are allowed to leave a “contained” area. It is not acceptable for a blanket ban on movement to be imposed. Again we recommend a devolution of power in this area. During any containment procedure experienced officers must be authorised to use discretion and allow access and egress in cases where a medical need is involved, trusting their own judgement and experience when necessary. Crucially, as with the media contact points, their existence and availability in this role must be commonplace; it must be made clear to front-line officers in briefings before and during the day.

7pm onwards at the Climate Camp

47. The “Climate Camp” at Bishopsgate illustrates many of the problems in the way the containment strategy was applied: a failure on both sides to communicate; the lack of a “filter” system for dispersing protesters (in contravention of ACPO best practice); and the “very intense, very rapid”⁵⁴ dispersal under Section 14 of the Public Order Act all combined to create a situation which typifies the worst aspects of the policing of the G20 Protests.

48. In Chapter 3 we criticised the lack of communication between the police and those who were “contained”. In the interests of fairness it is worth stating that this experience was not uniform. Earlier in the day when the police considered it necessary to make changes to the policing arrangements at Threadneedle Street, “They warned that people needed to move back. Protesters listened and everybody moved back peacefully, with nobody getting hurt”.⁵⁵ Sadly this was not the case in the Climate Camp after 7pm.

49. The most troubling aspect of the “kettling” was the subsequent “dispersal” of the crowd at around 11:30pm. This has been described as a “very intense, very rapid clearance... very scary”.⁵⁶ The use of force to disperse protesters in this situation could have been easily avoided and can be traced back to an incorrect application of the “kettle”. According to ACPO lead, Sue Sim, best practice requires that:

They have to communicate with people, it is good practice to communicate, and that is what the manual says: it talks about communicating with crowds. It also talks about allowing people to filter out, and that is what would be considered to be good practice.⁵⁷

We feel that the application of the kettle at Bishopsgate fails to meet these two requirements.

54 Q130.

55 “Legal Observation at the Climate Camp”, *Tom Brake MP*

56 Q130.

57 Q242.

50. It is not clear to us why, having contained protesters in one place to prevent “lots of little disturbances,”⁵⁸ the police were unable to “filter” out the protesters in small groups (searching them for offensive weapons first if needs be). We fear that this may be a common approach nationwide and not merely isolated behaviour from one force; in written evidence from Cambridgeshire Police we were told that “any group given the right circumstances is potentially violent”.⁵⁹ While technically this may be correct, it does strike us as an inefficient approach. The police and HMIC should consider whether it would be better, as far as possible, to use intelligence to identify potentially violent protesters and contain them while simultaneously filtering out small groups of peaceful protesters. This would reduce the need for “mass” clearances, limit the use of force (as the contained area would be that much smaller), be a more efficient use of resources and be more in the spirit of the *Austin* ruling.⁶⁰

51. Again we stress the importance of communications between the police and protesters before large-scale events, not least because this will help the police identify violent elements within the protests. Both sides benefit from an orderly protest and it is in the protesters’ interest to signal their peaceful intentions beforehand. This would allow the police to focus their energy on those groups who have identified themselves as potentially violent through their lack of communications: “if they choose to engage: great. If they do not then you know what you are dealing with and you police in a different way.”⁶¹ While we do not deny the essentially peaceful nature of the ‘Climate Camp’ we are concerned that the group provided the police with the bare minimum of information beforehand⁶² and we believe that this was may have been a contributory factor in the subsequent use of force by the police.

52. We fully endorse Sir Hugh Orde’s comment that “talking works”.⁶³ We are firmly of the view that the problems that were reported by those “contained” at Bishopsgate could have been easily prevented through greater communication throughout the day. We recommend that in future the police exhaust all possible avenues of communication before using force and be as open as possible about their intentions at all times. We also recommend that the police follow their own guidelines and allow peaceful protesters to filter out of the cordon and go home. This would minimise and focus force used in a subsequent dispersal.

53. Equally, we recommend that groups of protesters make every effort to prevent the police viewing them as a threat to public order. We are of the opinion that in the case of the ‘Climate Camp’ the degree of reticence on the part of the protesters adversely affected the police’s perceptions of the protest and made the use of force, unfortunate though it was, more likely. Groups with peaceful intentions should make every effort to alert the police to their intentions, removing any suspicions the police may (rightly)

58 Q373.

59 Q2.

61 Q286.

62 Q154.

63 Q269

have and aiding the planning process to mutual benefit. Protesters should remember that “talking works” is a maxim which is true for both sides.

5 The Use of Force

54. The results of the issues above, the poor communications with the press and protesters, the lack of training for some officers and the somewhat indiscriminate use of Section 14 and close containment tactics, can be seen in the aspect of the policing of the G20 Protests which has raised greatest concerns with the public: the use of force against protesters.

A lack of communications and training

55. The use of force *per se* is not an illegitimate act while policing protest; according to ACPO Lead Sue Sim, under Section 3 of the Criminal Law Act, “if those officers [who used force] are able to justify the violence that they used then that would be alright”⁶⁴ and in certain circumstances, the use of “distraction” tactics such as a slap to the face may be approved tactics.⁶⁵ However, it is harder for officers to justify the use of force if no warning has been given before its use and we are concerned that inexperienced officers are being taught that the use of force can be acceptable in all situations, providing it is subsequently justifiable.

56. In oral evidence to us, Ms Nicola Fisher told us of her experiences on 2 April. From this and other accounts we have heard, the vigil which Ms Fisher had attended was peaceful⁶⁶ until the sudden appearance of police who were acting in what seemed to those present an overtly aggressive manner, certainly one which was disproportionate to the supposed “threat”. The issue here is not the deployment of police in that area, which is a decision to be justified by the Silver Commander on the ground; instead it is how the police behaved. From the evidence we have received the use of force against Nicola Fisher was a first, rather than last resort. We do not know whether it was justified, but equally we do not know whether it was needed; Nicola Fisher never got the chance to obey the officers’ orders.⁶⁷

57. While the film and images of the incidents involving Nicola Fisher, Ian Tomlinson and others are shocking, we cannot say with any certainty what actually occurred immediately before and after these incidents. However, it is clear that confrontations of some description did occur, during the course of which Nicola Fisher was hit with a baton and Ian Tomlinson collapsed. We have subsequently learnt that police trained in crowd control are taught that a slap across the face or a baton strike to the leg (as inflicted on Nicola Fisher) are appropriate actions to prevent an escalation of violence, and a textbook example of “distraction” tactics.

58. We do not pass comment on the cases of Nicola Fisher and Ian Tomlinson. However, it remains true that the images of “distraction” tactics in action have the potential to undermine the public’s trust in the police. We hope that these pictures and films are the start of a widespread public debate on the use of force by the police and lead to further discussions on the tactics available to the police in similar situations. We

64 Q227.

65 Q2.

66 Q163.

67 Q170-172.

recommend that the police publicly clarify how and when they should legitimately be used.

59. While the individual actions of some officers on the 1-2 April appear unacceptable, we are still wary of criticising the police service as a whole. We echo Sir Paul Stephenson's comments that "it was a remarkable operation ... the vast majority of officers did a remarkable job".⁶⁸ We consider the performance of the "vast majority" of the police on duty that day to be even more remarkable given the circumstances under which they operating. We are shocked by Commander Broadhurst's admission that some officers had not received adequate training for this duty and most had not policed actions of this nature before.⁶⁹ Given that the Metropolitan Police Service claims to be "used to handling big events"⁷⁰ we find this statement doubly surprising. The use of force in individual cases may or may not be justifiable; however when it is preceded by a lack of training it is troubling regardless of the merits of each individual case. Ultimate responsibility though must rest with senior officers; given Commander Broadhurst's admission that some officers lacked the training necessary for this work, the actions of some individual officers at the G20 Protests become, if not excusable, at least understandable.

60. Never again must untrained officers be placed in the front-line of public protests. At the very least each unit should contain a core of fully trained, experienced officers. While greater funding must be made available, the police must also allocate their resources better to ensure that all officers on the front-line of public protest are trained adequately.

Force, the use of Section 14 and Close Containment

61. Given the admission by Commander Broadhurst that some officers on duty lacked training in policing this sort of event we suggest the use of close containment tactics and the over-reliance on Section 14 of the Public Order Act in the dispersal of journalists and protesters could have been counter-productive. We urge the police to examine their doctrine in these areas given the resource limitations under which they work. Given the inexperience of some of the officers on front-line duty that day, we wonder whether such a "confrontational" approach is suitable. Certainly we are unsure of the merits to untrained and inexperienced officers of labelling protesters a source of "serious disorder", suggesting that "distraction" tactics are a valid technique and then placing them in a tense situation for a sustained period of time. We wonder whether the lack of training which some officers had received was taken into account during the planning of the G20.

62. Throughout this Report we have commented on the inappropriate use of Section 14 of the Public Order Act. We have heard evidence that Section 14 was used against two discrete groups of people, journalists and protesters in an effort to disperse these groups from a given area. In neither case are we certain that the groups in question posed a threat of "serious public disorder, serious damage to property or serious disruption to the life of the community". We are concerned that the police view Section 14 of the Public Order Act

68 Q344.

69 Q374.

70 Q367.

as a handy “catch-all” tool to be used whenever they wish to move people on from a given area. This would be an abuse of the rights of protesters to demonstrate in a peaceful manner and a misuse of the powers granted to the police.

63. We are concerned over the police’s apparent reliance on Section 14 of the Public Order Act. Given the importance with which it is viewed by the police, we find it odd that officers are not given training on the suitable legal application of this power. We recommend that all public protest training, especially that of a more advanced level, incorporates the correct application of Section 14. Equally, if communications and relations between the police and protesters are good and both sides put emphasis on prior communication, as we have already recommended, then it may be possible to negotiate a mutually acceptable ‘finish time’, removing the need for police-driven dispersal.

64. We also heard that the victims of force at the G20 Protests will be waiting an inordinate amount of time for their cases to be resolved. Nicola Fisher told us the IPCC would take between 12 and 18 months to complete their inquiries.⁷¹ We accept that the consideration of these cases by the prosecuting authorities inhibits the IPCC somewhat and contributes to the delay,⁷² but since these cases must be a high priority for the IPCC we cannot imagine why this amount of time is needed; but equally, we understand that the G20 Protests have placed an inordinate amount of strain on the IPCC. The 40 officials who are currently investigating incidents around the G20 Protests are a third of the total number of investigators employed by the IPCC.⁷³ The G20 will therefore obviously affect the performance and capability of the IPCC for a sustained period of time.

65. That it takes over a year to investigate a high-profile case such as the use of force against Nicola Fisher is distressing. We would like to hear from IPCC as why the inquiry will take this long and what efforts they are making to speed the resolution. We are also concerned about such a large proportion of the Independent Police Complaints Commission’s investigators being allocated to the events of the G20. Greater funding must be made available to provide the resources the IPCC needs to complete their investigations in a more timely manner.

71 200.

72 Q53.

73 8.

6 The Use of Tasers

66. In the light of Sir Paul Stephenson's suggestion after the event that a review of the tactics and methods the police use to police demonstrations is needed, including the possible use of "distance weapons" like water cannons⁷⁴ this Chapter will also briefly examine the use of Conducted Energy Devices (CEDs) (commonly known as "Tasers") while policing public protest as a possibly less "confrontational" and therefore safer tactic. We will first discuss the deployment of Tasers to front-line officers and the circumstances in which they should be used.

67. Tasers have been available to all firearms officers since September 2004. In November 2008, the then Home Secretary (Jacqui Smith MP) announced plans to widen the use of Tasers to some front-line officers, following a twelve-month trial in ten forces. These officers are "Specially Trained Units" and must spend a minimum of 8 hours in initial training and attend annual "refresher" courses for 6 hours. Taser are currently authorised for use in operations or incidents where officers are facing violence or threats of violence of such severity that the use of force is needed to protect the public, themselves or the subject. While we are not aware of any plans to extend the use of Taser beyond this, we considered it useful to put our views on the matter on the record.

68. Tasers are indeed a useful tool for the police, and any equipment which may protect the police and the public from harm is to be welcomed. It is pleasing that initial trials suggest that in many cases the mere threat of a Taser, so-called "red-dotting", is sufficient to remove the threat⁷⁵ and in certain situations, such as when dealing with violent drunks for example, the use of Taser is preferable, and less dangerous to the subject, than the use of a police ASP or baton.

69. While we are confident that the Taser is a useful tool from the perspective of the police we remain wary of endorsing its use on a more general basis for two reasons. Firstly, the use of a Conducted Energy Device may pose a health risk to those subjected to it. While there have been no recorded deaths attributed to Taser in the UK, Amnesty International told us that nearly 350 people [have] died after being tasered in the USA and Canadian where Taser is used far more routinely⁷⁶. The risk to people with heart problems or similar health issues is exponentially higher than with the use of an ASP. Amnesty International argue that the use of Tasers should be limited to situations where there is an imminent threat of death or serious injury. In November 2008, the Metropolitan Police Authority expressed concern that wider deployment of CED had the potential to cause "fear" and "damage public confidence".⁷⁷

70. Tasers do have a role in policing. As an "alternative to lethal force" they are undoubtedly preferable to firearms and in certain situations, ASP batons, in dealing with a violent threat to an officer, members of the public or the subject themselves:

74 "Police may use water cannon to control violent demonstrations", *The Times*, 9 May 2009.

75 Ibid.

76 Q2.

77 Jacqui Smith's Taser plan suffers blow after Met Police Authority's rejection" *The Times*, 25 November 2008

It [Taser] is specifically a weapon that is targeted at an individual to bring him under effective control when he is behaving extremely aggressively or violently.⁷⁸

We praise the efforts made to prevent the incorrect use of Conducted Energy Devices and to prevent fatalities and introduce accountability through measures such as the fitting of data ports which record when the taser is fired.⁷⁹ We have no doubt that the police are currently making every effort to prevent fatalities through the incorrect use of a Conducted Energy Device.

71. The decision to extend the deployment of Conducted Energy Devices to some non-firearms officers, and the training they receive, should be kept under review. The use of this weapon on a general scale poses many issues regarding public safety and more widespread use of Tasers would also represent a fundamental shift between the police and the general public. British policing is based on consent and face-to-face engagement, the use of Taser has the potential to erode that relationship and create a rift between the police and the policed. Furthermore, we would not endorse any move to authorise its wider use beyond dealing with a violent threat.

72. British policing is traditionally based on engagement and policing with consent. British policing involves face-to-face communication and negotiation, and this is particularly the case when policing large-scale events. However, this doctrine in British policing does contain one major drawback; not only, as at the G20, can it lead to protesters and police being contained in close proximity to each other for hours in a tense situation but:

We as a service come toe-to-toe far quicker, probably, than any other police jurisdiction in the world... which does then mean that we put our officers and our specials and others in that very invidious situation of being toe-to-toe with sometimes a violent and antagonistic crowd, and then having to work out who are the decent people and who are those that are trying to attack me.⁸⁰

73. This is obviously a difficulty which UK police have to face and increases the stress and tension all officers, but particularly those lacking experience, must face when policing protest. In this context some have suggested that the police should change their own guidelines and equip officers policing public protests with Conducted Energy Devices which would reduce the likelihood of the police being in close proximity with potentially violent protesters and in turn lower the risk posed both to protesters and police by creating a *cordon sanitaire* between the two groups. This section briefly discusses this argument.

74. We have been told that in certain circumstances, particularly those where what is required (as decided by a trained officer) is an “alternative to lethal force”⁸¹ the use of a Conducted Energy Device is an appropriate response. However, while a Taser may be of value in specific circumstances, these circumstances are limited, and are not those found in a large public protest. The dangers of using a Taser weapon against a crowd are that it is

78 Q8

79 Q39.

80 Q366.

81 Q1

likely to be indiscriminate, because you cannot target an individual;⁸² the officer could be overpowered and the Taser taken from him, Taser used in a crowded area could easily cause panic and in a protest situation the cords of the Taser could easily be entangled in the crowd preventing assistance reaching the victim. While Taser is undoubtedly effective in the right circumstances its presence at an already tense large-scale public protest would merely increase the potential for injury and prove counter-productive.

75. We recommend that the police continue their self-imposed ban on the use of Taser in public protest situations. More generally we urge the police to reject the use of “distance weapons” in policing demonstrations. Instead of investment in expensive equipment to give the police “distance” while policing large scale protests, we suggest that the money could be better spent on training for front-line officers and in the planning of operations, removing the need for such “distance weapons”.

7 Conclusion

76. Despite a lack of time for planning⁸³, the policing of the G20 Protests was in many ways a successful operation. Front-line officers who were untrained and inexperienced in this area were placed in a highly combustible atmosphere and performed an admirable job. The vast majority of those wishing to protest were facilitated in a peaceful manner with a minimum of fuss and drama. On the whole, the police should be congratulated for their work. However, this success should not distract from the failings in the operation which were also on show and we feel that an element of luck must be attributed to the success of the operation. It is troubling that the policing operation relied so heavily on untrained, inexperienced officers. Future events may not be so calm and some officers will be found wanting through no fault of their own.

77. This is a risk the police must not run. We cannot condone the use of untrained, inexperienced officers on the front-line of a public protest under any circumstances and this must be avoided at all costs. Equally while “containment” may have been the optimum tactic available in this operation, we urge the police to address the specific details of its application which we have discussed above and make public the situations in which they consider its use appropriate and the internal checks they have on its strategic use and practical deployment. We note the reviews on this matter and urge the police to take decisive action to prevent a re-occurrence of the problems we have identified. It is clear that the concerns about the policing of the G20 Protests have damaged the public’s confidence in the police. There must not be a repetition of this.

78. Above all, the police must constantly remember that those who protest on Britain’s streets are not criminals but citizens motivated by moral principles, exercising their democratic rights. The police’s doctrine must remain focused on allowing this protest to happen peacefully. Any action which may be viewed by the general public as the police criminalising protest on the streets must be avoided at all costs.

⁸³ Q371

Conclusions and recommendations

Relations with the Media

1. We accept that it is not possible for all officers on front-line duty, some of whom may be inexperienced in this line of work, to know, understand and fully implement the ACPO Guidelines, particularly in a high tension environment like the G20 Protests. However, we cannot understand why those officers who were unable to communicate with journalists were not willing or able to pass this problem on to a more experienced officer. We suggest that at the heart of most communication difficulties encountered by journalists is a lack of leadership on the ground and an inadequate briefing before the protests. (Paragraph 10)
2. At the very least all officers should be aware of the existence of a designated media contact point, who is trained in basic communication with journalists and able to give correct information on request. It seems to us that some members of the media experienced a broken chain of command and ignorance on the part of the police which impaired their ability to do their jobs. (Paragraph 11)
3. We accept the difficulties implicit in briefing freelance journalists, some of whom may not wish to be contacted by the police prior to an event, and to some extent we sympathise with the Metropolitan Police who appear to be keen to improve relations in this area. However, more must be done. While accepting that it is not possible to brief every journalist who wishes to attend large public protests, and that at the G20 Protests budgetary and time constraints prevented every officer from being adequately briefed beforehand on “handling the media”, we propose two relatively simple solutions which could be implemented at little cost. (Paragraph 13)
4. Since it is to everyone’s benefit that the relationship between the police and journalists is clear and codified, we suggest that the briefings given to members of the media before public protests be published on the website of the police and the National Union of Journalists prior to the event. While there may be operational reasons why a complete brief cannot be published, we are surprised that a version of this information is not made public already. In this way anyone who is planning to attend a public protest in a media capacity will have the ability to receive a briefing in this area and at the very least be assured that a media contact point will be available on the day. We urge the police to consider this action. (Paragraph 14)
5. Equally, we cannot understand why experienced officers on the ground were not granted a degree of discretion in how the police strategies were enacted. While we accept that communications between the control centre and the front-line can always be improved, we are yet to be convinced of the absolute necessity of why a relatively simple message like “please let them out if they are bona fide press” needed to be sent from the Gold Commander, who presumably had many other more pressing matters to concern him. (Paragraph 15)
6. We recommend that in its promised review of police tactics on public order situations HMIC looks at the command structure at big events and considers the

benefits of allowing experienced officers on the ground the power to make relatively simple, non-controversial decisions such as these. As far as possible, power should be devolved to officers on the ground authorised to react to changing situations. (Paragraph 16)

7. The police must be aware that, as a matter of course, their actions will be filmed whether or not journalists are present. They must amend their attitude and tactics accordingly. The police should be aware that in the modern world actions which may be justifiable under the rules may nonetheless be completely unacceptable. (Paragraph 19)
8. We echo Sir Paul Stephenson's comments: in many ways the problem for the police in these situations is not their actual actions, but the perception that they are seeking to avoid accountability for these actions. We are therefore surprised that the problems of identification posed when officers change into protective equipment have not been addressed before and recommend more funding specifically for solutions in this area. (Paragraph 22)
9. Senior officers must take personal responsibility for ensuring that all officers are displaying their identification numbers and the individual officer must be provided with enough numbers so that these can be worn at all times and on all equipment. It would be helpful if the Home Office and Metropolitan Police would let us know the length of time it takes between the ordering of a new identification badge and this badge being delivered to the individual officer. It is unacceptable for officers not to wear identification numbers at such events; this must be a matter of the highest priority. We urge that any officers found to be deliberately removing their identification face the strongest possible disciplinary measures and the police must make every effort to be identifiable at all times. (Paragraph 23)

Communications between the Protesters and Police

10. We cannot understand why, knowing the pressures that inexperienced officers would face the police would use language which would only serve to create a "them and us" attitude and antagonise the most violent elements within the protesters. We feel that such statements essentially become a self-fulfilling prophecy and they should be avoided in future. (Paragraph 26)
11. Policing public protest is an activity under much greater scrutiny than twenty to thirty years ago, Sir Paul Stephenson told us that "as technology changes, there are different ways and many more opportunities for people to be caught behaving badly if they choose to behave badly." This undoubtedly increases the pressure under which front-line police officers have to work; because of this they have our sympathy. However, this does not excuse behaviour which appears to contravene the norms of democratic protest. The police must be aware that their behaviour will be monitored, recorded and instantly made public via the internet. They must modify their behaviour and briefings accordingly. (Paragraph 29)
12. We recommend that the police wherever possible refrain from any activity which can suggest violent intent. Instead, they must firmly prioritise communications and

policing by consent, negating the need for violent action wherever possible. (Paragraph 30)

13. We also recommend that more funding be made available specifically for training in the softer issues of communication and speaking to crowds. At the very least each unit involved in the policing of large protests should contain one officer trained and able to communicate with crowds of protesters. This would enable communications with protesters to take place on a consistent, codified basis, and increase the opportunities for large groups of protesters to be policed by consent. (Paragraph 31)
14. It seems paradoxical to us that both sides stress the importance of communications, and complain when these are not forthcoming yet are unwilling to put people in place to make this process easier. Elsewhere in this Report we have recommended that the police designate 'contact points', we also recommend that protest groups put ideological concerns to one side and instead do everything they can to aid communications both before and during the protests. (Paragraph 34)
15. We question why these new, up-to-date tactics used by the Police Service of Northern Ireland have not been shared and adopted nationally and urge all forces to adopt newer, more efficient methods for communicating to large crowds as quickly as possible. (Paragraph 37)

Use of Close Containment

16. The use of containment involves a shift in power and control from the protesters to the police and should be used sparingly and in clearly defined circumstances. These circumstances should be codified. The use of containment tactics should also be closely linked to police intelligence. The police must have reasonable grounds to believe that the protesters being contained are liable to cause disturbances elsewhere and innocent bystanders and non-violent protesters (where they can be identified) must be allowed to filter out; containment should continue only for as long as absolutely necessary and the comfort of those contained must be given as much consideration as possible. As we discuss later on, this was not the case in the particular example of the G20 Protests. (Paragraph 41)
17. There is no excuse for the police preventing peaceful protesters or other people innocently caught up in a protest from leaving a "contained" area when the police can be sure that they do not pose a violent threat to society. This is doubly true when people are asking to leave for medical (or related) purposes. We are particularly concerned at the evidence we have received suggesting that an explicit order was given to maintain the "cohesion" of the police lines at the expense of peaceful protesters' right to egress and to access medicine. While it may be true that some protesters would falsely claim a medical need to leave a contained area for the purposes of causing disorder, we believe that this is a risk that the police must be prepared to run; the dangers of denying protesters their needed medications are too great. (Paragraph 45)
18. The police must reorganise their priorities with regards to the circumstances under which protesters are allowed to leave a "contained" area. It is not acceptable for a

blanket ban on movement to be imposed. Again we recommend a devolution of power in this area. During any containment procedure experienced officers must be authorised to use discretion and allow access and egress in cases where a medical need is involved, trusting their own judgement and experience when necessary. Crucially, as with the media contact points, their existence and availability in this role must be commonplace; it must be made clear to front-line officers in briefings before and during the day. (Paragraph 46)

19. We fully endorse Sir Hugh Orde's comment that "talking works". (Paragraph 52)
20. We are firmly of the view that the problems that were reported by those "contained" at Bishopsgate could have been easily prevented through greater communication throughout the day. We recommend that in future the police exhaust all possible avenues of communication before using force and be as open as possible about their intentions at all times. We also recommend that the police follow their own guidelines and allow peaceful protesters to filter out of the cordon and go home. This would minimise and focus force used in a subsequent dispersal. (Paragraph 52)
21. Equally, we recommend that groups of protesters make every effort to prevent the police viewing them as a threat to public order. We are of the opinion that in the case of the 'Climate Camp' the degree of reticence on the part of the protesters adversely affected the police's perceptions of the protest and made the use of force, unfortunate though it was, more likely. Groups with peaceful intentions should make every effort to alert the police to their intentions, removing any suspicions the police may (rightly) have and aiding the planning process to mutual benefit. (Paragraph 53)
22. Protesters should remember that "talking works" is a maxim which is true for both sides. (Paragraph 53)

The Use of Force

23. We do not pass comment on the cases of Nicola Fisher and Ian Tomlinson. However, it remains true that the images of "distraction" tactics in action have the potential to undermine the public's trust in the police. We hope that these pictures and films are the start of a widespread public debate on the use of force by the police and lead to further discussions on the tactics available to the police in similar situations. We recommend that the police publicly clarify how and when they should legitimately be used. (Paragraph 58)
24. Never again must untrained officers be placed in the front-line of public protests. At the very least each unit should contain a core of fully trained, experienced officers. While greater funding must be made available, the police must also allocate their resources better to ensure that all officers on the front-line of public protest are trained adequately. (Paragraph 60)
25. We are concerned over the police's apparent reliance on Section 14 of the Public Order Act. Given the importance with which it is viewed by the police, we find it odd that officers are not given training on the suitable legal application of this power. We recommend that all public protest training, especially that of a more advanced level, incorporates the correct application of Section 14. Equally, if communications and

relations between the police and protesters are good and both sides put emphasis on prior communication, as we have already recommended, then it may be possible to negotiate a mutually acceptable ‘finish time’, removing the need for police-driven dispersal. (Paragraph 63)

26. That it takes over a year to investigate a high-profile case such as the use of force against Nicola Fisher is distressing. We would like to hear from IPCC as why the inquiry will take this long and what efforts they are making to speed the resolution. We are also concerned about such a large proportion of the Independent Police Complaints Commission’s investigators being allocated to the events of the G20. Greater funding must be made available to provide the resources the IPCC needs to complete their investigations in a more timely manner. (Paragraph 65)

The Use of Tasers

27. Tasers do have a role in policing. As an “alternative to lethal force” they are undoubtedly preferable to firearms and in certain situations, ASP batons, in dealing with a violent threat to an officer, members of the public or the subject themselves: (Paragraph 70)
28. The decision to extend the deployment of Conducted Energy Devices to some non-firearms officers, and the training they receive, should be kept under review. The use of this weapon on a general scale poses many issues regarding public safety and more widespread use of Tasers would also represent a fundamental shift between the police and the general public. British policing is based on consent and face-to-face engagement, the use of Taser has the potential to erode that relationship and create a rift between the police and the policed. Furthermore, we would not endorse any move to authorise its wider use beyond dealing with a violent threat. (Paragraph 71)
29. We recommend that the police continue their self-imposed ban on the use of Taser in public protest situations. More generally we urge the police to reject the use of “distance weapons” in policing demonstrations. Instead of investment in expensive equipment to give the police “distance” while policing large scale protests, we suggest that the money could be better spent on training for front-line officers and in the planning of operations, removing the need for such “distance weapons”. (Paragraph 75)

Conclusion

30. Despite a lack of time for planning, the policing of the G20 Protests was in many ways a successful operation. Front-line officers who were untrained and inexperienced in this area were placed in a highly combustible atmosphere and performed an admirable job. The vast majority of those wishing to protest were facilitated in a peaceful manner with a minimum of fuss and drama. On the whole, the police should be congratulated for their work. However, this success should not distract from the failings in the operation which were also on show and we feel that an element of luck must be attributed to the success of the operation. It is troubling that the policing operation relied so heavily on untrained, inexperienced officers.

Future events may not be so calm and some officers will be found wanting through no fault of their own. (Paragraph 76)

31. This is a risk the police must not run. We cannot condone the use of untrained, inexperienced officers on the front-line of a public protest under any circumstances and this must be avoided at all costs. Equally while “containment” may have been the optimum tactic available in this operation, we urge the police to address the specific details of its application which we have discussed above and make public the situations in which they consider its use appropriate and the internal checks they have on its strategic use and practical deployment. We note the reviews on this matter and urge the police to take decisive action to prevent a re-occurrence of the problems we have identified. It is clear that the concerns about the policing of the G20 Protests have damaged the public’s confidence in the police. There must not be a repetition of this. (Paragraph 77)
32. Above all, the police must constantly remember that those who protest on Britain’s streets are not criminals but citizens motivated by moral principles, exercising their democratic rights. The police’s doctrine must remain focused on allowing this protest to happen peacefully. Any action which may be viewed by the general public as the police criminalising protest on the streets must be avoided at all costs. (Paragraph 78)

Formal Minutes

Tuesday 23 June 2009

Members present:

Mr Keith Vaz, in the Chair

Ms Karen Buck
Tom Brake
Mr James Clappison
Mrs Ann Cryer
David T. C. Davies
Mrs Janet Dean

Patrick Mercer
Gwyn Prosser
Bob Russell
Martin Salter
Mr Gary Streeter
Mr David Winnick

Draft Report (*Policing of the G20 Protests*), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 78 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Eighth Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for placing in the Library and Parliamentary Archives.

[Adjourned till Tuesday 30 June at 10.15am

Witnesses

Tuesday 21 April 2009

Page

Nick Hardwick, Chairman, Independent Police Complaints Commission

Ev 1

Tuesday 5 May 2009

Jeremy Dear, General Secretary, National Union of Journalists

Ev 8

Tuesday 12 May 2009

David Howarth MP, Chris Abbott, G20 Protester, and **Frances Wright**,
Protester and member of Climate Camp Legal Team

Ev 13

Nicola Fisher, G20 Protester

Ev 19

Sue Sim, ACPO Lead on Public Order

Ev 23

Sir Hugh Orde, and **Duncan McCausland**, Police Service of Northern Ireland

Ev 28

Tuesday 19 May 2009

Sir Paul Stephenson, Commissioner Metropolitan Police

Ev 34

Sir Paul Stephenson, Commissioner Metropolitan Police, and **Commander Bob Broadhurst**, "Gold Commander" Operation Glencoe (Policing and Security of G20)

Ev 41

List of written evidence

1	David Howarth MP	Ev 53
2	Cambridgeshire Constabulary	Ev 65
3	Defend Peaceful Protest	Ev 67

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2008–09

First Report	Monitoring of the UK Border Agency	HC 77 (HC 381)
Second Report	The Police and the Media	HC 75
Third Report	The Work of the Committee 2007–08	HC 76
Fourth Report	Policing Process of Home Office Leaks Inquiry	HC 157
Fifth Report	Borders, Immigration and Citizenship Bill [HL]	HC 425
Sixth Report	Human Trafficking	HC 23–I
Seventh Report	Knife Crime	HC 217

Session 2007–08

First Report	The Government's Counter-Terrorism Proposals	HC 43
Second Report	Bulgarian and Romanian Accession to the EU: Twelve months on	HC 59
Third Report	Security Industry Authority	HC 144
Fourth Report	Work of the Committee in 2007	HC 226
Fifth Report	A Surveillance Society?	HC 58 (HC 1124)
Sixth Report	Domestic Violence, Forced Marriage and "Honour"-Based Violence	HC 263 (HC 1165)
Seventh Report	Policing in the 21 st Century	HC 364
Special Report	Unauthorised Disclosure of Draft Report	HC 196

Session 2006–07

First Report	Work of the Committee in 2005–06	HC 296
Second Report	Young Black People and the Criminal Justice System	HC 181 (Cm 7217)
Third Report	Justice and Home Affairs Issues at European Union Level	HC 76 (HC 1021)
Fourth Report	Police Funding	HC 553 (HC 1092)

Session 2005–06

First Report	Draft Corporate Manslaughter Bill (First Joint Report with Work and Pensions Committee)	HC 540 (Cm 6755)
Second Report	Draft Sentencing Guideline: Robbery	HC 947
Third Report	Draft Sentencing Guidelines— <i>Overarching Principles: Domestic Violence and Breach of a Protective Order</i>	HC 1231
Fourth Report	Terrorism Detention Powers	HC 910 (Cm 6906)
Fifth Report	Immigration Control	HC 947 (Cm 6910)
Sixth Report	Draft Sentencing Guideline: Sexual Offences Act 2003	HC 1582

Oral evidence

Taken before the Home Affairs Committee on Tuesday 21 April 2009

Members present:

Keith Vaz, in the Chair

Tom Brake
Ms Karen Buck
Mr James Clappison
Mrs Janet Dean
David T C Davies
Patrick Mercer

Margaret Moran
Gwyn Prosser
Bob Russell
Martin Salter
Mr David Winnick

Witness: **Mr Nick Hardwick**, Chair, Independent Police Complaints Commission (IPCC), gave evidence.

Q1 Chairman: Mr Hardwick, thank you very much for coming to give evidence to the Select Committee at such short notice. It is the intention of this Committee at some stage during the next few months to hold an inquiry into the way in which the IPCC operates. It has been on our list but the agenda changes and we will get to you eventually on the wider issues.

Mr Hardwick: I am grateful for the opportunity to be here this morning, Chairman, and I am grateful, as I have said before, and I would welcome an inquiry into the IPCC, and so I look forward to that.

Q2 Chairman: You have said at the weekend in news that has excited many people that you feel as a result of the G20 protests that there should be a national debate on the issue of policing of public protests of that kind. What do you mean by that and who should be leading this national debate?

Mr Hardwick: Without resorting to flattery, I think this Committee should be part of what leads this debate. What I mean by what should happen is precisely the sorts of issues that you have been discussing with Mr O'Connor this morning, the issues of how you strike the balance between security and liberty and where that balance falls. We have heard practical accounts of different tactics for policing demonstrations that have different outcomes and how you strike that balance is not consequence-free. There will be pros and cons to each of those choices that you make. We have a tradition in this country of policing by consent. I think it is one of the things that we can be proud of. My view is that it has to be informed consent. One of the problems with the way that the Police Service has operated up to now is that the discussion about tactics and strategy has been an internal discussion in the profession, and the Police Service needs to be better at having that discussion with the public to whom they are accountable. We have to be realistic, as Members have said today, about what we ask the police to do. One of the things I was thinking about in the light of the G20 demonstrations is that one of the things that police officers are trained to do is to use particular distraction techniques. "Distraction techniques" is a euphemism. Distraction techniques

are hitting or kicking people or striking them in ways—and I am not talking here about G20, this is a general point that I am making—that they are trained to do. It seems to me if we train officers to do a particular thing and put them into situations where that training is required, and then we see pictures of them doing what they have been trained to do, we cannot simply wash our hands of it at that point and say how awful it is. We have to share some of that responsibility. I think that the Police Service has a responsibility to involve us in that discussion and we as the public and as parliamentarians have a responsibility to respond intelligently to that and be realistic about the hard choices that are made.

Q3 Chairman: Thank you for your kind comments about the Committee. Do you feel therefore that there is an absence of political leadership as far as these issues are concerned? Would you have welcomed stronger statements coming out of the Government on this issue?

Mr Hardwick: Part of why I said what I did to the *Observer* is that I was very struck by the absence of some comment, certainly over the period of the G20 demonstrations, where it seemed to me that there were wider issues involved there that I did not feel as a quango it was our job to answer. It seemed to me that some of the questions that came up raised questions of public policy which I think the leadership of the Police Service, Dennis Poole, should answer, which I think parliamentarians should answer and indeed the Government should answer.

Q4 Chairman: Indeed. Can I just look at some of the facts that are before you. How many complaints were actually received as far as the G20 was concerned?

Mr Hardwick: The last figure I have available—and it changes on an hour-by-hour basis—is we have received 185 complaints. About 40-plus of those are basically people complaining about what they have seen on the television, and that does not count within our remit. About another 40-plus are direction and control complaints. They are not complaining about individual instances, they are complaining about the

tactics the police were using, and those are the ones that we are passing to Denis with the complainants' permission.

Q5 Chairman: So the complaints that *The Guardian* describe today in their newspaper would have come to you or are they going to go to Mr O'Connor?

Mr Hardwick: There are about another 50-plus that are either complaints by people who say they were assaulted or people who have witnessed an assault. What has happened is it is very difficult to keep track of what has been reported because some complaints are coming to us and to the media; some are just going to the media; some are just going to us, so the ones that we count are the ones that actually have arrived at us, and then we will categorise them, so that number may change.

Q6 Chairman: Let me get this right. There are 50 individual complaints of assault by members of the public?

Mr Hardwick: There are 50-plus complaints where people are either saying that they were victims of an assault or they are saying they directly witnessed an assault.

Q7 Chairman: On top of that there are the three key complaints you are looking at, Mr Tomlinson's case and others, is that right?

Mr Hardwick: Yes, and at the moment we have three independent investigations into either, in the case of Mr Tomlinson, death on police contact or in others serious injury on police contact.

Q8 Chairman: And in terms of the resources that you have what is the percentage of your staff dealing with the G20?

Mr Hardwick: At the moment we have 40 investigators deployed on dealing with the G20 issues. That is out of a total investigator complement of about 120?

Q9 Chairman: So about a third of your entire staff are dealing with G20?

Mr Hardwick: A third of our investigators.

Q10 Chairman: Finally, as far as you were concerned, do you believe that a look at the tactics and a look at the individual complaints is enough or do you feel that there should be a wider inquiry into the way in which things operate?

Mr Hardwick: I would not say there should be a wider inquiry with a capital 'I', if you like, but I think Denis and I have to operate within a framework, so in our case what we can look at is whether individual officers have committed a disciplinary or a criminal offence within the framework of rules and training and law that you set, and Denis will look at the wider tactics within that framework too. One of the questions is whether that framework is correct, and are the rules right, do we need to look at that? I would have thought, for instance—although it is not for me to say—that is a business for

parliamentarians, and particularly when you get Denis's report that will be something that no doubt you will want to look at.

Q11 Chairman: Sir Paul will be giving evidence to us next week on wider issues and I will raise this with him. He described the television footage as disturbing. You have heard what Mr O'Conner has described it as; he said that it was unacceptable. You have seen the footage as we all have and some of us were there and some of us were not there. How would you describe what you have seen?

Mr Hardwick: I am in a slightly different position to everybody else in that I am leading an organisation which is doing a criminal inquiry into these matters, and I am sure that you would not want me to say anything that might prejudice that inquiry in any way so I am going to be very careful about what I say. Clearly the pictures are disturbing. What I would also say to people is, as I think members of the Committee have correctly pointed out, the pictures are a snapshot and what we will not do, and what I will not do is make assumptions prior to the completion of our investigation. We will make our decisions on the basis of the total evidence we collect, not on the basis of today's headlines, and I think, and I hope, that the public and the police can be confident about that. We are not going to prejudice the issue. We will make decisions on the basis of the whole evidence we collect when our investigation is complete.

Q12 Tom Brake: I hope this question will not prejudice any investigation that is underway, but could I ask you who was it within the IPCC who made the initial decision not to investigate the death of Ian Tomlinson?

Mr Hardwick: That was not what happened. The initial decision we made, that I personally was involved in, was that in the early stages of the death, because of course we made our decisions on the basis of the evidence, and the evidence we had was that Mr Tomlinson had collapsed in Cornhill, and the decision that I made was that we were to carry out a rigorous hands-on assessment to establish whether Mr Tomlinson had any contact with the police prior to his collapse. We had no idea whether he had and if he had we had no idea when and where that was, so my decision was at the moment we have no evidence of prior police contact but we do not know whether there was any prior contact, and I wanted a rigorous, hands-on assessment of whether there was any prior contact, and that is what my investigators did.

Q13 Tom Brake: In which case if you were having that hands-on investigation how come the IPCC said that there were no CCTV cameras in that area?

Mr Hardwick: I said that and I made a mistake. It was a personal mistake I made. I had misunderstood the briefing I had. Of course there were CCTV cameras in the area. That was my personal mistake.

21 April 2009 Mr Nick Hardwick

Q14 Tom Brake: Thank you for clarifying that. One final point, could I ask whether you have changed anything within the IPCC in terms of whether you decide differently to pursue a case such as Ian Tomlinson's in the future? Have you made any changes in the way you operate which might mean that it will be tackled differently?

Mr Hardwick: Not in the light of Mr Tomlinson's case. The change that we introduced earlier this year was this formal assessment process. One of the ways in which I think we make smart use of our resources is that we will now do something like 180 assessments of incidents that come into us, which means that we can deploy our resources to do an independent investigation or manage an investigation in a more intelligent way than we were doing before. This formal assessment process is the big change we have made over the last year, which means that we get investigators on the spot very quickly, looking at what the initial police response has been, looking at what is happening, and taking a view about whether they need to then call us in for an inquiry.

Q15 Mr Winnick: Mr Hardwick, you said, and I think we all appreciate the point you are making, that your organisation is not going to decide on headlines but to look at all aspects accordingly, and that is indeed the right approach, but coming back to the initial statement made by the police which stated that there was no contact with Ian Tomlinson, that was clearly shown to be incorrect, to say the least. Are you surprised that without looking into any issue at all of the facts of the matter the police could issue such a statement?

Mr Hardwick: There is huge pressure for the police to provide and ourselves to provide a quick response to journalists about what is going on at the time.

Q16 Mr Winnick: But surely that should be accurate?

Mr Hardwick: We did not make that statement and we had the same information that they did. Our view was that we were not going to make a statement until we had completed the assessment, and certainly anything you say in those early days of an investigation has to be very heavy qualified. That would be my view. If you saying am I surprised, not really, because they have done it before.

Q17 Mr Winnick: Mr Hardwick, inevitably people looked upon that statement when it was shown to be incorrect in the same way that the police were incorrect in their initial response to the killing of the Brazilian, Mr de Menenez some fours ago. Inevitably again—and you use that word—the feeling is that the Metropolitan Police have not learned the lessons of what went before.

Mr Hardwick: I think that would be mistaken, if I may say so, Mr Winnick. First of all, it was the City of London who made the statement and not the Metropolitan Police. Secondly, what I would say is that it is a matter of record that in the early days of the Stockwell investigation we did not have the co-operation of the police and indeed the

Commissioner tried to keep us out of the investigation. What I would say in the case of Mr Tomlinson is that we have had good co-operation from the City of London and Metropolitan Police. That is not to say they have not made mistakes but I do not think the two compare.

Q18 Ms Buck: You may not be able to answer this question but I just wondered in the number of complaints that you have received, which you are of course rightly considering on their merits, whether you have any context that you can offer in terms of the number of complaints that have been made against both tactics and specific behaviour in past demonstrations because this G20 cannot, in a way, be taken entirely out of a broader context of policing demonstrations generally.

Mr Hardwick: The obvious comparison for us is around the Countryside Alliance demonstration in Parliament Square.

Q19 Chairman: We are coming to detailed questions on that.

Mr Hardwick: My comparison would be in that case at a similar time my understanding is that we had about twice as many complaints by a similar time afterwards than we have had on this.

Q20 Chairman: Twice as many complaints on the countryside?

Mr Hardwick: Twice as many but not at the same level of seriousness so we had more complaints but we did not have the same number of allegations about serious injury.

Q21 Martin Salter: It is on that point, Mr Hardwick, there were some pretty serious scenes of violence, and I saw some of them myself, in the Countryside Alliance protest back in 2004. I am not sure you were working for your organisation then?

Mr Hardwick: I was, I was Chairman then.

Q22 Martin Salter: You concluded, in my view quite properly, that the police were entitled to use force to protect themselves, their colleagues and other demonstrators from violence and, in this case, the invasion of Parliament. The question I have really got for you is what level of force are the police allowed to use in order to pursue agreed objectives? It has got to be more than just reasonable; can we define that?

Mr Hardwick: With respect, can I correct you. What happened on the Countryside Alliance demonstration we concluded with the Crown Prosecution Service that six officers had committed criminal offences. One officer was acquitted at a magistrates' court, two were acquitted by a jury, and then the CPS discontinued the other prosecutions, and we directed that two or three officers had to face disciplinary tribunal, so we made a distinction between the behaviour of some officers and others and the CPS agreed in a number of cases what we were doing. I think one of the big differences between the G20 event and the Countryside Alliance event is precisely the impact of the citizen journalist. People

are now getting complete, very vivid images coming over, which is what affects the public mood in this kind of way. I am not trying to dodge the question but actually police officers can use reasonable force that is proportionate to the situation that they are in and, properly, that has to be a decision for each individual officer at the end of the day. You cannot define it in that detail. It has to be a decision for each individual officer. Of course, as you say, you have to take into account the circumstances in which they are operating which is why you should not rush to judgment, and they will be trained carefully in this. What does seem to be a problem is if we are saying we are going to train you to do this to this level and the officer turns round and says, "I did here what I was trained to do," and we say, "We do not like the way it looks now, we are not happy, we are all washing our hands of it," then I do not think that is on. That is part of the debate I think we now need to have. One of the consequences of this exposure through citizen journalism is that we will all see much more clearly what it is—and sometimes it looks ugly—we expect the police to do. That is not just for us to say we can judge individual officers but in terms of the overall training and the levels of force as a whole that they are allowed to use, that is the kind of thing that needs to be discussed more openly than it has been in the past.

Q23 Martin Salter: Can I come back on that, Mr Hardwick. The problem that I am struggling with at the moment is that, by and large, it is a criminal offence to hit someone but we empower police to do this in certain circumstances.

Mr Hardwick: Exactly.

Q24 Martin Salter: Is there a definition in law that goes beyond what is judged reasonable at that point in time or, if there is not, is that what our national debate has to be about?

Mr Hardwick: To be honest, I am not a lawyer and I cannot tell you precisely the legal position on this. I think the critical thing is it has to be reasonable and proportionate, and there will be training and instructions that people can have about what they should do. I think there is a limit to how far you can define that in advance because it depends so much on the circumstances. In essence, that is one of the things you pay me to do. Investigators will look at what an individual has done; we will look at the circumstances in which they have done that, and we will report, and that report will eventually be published and will go to the family and, if necessary, we will pass our report to the prosecuting authorities or the discipline authorities and they will take a decision about that. It seems to me that is inherent in the concept of the office of constable, that people are making individual decisions in accordance with their training that they then subsequently have to justify. This goes back to the point about the numbers; they have to justify it individually.

Q25 Mr Clappison: What you are telling us about the police, of course there is no special law for the police, they come within the general law and their actions

when they are acting in self-defence or responding to a threat must be proportionate to the threat they face. Of course, many members of the public appreciate the fact that the police as a matter of duty are placing themselves in a situation where they will have to confront such threats. However, I was a little bit concerned by what you were telling us earlier about this police tactic of distraction which I have not heard of before. I have to say I would like to hear a little bit more about that because if the police are employing that tactic against somebody who is behaving perfectly lawfully without presenting a threat to them, I would have concerns. You tell me more about it and what you know about it.

Mr Hardwick: If a police officer is being assaulted, if they are being attacked they will be trained to use force to prevent that attack. My point is we use euphemisms to describe that. Some of the force they can use is they can hit people or they can kick people in certain circumstances. Those are tactics they are trained to use to prevent an attack on themselves or others present.

Q26 Mr Clappison: In a situation where somebody is behaving threateningly?

Mr Hardwick: It has to be proportionate, it has to be reasonable. What I prefaced my remarks by saying was that I was not talking there about any of the specific incidents we saw at G20, so I would not want that to be confused. The force that officers use has to be proportionate and it has to be reasonable and it has to be in accordance with their training. What I am saying is when you look at what we train and ask officers to do, sometimes when that is on film it will look very ugly. My point is I think that there is a responsibility that we cannot on the one hand say this is what we want you to do, this is what we are training you to do, and then we see it and say we do not like and wash our hands of it. My point is that the police themselves need to explain better to you and the public that this is what they are trained to do; these are the individual techniques that officers are allowed to use; this is why; these are the consequences of it. I think people are capable of having a grown-up discussion about that and whether that is necessary or not.

Q27 Mr Clappison: I think you make a fair point about opening up the awareness and the debate about police tactics, but the distraction tactic can only be used when somebody is behaving in an unlawful or threatening manner; it cannot be used against a member of the public who is behaving perfectly legitimately?

Mr Hardwick: Exactly. They cannot just say, "I do not think like the look of you, I am going to clobber you," no, just to be clear.

Q28 Mr Winnick: Do you accept that in all these matters the manner in which the police respond should be judged by the British way of policing and not what may happen abroad with the French police or the American police in dealing with demonstrators?

21 April 2009 Mr Nick Hardwick

Mr Hardwick: Yes I do. The judgment against the law is the training and codes of conduct that apply in this country and the traditions that apply in this country, absolutely that is how it should be measured.

Q29 Mr Winnick: And what is the British way, in your view, of policing demonstrations?

Mr Hardwick: It is policing by consent and it is not just about the demonstration, it is about an acceptance of the authority that the police have so that the occasions on which force is required are minimised. As Denis for instance explained, it would be more face-to-face and there will be more contact than there might be in Continental Europe. That has pros and cons so we need to keep looking at that, but the critical issue for British policing tradition is about consent. It is about people understanding what is happening. It is about people doing what they are asked to rather than what they are forced to because they have trust and confidence in the police.

Q30 Mr Winnick: What has been said in the last week or so, you would presumably agree that the police at all levels should always recognise that they are the servants and not the masters of communities?

Mr Hardwick: I think that is a very important point. The police are the servants of the people, as indeed I am.

Q31 Mr Winnick: In the same way we are?

Mr Hardwick: In the same way we are. That is an honourable thing to be and that is why I think it is important you have to explain to people what it is you are doing and why, you have to explain the consequences.

Q32 Mr Winnick: Recognising of course that it is always easier, to say the least, to police peaceful demonstrations (I do not think the police would disagree with that for one moment), do you accept in other circumstances where there can be a violent and hooligan element that the police have got problems on their hands?

Mr Hardwick: What I have been trying to say is that is absolutely what I accept. We need to understand that and we need to know what the consequences are of what the police do. It is for the police to control a demonstration and then if there is disruption or damage we have to understand what the consequences will be and balance off in a demonstration the rights of the mass of peaceful demonstrators to make their point against the need to control perhaps a very small minority who are intent on disruption. I think that is around accountability at an individual and local level.

Q33 Patrick Mercer: Mr Hardwick, the report into the Parliament Square demonstration suggested that officers' batons that had been used should be taken away for forensic use afterwards. Has that happened and, if so, has that happened with the G20?

Mr Hardwick: First of all, that was a recommendation that the Met did not accept so that has not happened. What I really do not want to do

is to get into a detailed discussion about the evidence we have seized in the G20 demonstrations. As a general strategy that was a rare example of a recommendation that the Met did not accept. However, no conclusion should be drawn from that about what we have or have not been able to seize in terms of G20, if that is not too elliptical.

Q34 Ms Buck: As I understand it, only about a third of investigations into allegations are carried out by the IPCC as opposed to internally by the police forces.

Mr Hardwick: No, that is not quite right.

Q35 Ms Buck: Correct me.

Mr Hardwick: For the last few years there have been about 30,000 complaints a year. Half of them will be about incivility and rudeness, 400 or so are about serious assaults, and there are 100 or so deaths. Out of that 30,000 last year I think we independently investigated 110 and then we manage about another 120 where the police are operating under our control and direction. Most of them are dealt with by the police directly. It is like other complaints systems, they are dealt with by the responsible body, and the complainant has a right to appeal to us if they are not satisfied with the way the police have dealt with it.

Q36 Ms Buck: That is helpful. Just as a general point, the issue is about serious allegations against the police being in any way investigated within the Police Service itself. Is that something which is contributing to this sense of public unease about how genuinely independent inquiries are, and what can be done about it?

Mr Hardwick: I would argue that we make good use of the powers and the resources that you give us. It may be that we need to do more. One of the points I was making is we could take the investigations that we now manage and investigate those independently. That would cost, and I am not sure this is a good week to be talking about costs!

Q37 Chairman: Making the best use of cost.

Mr Hardwick: Let me make this as an important point. On who does the investigation that is not an additional cost because if we are not doing it the police are doing it, and we would argue often we do it more efficiently than the police, so the question is who should get those resources. If the view is that we should do more of those ones we now manage independently, we could gear up to do that, given the resources.

Q38 Ms Buck: Is that debate happening or is that something that maybe will flow from a combination of these other inquiries?

Mr Hardwick: I think that debate is beginning to happen. It is part of what we have tried to open up. We think we make good, smart use of the resources that we have got. We could do more but that would need a transfer of resources from the police to us.

21 April 2009 Mr Nick Hardwick

Q39 Tom Brake: You mention in relation to the Countryside Alliance that you had twice as many complaints as you have had so far in relation to the G20. Do you think that the presence of the media, but also amateur photographers and people with mobile phone cameras and so on is one of the explanations for the reduction in the number of complaints? Are the police more aware that they are under observation?

Mr Hardwick: That is a new thought actually. It could be but I could not say for certain. We know generally that the number of complaints has risen overall by 80% since we have been operating, which we think is an indication that people are more confident in the system, so it may be that that is going the other way and it may be that people are more careful about what they are doing in the light of the pictures. It is difficult to say. I would like to find out a bit more actually.

Q40 Tom Brake: From the IPCC's point of view, the fact that you are presumably now going to be on the receiving end of lots of video clips and so on, does this present technological challenges for you? Do you have to tackle this evidence in a different way?

Mr Hardwick: There are two points to say about this. No-one phones the IPCC up and says, "I have got some pictures here of the police doing a fantastic job; I would like to send them to you." They are a distorted picture to one extent and only a partial picture at that. However, we welcome the material that we have and we can make good use of it. I think our investigators would prefer it if it was not on the web before they have had a chance to interview the witnesses involved but that is just not realistic. We can cope with that. Just to be clear, it is very helpful and I would say if there is more evidence out there of what happened at the G20 send it to us, please.

Q41 Bob Russell: The police of course have their own camera people out there as well. Do they volunteer the film?

Mr Hardwick: We have had good access to the material that we want, so CCTV, police footage, stuff from the helicopters and photographs from journalists.

Q42 Tom Brake: Is the fact that this evidence is going on the web before you have actually received likely to prejudice some of your investigations?

Mr Hardwick: I do not think so realistically. It makes the lawyers bristle a bit but I do not think in reality it would. My understanding is that there is a gap. Obviously we would rather it was not on the web, just to be clear for any subsequent proceedings, and there was not any risk of prejudice to proceedings, but I do not think that is a serious risk. We have to deal with the world as it is rather than as we would like it to be.

Q43 Chairman: Similarly, one of the people who has made a serious complaint, Nicola Fisher, has given an interview to Sky Television and there have been

articles in the newspapers. Does that prejudice the inquiry? Obviously you do not like it to happen but investigations will continue.

Mr Hardwick: We are dealing with a public event and 24-hour-a-day media. We would like to put our fingers in the dam but we cannot.

Q44 Bob Russell: Mr Hardwick, have you received any complaints in relation to the police handling of protests about the Kingsnorth Power Station?

Mr Hardwick: I understand we have had some complaints about that, yes.

Q45 Bob Russell: And a third one in respect of the Tamil protests in Parliament Square?

Mr Hardwick: Not that I am aware of when I left the office today but does not mean to say that it has not happened. We have a lot of complaints coming in and I do not know about them all. I was obviously checking them before I came here and I had not heard that but it may have done.

Q46 Chairman: I put a couple of points to Mr O'Connor which may be worth you commenting on. First of all, do you have any pre-conceived ideas on the issue of kettling?

Mr Hardwick: That is a direction and control issue and I do not deal with that.

Q47 Chairman: Secondly, do you have any views on the visibility of either a policeman's name and rank, as we have in the Palace of Westminster, or his numbers?

Mr Hardwick: I certainly do.

Q48 Chairman: What are they?

Mr Hardwick: We will have to look at the operational order that people received for this demonstration, but, in my view, police officers have an absolute obligation to have their identity visible at all times. That was a recommendation that we have made before in Parliament Square. That was accepted by the Metropolitan Police and their supervisors have an obligation to make sure that it is complied with. That is a matter for us and we will look at that. Can I just say what I do not want to do is, in a sense, judge individual cases because sometimes the camera will play tricks or whatever, so I am not making judgments about individuals here, but I am absolutely clear that officers should be required to be identified at all times and they should understand that we will treat that as a potentially disciplinary offence if they are not.

Q49 Chairman: You have a budget of £32.5 million a year.

Mr Hardwick: We do.

Q50 Chairman: A third of your officers are going to be looking at the complaints on the G20. That does not leave a great deal of other officers to deal with the 30,000 complaints that you mentioned. You presumably need more resources to deal with one-off issues of this kind that come before you; is that right?

21 April 2009 Mr Nick Hardwick

Mr Hardwick: Just to be clear about this, of course our investigators come from a range of backgrounds. Some are former police officers and some are not so not all investigators are police officers. That is important to say. I think we will try and tap the Home Office for some money to deal with this one-off cost, although it is not a good climate in which to do that. One of the things that I think we are quite good at now is how we scale things up and down, so what you need in these investigations early on is to deploy a large number of resources very quickly. After some time you have got the evidence in, you have got the witnesses done, and then you can do it in a slightly slower time, in a more controlled way, so we have to shift resources about.

Q51 Chairman: At the moment would you require an injection of resources to deal with this?

Mr Hardwick: We will have to backfill some of the investigators we have deployed to this and we will need some additional resources, and we are talking to the Home Office about that, not for now, we have all the people working on this now that we need, but there will be a cost to that which means that we will need to be recompensed to keep going for the rest of it.

Q52 Chairman: Can I thank you for coming in to give evidence at some such short notice.

Mr Hardwick: Thank you for inviting me.

Q53 Chairman: Do you have a timetable?

Mr Hardwick: No, I do not have a timetable. We will do this as quickly as we can, but we do not know yet what we are dealing with, how many investigations there are, and whatever incidents are out there. We have quite a good record in completing our investigations quickly. Sometimes people misunderstand this. Because it is a criminal inquiry we will not publish a report on our investigation until all the legal processes are finished. In the case of Mr Tomlinson for instance, there may be a trial, there may be a disciplinary hearing, there may be an inquest. That is why it is quite important that Denis is doing his thing because you can get that more quickly than ours. Ours will have to wait for the legal process.

Chairman: We are very grateful to you. I only asked you on Sunday to give evidence and you came very readily this morning. We will be seeing you again for a wider inquiry into the IPCC and I know you would welcome that. In the meantime thank you very much for coming in.

Tuesday 5 May 2009

Members present:

Keith Vaz, in the Chair

Tom Brake
Mr James Clappison
Mrs Ann Cryer
David T C Davies
Mrs Janet Dean
Patrick Mercer

Margaret Moran
Gwyn Prosser
Bob Russell
Martin Salter
Mr Gary Streeter
Mr David Winnick

Witness: **Mr Jeremy Dear**, General Secretary, National Union of Journalists, examined.

Q54 Chairman: This is a series of different sessions for the Home Affairs Select Committee. We are first considering policing of the G20 protests, followed by an inquiry into Tasers and, finally, we will be having a session on the current issue concerning the Gurkhas; so it is a very busy session for the Select Committee this morning. Can I welcome, Mr Dear, the General Secretary of the NUJ. Thank you for coming to give evidence to the Committee on its inquiry concerning the G20 protests. I know you have a legal adviser behind you. He is welcome to pass you a note on any legal matters that you may wish to ask his advice on, but we are here principally to hear from you as the General Secretary. We have all, obviously, seen the pictures of the G20 protests, and the Committee was concerned enough to hold an inquiry into this matter. How many of your members have made complaints to the police about the way in which they conducted themselves?

Mr Dear: We have a dossier going to the Independent Police Complaints Commission which details complaints from 13 different members, although some of those members have a number of different complaints contained within that which may contain “stop and search” complaints, unlawful detention behind cordons, assault, and so on. So there are 13 individuals but more incidents involved within those complaints.

Q55 Chairman: Is that a usual number following a big event of this kind? Obviously, you and your members have been around for a long time and have attended many of these events. Is this a larger figure than normal or an average figure?

Mr Dear: We would consider this a large number, but you also have to remember that there were a large number of journalists covering G20. It is certainly larger than the number of complaints about Kingsnorth Power Station, but there were fewer journalists covering that. Proportionally it is probably about the same that we have seen in a number of recent major incidents.

Q56 Mr Streeter: Mr Dear, what do you say should be, and are, the benefits of carrying a press card for a journalist at a demonstration like this? Is there, in your mind at least, an agreed system or structure with the police as to how things should work out?

Mr Dear: There is an agreed system. The problem is it tends to fall down in the heat of the moment when there is disorder on the streets. There is a set of guidelines drawn up by ACPO, by the Metropolitan Police, by all the media organisations, including ourselves and others, that are meant to govern access requirements, what are the rights and responsibilities of journalists and, in particular, photographers and camera crew when they are covering public order incidents. The problem is too few of the officers on the front line say they have either heard of them, know how to implement them, recognise the press card or are prepared to recognise the press card when it comes down to it, and a delay of half an hour or an hour can make a very significant difference in being able to meet different media deadlines or carry out your work.

Q57 Mr Streeter: Can you give us a flavour of what you think the rights and responsibilities are?

Mr Dear: The guidelines say the police should not stop photographers or journalists carrying out their legitimate business. There is a copy of the guidelines here. If we understand freedom of expression to be that there should be no restrictions except where they are absolutely necessary and proportionate, then the guidelines are about how do you facilitate journalists going about their work? Were the journalists not obstructing the police from carrying out their very important public order duties as well? If you look at some of the evidence that we will put into the IPCC, you will see people standing well away from a crowd, holding a camera like that, and somebody coming in from the side and smacking their arm. They are 200 metres away from a public order incident. Someone has a broken arm as a result of that. There is a lot of video and there are photographs of incidents like that which demonstrate a huge misunderstanding of the role of the media and their rights in those situations. For example, section 14, where people were moved away: we have already had an apology about the use of that. The “stop and search” powers that were used at Kingsnorth by Kent Police, we have had an apology given to an individual journalists about that, saying clearly the police on the day did not understand the role of the press card in facilitating access.

5 May 2009 Mr Jeremy Dear

Q58 David Davies: Mr Dear, you complained about the filming of members at Kingsnorth and the G20. Is that a regular occurrence, police filming journalists?

Mr Dear: Yes. It is Kingsnorth Power Station in Kent, which is where the Climate Camp was. It has become, now, a common practice for all journalists to be filmed when covering public order events. We have a bit of an issue with that, but Kingsnorth had a particular incident where the journalists, having been stopped and searched and identified as journalists, then went several miles away in their car, were followed by police, went into a McDonalds to write up their stories and were filmed through the windows.

Q59 David Davies: What is the problem with that? Journalists go along to these events to film the police and protesters, presumably. If they are not doing anything wrong, what is the problem with the police filming journalists?

Mr Dear: What is the problem with the police filming private citizens, who go to a McDonalds Restaurant in order to eat, through the window? It has an intimidating and chilling effect on people.

Q60 David Davies: Do you think the police get intimidated and chilled when journalists film them?

Mr Dear: As long as the journalists are abiding by the laws as they are set down, they have a right under Article 10, under freedom of expression laws, to do that.

Q61 David Davies: Presumably the police have a right to film people as well, do they not?

Mr Dear: We do not believe that the police are using the powers that they have proportionately. What is interesting about the filming of journalists and the cataloguing and detailing of information on journalists is, why is it being done? What purpose is that information being held for?

Q62 David Davies: A final question. Journalists in your union are perfectly happy to give information to the IPCC about police officers they say are acting incorrectly. Are they happy to give information to the police about protesters who have broken the law as well?

Mr Dear: Absolutely not.

Q63 David Davies: They have not done so.

Mr Dear: Unless there is a requirement placed on them through a court order, then it would have a very serious impact on media freedom if journalists were to be asked by police to provide that information as a matter of course. There are strict guidelines as to how that should happen.

Q64 David Davies: What if you saw somebody breaking the law, by smashing up a building, for example, and you had photographic evidence of the person doing it?

Mr Dear: If the police believed that person had committed a crime, then they would go to court and they would get an order to access that material. It would then be down to that media organisation as to how it dealt with that.

Q65 Tom Brake: It was very clear at Bank that the police were stopping journalists leaving the police cordon. I was there and we filmed it as it was happening. In the complaints that you have received, were any journalists prevented from attending the G20 protests or were any of them arrested while they were there?

Mr Dear: When you say "prevented", some of them were prevented gaining access to a position where they could take photos or report on the incidents that were going on by being held in particular areas. Some of them were detained behind cordons for three hours or so to stop them getting into that area. No one was prevented from trying to go, but like other people, they were held back by cordons. When you say "arrested", nobody was arrested for what might constitute unlawful activity, I do not believe, not that I have heard a report of, but people were detained for periods of time under stop and search, and so on, which means that they do not get the pictures that they might need to fulfil their job. So not "arrest" in the sense of being arrested, taken away to a police station, and so on, but detained in a particular area away from the main part of the demonstration, yes.

Q66 Tom Brake: You mentioned section 14 of the Public Order Act, and you said you had had an apology. Can you explain the circumstances in which that was applied and what the apology was for?

Mr Dear: Yes, this is the Metropolitan Police press officer saying this: "Section 14 was applied outside the Bank of England to disperse protesters. There may have been some photographers caught up in that. If so, we apologise. We respect the right of photographers to cover current events." The video that we have of that incident (and I can give you the URL: it is online) shows that the police knew that they were dealing with journalists at the time. They actually read out a warning to the press in advance, saying, "You can either go or be arrested. You can come back in half an hour." Someone asks them, "What are you going to do in that half an hour when we are not here?", and the police officer just continues to repeat, "You can go or be arrested. You can go or be arrested." Subsequently, they clearly accept that that was a misuse of section 14.

Q67 Tom Brake: Can I ask you one final question. What action, if any, would you expect the police to be taking in a police charge circumstance where there are photographers right at the front of the line? Would you expect the police to be avoiding them, or is it just a natural consequence of being there in the front line that people are going to get pushed or possibly hit in the process?

Mr Dear: I think photographers who regularly cover public order events realise that, whether it is protesters or the police, there will be occasions when

they are caught up in what goes on. The rather unfortunate phrase of “collateral damage” was used at one point to describe that, and there is that, but the incidents we are talking about are incidents where people have displayed their press card, where they are talking to the police officers, either about getting out of a cordon or they are kneeling down taking a photograph of a demonstration. These are not incidents where someone throws something in the air and it hits a photographer by accident. We are not talking about those kinds of incidents.

Q68 Mr Winnick: A devil’s advocate question, Mr Dear. Why should the police engage with the media about guidelines when it comes to policing demonstrations?

Mr Dear: Not least because the police rely very heavily at times on the media in order to get their message out as well, and, therefore, there is a common interest between the police and the media in having a good working relationship. Photographers and others have a right to cover the demonstrations, but we would not want them obstructing the police from carrying out their lawful duties. Equally, the police understand (and they say it in the guidelines) the vital role of the media in acting on behalf of citizens in public order incidents, and they do not want to hamper that. If we both agree on what the aim is, the question is how do we get there from where we are now?

Q69 Mr Winnick: The G20 demonstration: what sort of guidelines were discussed with the media?

Mr Dear: This is where I think there are significant improvements that can be made in the kind of pre-briefing that is done when there are, clearly, incidents. Lots of people knew there were groups of people out to cause trouble on the streets and that there were likely to be some public order issues, so that with photographers’ organisations and journalists’ organisations there could be much better, first of all, training and much better understanding and acknowledgement of the press card and what the guidelines say, and better pre-event briefing, so that there is an understanding for the officers who are out on the streets. We negotiate these guidelines with the senior police officers in ACPO, and so on. What needs to happen is that a person who is confronted on the day, at the demonstration, needs to understand what these are and what a press card is.

Q70 Mr Winnick: Did the Metropolitan Police discuss with the media prior to the G20 demonstrations?

Mr Dear: They did discuss to some extent. The problem is what you tend to get is a discussion with some media organisations, but an awful lot of people who now cover public order events, and so on, are freelance journalists and others and, therefore, are never engaged with in this kind of situation. They might talk to senior people at the BBC, and the BBC camera crew may be fine, but hundreds of freelance

photographers who are covering the event have not had any prior discussion with the police. So some of it is done well, some of it is done very badly.

Q71 Mr Winnick: So you have got a general complaint, have you, against the police over this particular type of police demonstration on the G20? You are saying, in effect, they can give guidelines for some, but in view of the large number of journalists or photographers around, one gets the impression, Mr Dear, from your reply to me that it would have been an almost impossible task for the police to do what you would like them to do?

Mr Dear: I do not believe it would be impossible for them to do that if the briefings to their officers who are on the ground are better and there is a better understanding of the rights and responsibilities of journalists on the day. It is those people you need to get to rather than every single one of the individual photographers themselves. The photographers know what they have to do, but do the police also understand the role of the media and their rights and responsibilities in those circumstances? For example, keeping them inside the cordon. There are lots of video-ed conversations between photographers and the police, and there are some with some police officers who were extremely helpful, extremely good, who understand exactly what should happen, allow the press out, stop the protesters from leaving; there are others who are abusive to people and who say, “You do not have any rights to do this that or the other.” It is about having consistency so that everyone understands what rights and responsibilities they have in those situations. One single point on that: it is important to make it clear that this is about a minority of police officers on the day, and whilst we talk about the bad things that happen, there are also some good things that happen.

Q72 Chairman: Mr Dear, are you saying that there was a briefing or there was not a briefing before the G20?

Mr Dear: There are often briefings before these events with some media organisations, but not with ones that probably represent the vast majority of people who were—

Q73 Chairman: Freelancers?

Mr Dear: Yes.

Q74 Chairman: Let us get this right for the record. There was a briefing before the G20 protests with a selected group of probably mainstream journalists?

Mr Dear: Yes.

Q75 Chairman: The BBC, et cetera?

Mr Dear: Yes.

Q76 Chairman: But what you are saying is that there was not a briefing with everybody else who turns up?

5 May 2009 Mr Jeremy Dear

Mr Dear: Or with representatives of everybody else.

Q77 Chairman: As a matter of course before a major event of this kind, would it be helpful if there was a briefing for as many of those people who might want to turn up, so that they understand exactly what is going to happen?

Mr Dear: Yes.

Q78 Chairman: That does not happen at the moment?

Mr Dear: No.

Q79 Chairman: This would be helpful in the future?

Mr Dear: Yes.

Q80 Tom Brake: On that point, if this did not happen, is there anything that would stop the police putting that briefing on their website so that everyone who wanted to know what was in the briefing simply would know to go and look at the website?

Mr Dear: That is probably a question for the police rather than me. There may be operational issues that would be discussed there that they would not want a wider public to be able to access.

Chairman: Thank you.

Q81 Patrick Mercer: We have touched on some of this already with Mr Winnick, but you have complained that the 48 police forces all have different ways of handling the media. You do not need to repeat yourself, but were any such local restrictions applied in these cases?

Mr Dear: Section 14 was a discretionary power that was used by the senior police officer who asked for the area to be cleared for a half an hour period. That is what they said at the time they delivered that; so clearly in that circumstance. Part of the problem that there is with consistency is there are now so many laws that give discretion that actually it makes it very difficult for the police to maintain consistency across the board because there are so many discretionary powers. For some of them you have to have reasonable suspicion. What is reasonable to one person may not be to another.

Q82 Margaret Moran: Are you detecting any patterns of behaviour amongst police forces and do you see any distinction between the way that larger forces are dealing with this issue as opposed to smaller ones? As an example, my force is Bedfordshire, and I will be very critical of the way they dealt with the issue relating to the Armed Forces march through Luton, and the response that I have received from them does not appear to correspond with the response that I have received from the Metropolitan Police as to how they would have behaved in similar circumstances.

Mr Dear: Yes, there is a lack of consistency, although there are some patterns as well. There are patterns about the filming and cataloguing of journalists, but the kind of thing you are talking about, section 58 of the Terrorism Act 2006 about possessing a record of a kind likely to be useful to a person committing or

preparing an act of terrorism, in some police forces that has been taking a picture of the local railway situation, taking a picture of a bridge. In Lambeth it was taking a picture of a park bench that someone was arrested for. There are other forces where it would be if you were taking pictures of plans of the House of Commons, for example. The discretion in the way in which those powers are used is so inconsistent that people are being caught up in these kinds of incidents when there is no validity for it, and the discretion issue is a big one for the police to have to deal with. The legal point there is section 58 is now section 56 of the Counter Terrorism Act.

Chairman: Thank you very much for that.

Q83 Bob Russell: Mr Dear, incidents with the media and the police go back over generations. We can look at the Miners' Strike; we can look at Brightlingsea and live animal exports, where I was photographed by the Essex Constabulary. Have things deteriorated between the media and the police in recent times?

Mr Dear: There have always been issues. We believe the situation has got worse. The use of many new powers which have come to the statute book as a result of anti-terrorism legislation have created a more difficult situation on the street for people who are covering public order incidents, and they are increasingly caught up in stop and search issues and, we think, misuse of powers preventing journalists from carrying out their legitimate activities. There have been these incidents but we now get more complaints about them. Whether that is also because there are better systems for documenting what goes on in terms of video cameras and camera phones and all things that we know about as a result of the G20 demonstrations, I do not know, but we certainly now get more complaints than we ever have done about this kind of activity.

Q84 Mrs Dean: What changes would you like to see in the policing of large public protests?

Mr Dear: As I said earlier, issues about training of officers, about making sure that they are aware what is the press card, what it looks like, what the rights and responsibilities of those who carry the press card are. We think that the ACPO media guidelines could be incorporated into contracts or legislation as well, and there has to be accountability for those who are seen to wilfully breach those guidelines that are drawn up. All of us in our jobs would have guidelines that say we should or should not do this, and when we breach those we are held accountable for it. We would like to see much better independent accountability of those who are seen to wilfully breach those guidelines, and the guidelines should be absolutely integral to all police training.

Q85 Chairman: In conclusion, Mr Dear, you were telling us that some of your members were actually assaulted by the police during the G20 protests. Is that correct?

Mr Dear: Yes. They are part of the complaints that we are making to the IPCC.

5 May 2009 Mr Jeremy Dear

Q86 Chairman: They have made formal complaints. Do you have a timetable as to when these complaints are going to be dealt with?

Mr Dear: We do not know when they are going to be dealt with, no.

Q87 Chairman: But your dossier has been acknowledged?

Mr Dear: Yes, it has been submitted this week, of the 13 complainants.

Q88 Chairman: Looking back to the footage, as we all have done, because, apart from Mr Brake, none of us were there—and you were not there on the day; is that right?

Mr Dear: I was not, no.

Q89 Chairman: In one of the scenes a protester has picked up what looks like a rubbish can and was trying to break the window of the Royal Bank of Scotland and there is a huge bank of photographers taking photographers of this criminal damage. Do you think the presence of such a very large number of photographers actually encourages people to behave badly?

Mr Dear: I do not believe that to be the case. I know that is the case that the police have made on some occasions, that there are photographers who incite people to take particular action so that they can get a photograph of it. I do not believe that to be the case in this instance at all.

Q90 Chairman: You do not think people may be encouraged, present company excepted, of course, if they see a camera, and behave in a bizarre way?

Mr Dear: It is a little bit the “denying them the oxygen of publicity” argument that Margaret Thatcher used against Sinn Fein and the Real IRA

and the IRA. I think they would have behaved in that way whether or not there was the oxygen of publicity.

Chairman: We will not go back 30 years. Mr Clappison has a quick supplementary.

Q91 Mr Clappison: We saw some photographs which were taken at the time of the protests showing some of the protesters, and I saw only some of them, but some of them were clearly equipped (and these must have been taken by press photographers) with what looked like weapons and clearly looked as though they were on a sinister intent. Do you think it is important that journalists should take these kinds of photographs as well and publicise that side of the demonstration?

Mr Dear: Absolutely.

Q92 Mr Clappison: There seems to have been that side to it as well. Even though many people were peaceful protesters, there was an element, as demonstrated by those photographs and some actions, which was not quite as peaceful?

Mr Dear: Yes. Absolutely. I think it is the duty of journalists to report all such incidents and to do so with balance and an understanding of the issues, not to try and hide one side or the other, which is why we think it important that they have access to all parts of the demonstration, and any restriction on the right must be necessary and proportionate. We just believe that in too many recent incidents it has not been necessary and it has not been proportionate.

Chairman: Thank you, Mr Dear. Thank you for giving evidence to us this morning. It has been extremely helpful. We may come back to you. If there is anything that you have missed out that you need to tell the Committee about, please do not hesitate to write to us and draw it to our attention.

Tuesday 12 May 2009

Members present:

Keith Vaz, in the Chair

Tom Brake
Ms Karen Buck
Mr James Clappison
David T C Davies
Mrs Janet Dean
Patrick Mercer

Gwyn Prosser
Bob Russell
Martin Salter
Mr Gary Streeter
Mr David Winnick

Witnesses: **David Howarth MP, Mr Chris Abbott**, G20 Protester, and **Ms Frances Wright**, Protester and member of Climate Camp Legal Team, gave evidence.

Chairman: This is the second evidence session in the Committee's inquiry into the G20 protests. Next week we have the Metropolitan Police Commissioner Sir Paul Stephenson coming to give evidence to the Committee. Mr Howarth, Ms Wright and Mr Abbott, welcome to this hearing. Could I start with declarations of interest?

Tom Brake: Could I declare that I was "kettled" at the G20 protest for five hours and have also made a contribution to the report that David Howarth is submitting today.

Q93 Chairman: Thank you, Mr Brake. One of the witnesses today is a member of the House, Mr Howarth. What were you doing that day? Were you protesting against the site or were you supporting those who were trying to keep order?

David Howarth: I was observing. What had happened in the run-up to the 1 April protest was that I was increasingly concerned about the hyping up of the possibility of violence. I had been called in a couple of years earlier to the Heathrow Climate Camp where I had seen people make complaints about what had happened there, so I was worried about that. I was subsequently very concerned about what had happened at the Kingsnorth Climate Camp and raised various questions in the House about that question as well. What we were doing there was as a result of what was happening in the previous weeks in the media and concern about the police apparently, with or without the media's help, raising the spectre of major violence. Added to which, the Climate Camp was trying to get in touch with the police and finding that it could not get in touch with the police. It just seemed to me that there had been a break down of communication, which is why I organised the meeting the day before the demonstration. The observation of the demonstration was part of that process.

Q94 Chairman: When you say "we", was this something that you did quite often? You hear there is a protest and so you turn up, or is it "we" in a different capacity?

David Howarth: No. It was simply that a group of Members of the House, in a very ad hoc way, decided that this was the way we could use our position and possible influence on the day. It was simply a group of people who agreed to do it at very short notice. We

tried to ask other people. We tried to ask people who were not members of the House. The group of people who went was the people who we could find. I would be happy to do it again in the future, but I would probably do it with better notice and try to get more people involved.

Q95 Chairman: You say you are an independent observer, but your sympathies surely were primarily with the protesters, were they not? They certainly were not with the police.

Ms Wright: They were with the police to some extent because, having heard what Commander Broadhurst said in the meeting the day before, he had raised the prospect that he might lose control of his officers and I was worried about that as well.

Q96 Chairman: So you were worried for the police?
David Howarth: Worried for his ability to control the day in the way he wanted to.

Q97 Chairman: You were not worried about the safety of the police?

David Howarth: Obviously I was worried about the safety of everybody concerned including the police.

Q98 Patrick Mercer: Mr Howarth, can you tell us what the main conclusions of your report are likely to be, please?

David Howarth: There are a number of conclusions about different stages of what happened. The main conclusion about the run up is that I think the police will have to look very carefully at their public relations strategies in the run up to major demonstrations and ask themselves whether raising the temperature makes the situation more difficult to control, more difficult to hold discipline and therefore more dangerous for all concerned. On the doctrine of the police about protests, the police seem to have reached a situation where they presumed that all demonstrations held in public are unlawful and that therefore the demonstration is entirely at the discretion of the police. I do not think that they take into account sufficiently the question of whether the demonstration is going to be peaceful or not. Demonstrators, when talking to the police, talk about their demonstration being peaceful. The policemen talking back to the demonstrators talk about it being lawful. The problem is that those two

things are not the same because in the minds of many police officers—and we found this at the March 31 meeting—any demonstration on the highway is unlawful as an obstruction of the highway.

Q99 Gwyn Prosser: Mr Howarth, a lot of commentators have looked back at the events and said this was a little bit of misconduct by a small number of police officers possibly, but in your conclusions you say that the whole issue of disproportionate force is part of the doctrine of the police rather than misconduct. What are your reasons for having that conclusion?

David Howarth: I think you have to look back at the police doctrine for the control of demonstrations and what they think of as a potential disorder. You need to ask the police whether they think of protest as inherently disorderly or whether they think of it as part of the democratic process. I do think there needs to be a review of that. In addition, I think we need to ask ourselves whether as a democracy we have the balance right between people protesting in public on the street and other activities. Part of what the police always say, and I can understand why they say this, is that they must facilitate people going about their ordinary everyday business and there is obviously a conflict between that and protest. On the other hand, in a democracy protest is an everyday business; it is the everyday business of citizens. I think the police need to rethink the fundamentals of their doctrine. One crucial part of this is the distinction between what happened at the Bank of England protest and what happened at the Climate Camp. I was mainly concerned and mainly observed what happened at the Climate Camp. That protest was entirely peaceful. The police commander said the day before at our meeting that he accepted it was peaceful, the police running an account on the Internet of the events said that it was peaceful and yet it was compressed in a forcible, violent way and dispersed in a forcible and violent way. I think we need to ask ourselves why we are doing this as a country. Why are we suppressing peaceful protests, which everyone admits is peaceful, in that sort of way?

Q100 Gwyn Prosser: If the violence is almost part of a doctrine, would we not have expected far more incidents and far more complaints?

David Howarth: What seems to happen in these demonstrations is, first of all, they are corralled, so they are surrounded and no one is allowed in or out. There is a question about the lawfulness of that corraling, whether it is done in line with what the House of Lords said in the Austin case. I am very doubtful that that was the case in the Climate Camp. A second part of so-called “kettling” is the police advancing very forcibly with riot shields and batons on the crowd to compress it into a smaller area. I think that is where a lot of the complaints are going to come from, from injuries that were suffered by that activity. Whatever you may think about the corraling, that second part of the tactic has never really been fully explained to me or anybody else. Why does that happen? What is meant to be achieved by it? It seems on the day, from the reports

I had, it simply made the protesters angry, it caused a reaction, it caused tension and it seemed more than likely to result in violence.

Q101 David Davies: How long do you think people should be allowed to demonstrate peacefully for on a highway before the police are able to use force to either compress them or remove them?

David Howarth: Compressing in that forcible way I doubt is ever—

Q102 David Davies: How long do you think that people should be allowed to do it for?

David Howarth: That is an interesting question because we have the Tamil demonstration outside now and it has been going on weeks. The question is whether you would want to forcibly remove it. I would not.

Q103 David Davies: So if people want to sit down on a road for weeks, you think that that should be allowed providing it is peaceful, do you?

David Howarth: It does depend on which road and what the consequences are.

Q104 David Davies: Let us say it is a major road through the City.

David Howarth: There is this point about Section 14 of the Public Order Act 1986 which I think is at the heart of this. On the night of 1 April the police made it clear to me that they were dispersing the Climate Camp, not because of public disorder, which is the first leg of Section 14, not because of serious criminal damage, which is the second, but solely because of this third leg of serious disruption to the life of the community. Obviously that is a balance that has to be struck in every case.

Q105 David Davies: So there is a point—

David Howarth: There must come a point.

Q106 David Davies: --- when the police could use force. What you are really arguing about is not whether the police are right to use force or kettling or rail track compression, it is the time, is it not?

David Howarth: Absolutely, the circumstances. My main concern about the night of 1 April was exactly that, what the circumstances were.

Q107 Chairman: Many of us have sympathy have sympathy with the position of the Tamil community. Are you saying that it is perfectly acceptable to block the road outside Westminster?

David Howarth: It depends on the effects.

Q108 Chairman: The effect is that London was brought to a standstill.

David Howarth: I do not know whether that is true. One of the questions in all these instances is about the evidence base that is being used. I do not have the evidence and I do not think you do either about precisely what the effects are of the Tamil demonstration, but they seem to me to be far more serious in terms of traffic disruption than blocking 100 yards of Bishopsgate where it is only two lanes.

12 May 2009 David Howarth MP, Mr Chris Abbott and Ms Frances Wright

Q109 Chairman: Is that acceptable? Traffic disruption is acceptable, is it?

David Howarth: Some traffic disruption must be acceptable otherwise no one would be able to protest on the streets.

Q110 Chairman: How long for?

David Howarth: It is a matter of balance in every case. It depends on the level of disruption caused. You cannot give an absolute rule. Mr Davies is right, there will come a point in demonstrations where the demonstration should not be there any longer, it has caused serious enough disruption to the life of the community to be removed.

Q111 Mr Winnick: Even if a demonstration was as peaceful as you can possibly imagine and there are no allegations of violence of any kind, if the demonstration is pretty large, which has often been the case of the Labour movement on various occasions certainly in the past, May Day comes readily to mind, would there not inevitably be traffic disruption?

David Howarth: Absolutely. The question is whether any degree of traffic disruption justifies the removal of a demonstration, which I fear was the assumption being used by the police on the night of 1 April, at least that is what it seemed to me in discussions with them, or whether it has to be a question of judging the risks as they really are and putting some sort of value on the demonstration as well as on the degree of traffic disruption that is being caused. It has to be done consciously. I do not think you can say just because there is traffic disruption at 11:00 pm at Bishopsgate, in the middle of the City of London and the financial district, with one white van not allowed through, that is the end of the demonstration. You need to be able to think through the balance itself.

Q112 Mr Winnick: You have spoken about the right to demonstrate, the very essence of our democracy, of that there can be no doubt. Are you clear in your own mind that there needs to be a sharp distinction between demonstrating, which can involve shouting and the rest of it, and outright violence against the police?

David Howarth: Absolutely.

Q113 Mr Winnick: I take it you condemn any form of violence directed against the police.

David Howarth: Absolutely. My big distinction is between peaceful and non-peaceful protests. I think non-peaceful protests, attacking police officers, attacking other people, are utterly unjustified. We are perfectly correct in policing that in a tough way.

Q114 Mr Clappison: You are obviously very learned in all these matters and probably in the law in these matters as well. Demonstrators have a right to protest peacefully and the police have to act within the law. Following on from what Mr Winnick said, I am a bit concerned by what you said at the beginning, where in your initial remarks you appeared to lay the blame on the police for raising

the temperature in respect of these matters. I do not know about the Climate Camp demonstration and the Climate Camp cause, but it is apparent from any reading of recent history that G20 meetings have been accompanied by violence. They were in Seattle a number of years ago and they have subsequently. After this G20 meeting took place the same meeting went on to Strasbourg where there was very serious violence. I would ask you if you would reconsider the approach you are taking on this when talking about the police raising the temperature. There seems to me to be a reasonable degree of foresight that one can exercise in relation to history of these matters and some of the demonstrators who appear to take part on an international basis in G20 protests that violence takes place.

David Howarth: I should refer you to what the police said at our meeting, which is that Commander Broadhurst himself expressed concern about the way in which the matter was being reported. He said basically it was the media's fault, but he did not like the way in which it was being reported and the expectation of violence being ramped up. He said that his officers read the newspapers, they listen to the news and that would make his job of maintaining discipline on the day more difficult. I do not think there is any doubt that there was a problem. There was a problem about ramping up the level of expectation and violence. The question is who was responsible for it, whether it was just the media or whether the police made mistakes as well.

Q115 Mr Clappison: You said initially that it was the police who were raising the temperature on this. I think the record will bear that your remarks said that. Whatever the police may have said in briefings, I put it to you that given the history of G20 meetings there have been there appears to be a risk of violence, wherever they take place, because of the nature of some of the demonstrators who are attracted to the G20 meetings and the sort of protests that they want to make which result in violence.

David Howarth: There are two responses to that. One is that the Climate Camp was not part of that.

Q116 Mr Clappison: I drew that distinction.

David Howarth: This is a very important distinction to draw. The expectations apply to everything, not just to the other demonstration. The second thing is that, even though what you are saying is right, that there was some risk of violence, what should be the police's strategy towards that risk? Should they be talking it up, talking it down or giving their best assessment of the risk? That is the question.

Q117 Ms Buck: You implied that there was a significant change in attitude in terms of the policing, particularly when the police in riot gear appeared. Could you tell us what discussions you had at this stage on the day with members of the police command and whether you put to them that there was a change in behaviour with the arrival of either different police or a conscious change of tactics?

David Howarth: That change at around seven o'clock happened when we had no colleagues there. Mr Brake at that point was kettled at the Bank of England. So we had no direct witnesses. I cannot speak directly about what happened at that point. Certainly earlier in the day when I spoke to police officers it was all very friendly. One police officer expressed to me a concern that there was too much beer being drunk and that things might get out of hand later because of that and I passed his concern on to Frances Wright, but I believe that action was taken within the Climate Camp to put that right. All I can go on are the secondhand reports that came to me later. I cannot claim to be an eyewitness to this. There does seem to have been a change in tactics around seven o'clock with more forcible tactics being used and police in riot gear being put to the front.

Q118 Ms Buck: Did you speak to any police officers after the point of that change in attitude, what did you say to them and what did they say to you?

David Howarth: I spoke at around half-past ten to 11 o'clock to the Silver Commander. I had previously tried to get in touch with the Gold Commander and the Bronze Commander and eventually talked to the Silver Commander. He told me that the police had basically said that this was the end of the demonstration, they were using Section 14 to call the demonstration off and they were going to disperse the demonstration because it was a serious disruption to the life of the community. I said to him, "Have you thought about the balance of risk, about using tactics that might endanger life and limb given the fact that that is what you are trying to do, you are simply trying to clear a bit of a city street at 11 o'clock at night?" and his response was not encouraging, he said, "Well, that's the kind of thing I will have to sort out in court."

Q119 Ms Buck: Did you say to him that you had heard by this stage that there was already a change in police approach and tactics early on and what did he say to that?

David Howarth: Yes. His response was entirely in terms of there were people we saw in there who should not be there who had come from the other demonstration. I obviously was not in a position to say whether that was true or not at the time, although eyewitness reports coming to me later, which I include in my letter, seemed to contradict that.

Q120 Mrs Dean: Mr Howarth, how many individuals have contacted you to inform your report?

David Howarth: We had the five of us who were there. We had some of their staff members.

Q121 Chairman: How many is that?

David Howarth: Two or three staff members were there who contributed. There were the eyewitness reports from the seven o'clock incident where we were not present. So we had two eyewitness reports coming in the day after. They were there from a

human rights organisation. I have got half a dozen reports here from my own constituents coming in after that. So it is quite a few.

Q122 Chairman: Can you say how many?

David Howarth: Six or seven of my own constituents.

Q123 Chairman: That makes a total of 16. Were they there on the day or did they see you on television?

David Howarth: No. These are the people who were there.

Q124 Chairman: How many were there on the protest?

David Howarth: We were not on the protest, we were observing. Our staff members were not on the protest.

Q125 Chairman: How many people were there?

David Howarth: At the protest itself?

Q126 Chairman: Yes.

David Howarth: At the Climate Camp it looked like about 800 to 1,000.

Q127 Mrs Dean: How many of those who contacted you also contacted the IPCC?

David Howarth: I do not know.

Q128 Mrs Dean: So those who contacted you did not say that they were also contacting the IPCC. Did you advise anybody to do that?

David Howarth: One or two might have but I do not have a forecast of that. Other people who were not my constituents also contacted me.

Q129 Mrs Dean: Did you advise people to contact the IPCC if they had got complaints that they brought to you?

David Howarth: Yes. I think we did mention the IPCC on a number of occasions. I could not guarantee mentioning it on every occasion.

Q130 Bob Russell: Ms Wright, in your own words and as succinctly as you can, please, can you tell us what happened on the day of the protest? Mr Abbott, the same question to you afterwards.

Ms Wright: I was there as a legal observer for the Climate Camp. It was very peaceful initially. Initially there was some resistance from the police to putting up tents in Bishopsgate, but that passed. The significant change happened at around seven o'clock. Equipment began to increase during the afternoon. Numbers increased. As somebody who has been kettled before, I could see the signs coming and I was trying to tell people who looked like they had just wandered in to see what was going on that it would be a good idea to get out quickly. Although I was thinking that we were going to get kettled, I was not anticipating what felt like quite a coordinated assault. It was very violent. I think I lost my glasses in the scrum. It was quite an experience. After that things calmed down. A number of more experienced protesters encouraged people to sit down on the floor in front of the police lines and that

12 May 2009 David Howarth MP, Mr Chris Abbott and Ms Frances Wright

helped de-escalate the situation. I am talking about the south end because I was at the south end of the road. That remained pretty much the case throughout the evening with some movement of the protesters back towards the middle of the road in a staged way. In the process of the evening there were little flurries of activity with people being pulled out from the floor behind police lines, with the use of force to do that and then finally, after people were released, which began about 11.30, there was a very intense, very rapid clearance of the road which was very scary.

Mr Abbott: I was at the camp from about six o'clock after work. I walked down there to have a look at the camp and see what was going on. I had been there for about an hour or so when the kettling first happened. Having never been to a protest or never been kettled before, I was not quite aware what I was letting myself in for at that point and was trapped there until about 11 o'clock. I was at the south end of Bishopsgate when the police line first came in and witnessed some of the violence there. I lost my partner in the crowd who I was with. Eventually, once it had calmed down a little bit, we found each other, realised that we were essentially trapped and could not go home and we sat on the floor at the south end of Bishopsgate for a couple of hours. Then at about 9.00 or 9.30 the police line just decided to advance and charge us. There was no warning given. There was no request to move. There was no indication of what was going to happen. We were sat on the floor. The police advanced on us. They pressure pointed my girlfriend on the neck, which is extremely painful, and dragged her backwards off me. Whilst this was happening an officer lent over the top of her and punched me directly in the face. At this point I was sat on the floor pretty much being pushed onto my back with my hands above my head and he punched me square in the face for no valid reason that I could see whatsoever. My girlfriend was dragged off me. I was pulled up, pushed back towards the crowd by the police as they descended upon me with the sides of their shields on the side of my head, again just basically striking me with shields. Again, there was no request to move, no indication of what was happening or why. My girlfriend had been dragged behind me with her wrists bent behind her back, threatened to be broken and was pulled back behind the police line. She was then thrown back by officers head first with her hands behind her back and landed on the floor. Whilst this was happening I was being struck on the side of the head by the sides of shields. Fortunately one of the other protesters in the crowd pulled me clear just as a group of about four or five officers pretty much cut me off from everybody else. Luckily they pulled me clear. Basically they said, "He's not doing anything. Leave him alone," and managed to pull me away from what was happening. Whilst they were attacking me essentially I just had my hands in the air and was offering no resistance at all.

Q131 Bob Russell: Mr Abbott, you have described the incident when the police came forward, you are saying, without any warning. You heard Ms Wright

say that she sensed the kettling was about to start. Were you given any advance warning that the police were about to do a kettling operation? Chairman, that is a phrase which we will need to have some historic explanation of as to where it comes from. Were you warned there was going to be kettling?

Mr Abbott: No, absolutely no idea whatsoever.

Q132 Gwyn Prosser: Mr Abbot, did you notice whether the particular police officer who allegedly assaulted you was wearing identification numbers?

Mr Abbott: As you can imagine, it is surprisingly difficult to take down badge numbers when you are being beaten up by four or five police officers wearing riot gear, with balaclavas, helmets, shields and all the rest of it, particularly after having been punched in the face, which is not something I have experienced before.

Q133 Chairman: Do you remember seeing identification even though you did not have a chance to take out your notebook?

Mr Abbott: I honestly cannot say.

Q134 Chairman: You used the words "beaten up". You are very clear. You regard yourself as having been beaten up by four police officers, do you?

Mr Abbott: I was assaulted by police officers at the Climate Camp, yes.

Q135 Tom Brake: In evidence the Metropolitan Police Service gave to the Metropolitan Police Authority they said, certainly at the Bank protest, that people were being allowed out of the kettle in small numbers. Was there any evidence that at the Climate Camp they were allowing anybody out at the point where the kettling operation was taking place?

Ms Wright: I think there are examples of some people who managed to talk their way through, but in the main people asked and got refused and that is what I saw. I did not see anybody get out.

Q136 Tom Brake: Do you know anything about the circumstances of the people who they did allow out?

Ms Wright: I am aware that one person worked for Amnesty International and showed their card.

Q137 Tom Brake: Can I also ask you whether at the Bank protests allegedly water was accessible to protesters and toilets were accessible to protesters? Once the kettling operation was in place, was there any access to any facilities or any provisions or anything at all?

Ms Wright: The camp had equipped itself with toilet provision which needed replenishing and was not able to do that, so no effectively.

Q138 Mr Clappison: Before what you described as being beaten up took place, had you been asked or directed to do anything? Was there anywhere you could go?

Mr Abbott: No. No instructions were given whatsoever. We were sat there for what must have been a couple of hours, just sat on the floor near the

12 May 2009 David Howarth MP, Mr Chris Abbott and Ms Frances Wright

line of police and we were talking and joking with them. It was quite a friendly atmosphere. Half an hour before it happened one of them jokingly said to us, "We've got a surprise in store for you," and then did not say anything else. This was at the point where another line of police had arrived behind them in what looked like SWAT cars with blue flashing lights. The tension had been ramped up very high by the police actions, it was very aggressive.

Q139 Mr Clappison: You had been kettled which presumably means you were confined. Was there anywhere you could go in the face of this?

Mr Abbott: No. There was no way of leaving. I should just say that the way we finally managed to leave the camp at 11 o'clock was that my girlfriend needed to get back to get her inhaler for asthma. We were told specifically by the police that they were under specific orders not to let people out even for medication. I was told this by one of the medics at the other end of the camp and this was at about 11 o'clock at night.

Q140 Mr Streeter: You have described the deployment of the Tactical Support Group. Do I understand correctly that you were at the front of the line?

Mr Abbott: We were sat down at the south end of the camp near the police.

Q141 Mr Streeter: And that is where the police line came in from?

Mr Abbott: Yes.

Q142 Mr Streeter: As this was the first time you were at a protest, were you surprised to find yourself at the front of proceedings? Were not the more hardened protesters there?

Mr Abbott: The whole camp was full of all sorts of different people. It should be very clearly distinguished from some of the things that were happening at the back. It was a very peaceful atmosphere, a very relaxed atmosphere. The people we were sitting next to were a young German couple here on holiday. In fact, she was writing a postcard to her mother when she was attacked. It was a very mixed crowd. It certainly in no way felt that the crowd was some sort of hardcore element or anything along those lines whatsoever.

Q143 Mr Streeter: When it started advancing was it not possible for you all to stand up and move further away?

Mr Abbott: Absolutely not. There was no warning whatever. They just charged us. The first thing I knew was when they were essentially dragging my girlfriend away.

Q144 Mr Streeter: What is your reaction now to the police in this country? Presumably you are a law-abiding citizen who arrived there to see what was going on and you got beaten up. How does that make you feel?

Mr Abbott: You do not expect to be beaten up by the police whilst you are exercising your right to demonstrate over an issue as important as climate change.

Q145 Chairman: Mr Abbott, what is your occupation?

Mr Abbott: I am a deputy director of the Oxford Research Group think-tank.

Q146 Chairman: What does that do?

Mr Abbott: International security and foreign affairs.

Q147 Martin Salter: Mr Abbott and Ms Wright, was there any evidence at all that people involved with the Climate Camp would not have moved had they been asked or given advanced warning by the police? In other words, was there any justification for the police using any sort of force, disproportionate or otherwise?

Mr Abbott: I cannot talk for other people at the camp; I can only talk for myself. I was given no instruction to move at all. I had no ability to move out of their way or respond to their requests to move whatsoever. Also, there has got to be some issue around the proportionate use of force. If I am sitting on the floor talking to my girlfriend at a peaceful protest and had been knocked back onto my back with my arms clearly in the air, under what circumstances is it justified to punch me in the face? Having dragged me up and pushed me back towards the camp, what circumstance is there for smashing me in the side of the head with a shield as a weapon? I cannot think of any circumstances, whether given instructions or not, when that is right.

Ms Wright: At the time when they arrived at seven o'clock, just before we were being kettled, there was no announcement of what was going to happen either in terms of the kettling or in terms of the use of force. Later on we were told that a Section 14 Order would be put in place at ten minutes to ten, according to our records, which differs to the police records in terms of their report to the MPA. Whilst I was aware of that, there were far more people there who were not aware of that. The police were not making announcements in relation to Section 14. Much later on there were announcements but they were unintelligible, you could not hear them. It was a surprise to me when I then heard video footage afterwards which had been taken from an elevated position and you could hear it, but on the ground throughout that evening I did not hear any announcement. I was still at the final clearance saying to officers in front of me, "What's going on? What are your grounds for clearing this? Why are you doing this? I haven't heard an announcement."

Q148 Martin Salter: The unacceptable violence that was put upon you, Mr Abbott, took place before the police made any attempt to announce that they were invoking Section 14 in order to clear the area, was it not?

12 May 2009 David Howarth MP, Mr Chris Abbott and Ms Frances Wright

Mr Abbott: As far as I am aware, yes.

Ms Wright: Yes, but quite late on.

Q149 Martin Salter: Is that your understanding as well, Ms Wright?

Ms Wright: I believe so. I heard no announcements.

Q153 David Davies: Let me ask you this question as you were one of the organisers. Why did you decide not to agree a route and a venue for the protest with the police in advance, which is what I think normally happens with protest marches?

Ms Wright: I am not an organiser.

Q150 David Davies: I thought there was a slight misunderstanding there. If I understand this right, the police had obviously tried to convey an announcement which was intelligible on video evidence but was not heard by the protesters. The announcement that was not heard had obviously come about before the crowds were cleared at 11 o'clock. Is that right?

Ms Wright: No. The only announcement I have heard is on our video footage, which is after the road is cleared. We are almost out and you can hear the vans making the announcement.

Q154 David Davies: Sorry, but you are on the legal team and I believe they had not agreed in advance anything with the police.

Ms Wright: There is no legal obligation to notify the police in relation to public assemblies in contradiction to a march where there is that legal obligation to notify. We were under no legal obligation to do so. As a legal team, we decided to try and make contact with the police.

Q151 David Davies: So that was after 11 o'clock?

Ms Wright: That is at about ten to one in time. I have read reports that there were earlier announcements. I do not know what form they took, but all of the reports say they were unintelligible. I was there throughout and I did not hear anything.

Q155 David Davies: Do you think that in future it would be less likely for these protests to end the way that it has if you informed the police beforehand as to what it is that you are intending to do and where it is you are intending to go? Do you think that would be a good recommendation for you to take to the organisers in future?

Ms Wright: I have significant doubts about that. From the police's perspective sitting in a road is unlawful. I do not believe they would have facilitated that protest.

Q152 David Davies: But there were unintelligible attempts?

Chairman: Mr Howarth, Mr Abbott and Ms Wright, thank you very much for giving evidence. It has been extremely helpful. You mentioned a possible dossier, Mr Howarth. We would be most grateful if you could send it to us. We look forward to seeing you again.

Witness: Ms Nicola Fisher, G20 Protester, gave evidence.

Q156 Chairman: Nicola Fisher, thank you very much for giving evidence to the Select Committee this morning. Just for the record, we have actually spoken to the Chairman of the IPCC and informed him that you are to give evidence to us. Is it right that you have made a formal complaint to them?

Ms Fisher: Yes.

Ms Fisher: The reason I went to London originally was to go to a climate change demonstration at the ExCel Centre. However, when we got there it was an Ethiopia demonstration and I do not know much about the subject. We asked people who were leaving where the climate change demonstration was and no-one knew, but they said they were going to the vigil for Mr Tomlinson. At that time we thought he was a protester and we decided to go along to that.

Q157 Chairman: And that you have spoken to them about your complaint?

Ms Fisher: Yes.

Q161 Chairman: Did they tell you anything about Mr Tomlinson? Obviously they told you that he had died, is that right?

Q158 Chairman: Are you a frequent visitor to protests of the kind that you went to, the G20?

Ms Fisher: When I was a teenager I went to a few, but since I was 19 this is probably the second demonstration I have been to.

Ms Fisher: I had seen news coverage that he had died. At that point all we knew was that he was a protester and he had died of a heart attack.

Q159 Chairman: Second in how many years?

Ms Fisher: Twenty.

Q162 Chairman: Was it a peaceful or rowdy memorial? Describe the scene when you got there.

Q160 Chairman: You were present at the memorial service for Ian Tomlinson. Why did you go to that memorial service?

Ms Fisher: It was a vigil. It was at Bank Station. When we got there in the main square there was a small group of people and it had a police cordon around it. We asked an officer "Can we go in?" and he said, "If you go in you cannot come back out again," so we did not go in. There were altogether a

12 May 2009 Ms Nicola Fisher

few hundred people there. We were just milling around outside the cordon. It was very quiet. There was no trouble at all. It was just a peaceful vigil, people milling around chatting. Nothing seemed to be happening.

Q163 Chairman: What happened to change the mood that enabled the police to intervene? If we accept what you say, it is very odd, is it not, that the police suddenly decided to intervene in this very peaceful situation?

Ms Fisher: Yes. We were standing outside the Bank of England and suddenly from the left-hand side about 20 policemen came running down the road. As they ran down they formed a line in front of us. Straightaway the officer in front of me shouted, "Get back", and as he shouted it he pushed me. As a reaction to that I pushed him back. Straightaway he hit me—

Q164 Chairman: We will come to that in the rest of your evidence. I am just trying to set the scene, if I may. The first you know that there was something other than a peaceful vigil was when you saw 20 police officers running towards you or running towards the cordon?

Ms Fisher: The cordon was in front of us. We were on the other side of the road outside the Bank of England. The cordon was just hemming people into the square. Suddenly the police came from the left and formed a line in front of us. I think retrospectively they were trying to push people back. They formed a line in front of us.

Q165 Chairman: You did not see any reason why they started to run? Nobody had started to shout?

Ms Fisher: No. There was no trouble at all.

Q166 Tom Brake: You say that the first you knew of them wanting you to move back was when the officer said "Get back". Is it possible they might have made an earlier announcement but that was garbled or inaudible, you did not hear? Is it possible they might have tried to warn people that they were about to move in?

Ms Fisher: I did not hear anything like that. It was not a protest, it was a vigil. It was the day after the main protest and I did not hear anything. The first I knew was when the officer was stood in front of me saying "Get back".

Q167 Tom Brake: There was no shouting going on. So if they had made an announcement the crowd would not have drowned it out by what they were saying, for instance?

Ms Fisher: No.

Q168 Mr Clappison: Let us get the factual situation correct. The police had suddenly moved in. You had not been doing anything other than milling around before that. Were you told to move back by the police?

Ms Fisher: The policeman obviously shouted, "Move back" and pushed me at the same time as he shouted it.

Q169 Mr Clappison: At the same time?

Ms Fisher: Yes.

Q170 Mr Clappison: Were you given any opportunity to move back?

Ms Fisher: Before he asked me?

Q171 Mr Clappison: Yes.

Ms Fisher: No. He just said, "Get back" and pushed me.

Q172 Mr Clappison: Did you then move back?

Ms Fisher: When he pushed me back I was quite surprised and angry and my reaction was to push him back.

Q173 Mr Clappison: If you had wanted to go back, was it possible for you to retreat and go back and go somewhere else?

Ms Fisher: There were a lot of people behind me. Because it all happened so quickly I did not really turn around to see who was behind me. There were quite a lot of people behind me so it would probably have been quite difficult to move back.

Q174 Mr Clappison: When you say the police pushed you, where did they push you?

Ms Fisher: He just pushed me here.

Q175 Mr Winnick: I want to ask you about the slapping that you received from the police. It is not an allegation of slapping; I think it is accepted that you were slapped.

Ms Fisher: Yes.

Q176 Mr Winnick: That is the position, you were slapped?

Ms Fisher: Yes.

Q177 Mr Winnick: What was the first time the police at this demonstration slapped you and where did the police slap you?

Ms Fisher: After he said, "Move back" and pushed me I pushed him back.

Q178 Mr Winnick: So you were at the demonstration, right?

Ms Fisher: Yes.

Q179 Mr Winnick: Carry on. I asked you the question.

Ms Fisher: He shouted, "Get back" and pushed me at the same time.

Q180 Mr Winnick: One police officer?

Ms Fisher: Yes. I pushed him back and straightaway he hit me in the face with the back of his hand.

Q181 Mr Winnick: We saw that on television, I think.

Ms Fisher: Yes.

Q182 Mr Winnick: He had a gloved hand and he slapped you across the face.

12 May 2009 Ms Nicola Fisher

Ms Fisher: Yes.

Q183 Mr Winnick: Without justifying it in any way, your view is that you said absolutely nothing to him that could have provoked that attack, is it?

Ms Fisher: I did not speak to him, contact him or look at him before he attacked me.

Q184 Mr Winnick: Presumably you were deeply shocked.

Ms Fisher: Yes.

Q185 Mr Winnick: It is not the way you would expect a police officer to behave.

Ms Fisher: Not at all, no.

Q186 Mr Winnick: You would not have expected the police officer to act as he did, would you?

Ms Fisher: No. I thought they had to act in response to a threat. I had made no contact with the police officer prior to the attack.

Q187 Mr Winnick: We saw the incident on television and we have had other reactions to that. So you were slapped across the face. What happened next?

Ms Fisher: After he slapped me I was shocked and angry and I shouted at him.

Q188 Mr Winnick: Did you swear at him?

Ms Fisher: I shouted at him, "What are you doing hitting a **** woman?" I did swear then. I also pointed out to him that there were two film crews next to me filming him. I was trying to point out what are you doing hitting a woman and there are film crews filming you.

Q189 Chairman: What happened after that, Ms Fisher?

Ms Fisher: Straight after that he got his stick out—

Q190 Mr Winnick: The same police officer?

Ms Fisher: Yes.

Q191 Chairman: He got his what out?

Ms Fisher: His stick and hit me twice. He hit me over the back of my leg and I stumbled backwards, someone caught me and my leg went up and he hit me again and caught me at the bottom of my leg.

Q192 Mr Winnick: So during this incident you were hit three times?

Ms Fisher: Yes.

Q193 Mr Winnick: What injuries did you receive as a result of being slapped on your legs? Were you in hospital?

Ms Fisher: I went to the local hospital, St Bart's Minor Injuries Unit and got some painkillers. I went to my doctor's the next day. I had a seven-inch by three-inch bruise at the top of my leg and a two-inch by four-inch bruise at the bottom of my leg.

Q194 Mr Winnick: Is it now healed?

Ms Fisher: Yes.

Q195 Mr Winnick: As we understand the position, you sold your story to the media.

Ms Fisher: Yes.

Q196 Mr Winnick: Would you be good enough to tell us how much you received?

Ms Fisher: There have been reports of £50,000 in the press reported as a fact, which is ridiculous. I did not do a deal for £50,000.

Q197 Chairman: Mr Winnick wants to know how much.

Ms Fisher: Is that really relevant?

Mr Winnick: You do not have to answer. It is entirely up to you.

Q198 Chairman: You are not an MP. You do not need to disclose anything! In answer to Mr Winnick's final question about you getting medical treatment, has that information now been passed to the IPCC?

Ms Fisher: Yes.

Q199 Chairman: Have you had any further contact from the Metropolitan Police or any other official organisation about what happened?

Ms Fisher: I have had no contact from any police force.

Q200 Chairman: Have you been given any timetable from the IPCC as to how long it will take in order for them to complete their inquiry?

Ms Fisher: They said a year to 18 months.

Q201 Mrs Dean: Did you report the sergeant's actions to a higher ranking officer at the memorial? Did you report it there and then?

Ms Fisher: No.

Q202 Mrs Dean: How did you first report what had happened?

Ms Fisher: When I got back to Brighton I phoned a solicitor and they made an appointment for me. As there was a Bank Holiday it was nearly two weeks until I got the appointment. On the day that I went to see the solicitor, when I was on the train back to Brighton from seeing the solicitor, was the day that it was all over the news.

Q203 Mrs Dean: So you had gone to the media before you saw the solicitor?

Ms Fisher: No. I went to a solicitor and on the way back to Brighton on the train people started phoning me up saying I was on the news. By the time I got home I had all the national press outside my house and my family's house. I did not go to the press; they came to me in massive numbers.

Q204 Mrs Dean: Is the implication that the solicitor went to the media or the media picked it up from the video?

12 May 2009 Ms Nicola Fisher

Ms Fisher: The solicitors did not go to the media. I do not know. All I know is I was on the train coming home. People phoned me saying I was on the news and by the time I got back to Brighton I had every national newspaper on my doorstep hounding me and all my family's houses. I have never been in that situation. I did not know what to do. I was advised by a professional that if I spoke to one of them it would get the rest of them to leave me alone, which may not have been the best advice.

Q205 Chairman: Have they left you alone since then?

Ms Fisher: Pretty much now, yes.

Q206 Bob Russell: And now you are giving evidence to the Home Affairs Select Committee! That was quite an incident. Did the police move on after the alleged attack on you?

Ms Fisher: After the attack they started pushing everyone down a side street, they were kettling people. I do not see why because there were probably less than 100 people there, but they kettled the few people who were there.

Q207 Bob Russell: You say you were kettled, but the previous witnesses recall being kettled for four or five hours. You were not kettled for four or five hours, were you?

Ms Fisher: No. We were just pushed down the side roads. If we had wanted to go backwards we could, but I had left one of my jackets in front of the police lines, so I had to wait a couple of hours to be able to retrieve my jacket.

Q208 Bob Russell: Although you described the incident, you were not kettled in the way that others we have heard evidence from today were.

Ms Fisher: I was not trapped, no, but we were pushed.

Q209 Martin Salter: Ms Fisher, you said you took professional advice and I assume you are still being advised. What is your next step in terms of pursuing your complaint against the alleged assault?

Ms Fisher: I am not being advised anymore. I am just leaving it in the hands of the IPCC.

Q210 Martin Salter: Do you have confidence in the IPCC process as a consumer of it so far?

Ms Fisher: I am not sure. I have not had any experience with them before and I have heard various opinions. I am really not sure about that.

Q211 Martin Salter: What has the IPCC done so far in terms of pursuing your complaint? Have you had the initial interviews?

Ms Fisher: Yes. They took a witness interview from me and my partner and that is all I have heard from them.

Q212 Martin Salter: Feel free to let us know if the IPCC does not follow up on your complaint.

Ms Fisher: Okay.

Q213 David Davies: Ms Fisher, what happened, as I understand it, is the policeman pushed you back, you pushed him and swore at him, he swore at you and it was after that that he pulled out his asp. That is more or less correct, is it not, in summary? What action do you think he should have taken once you pushed him?

Ms Fisher: It was not that he pushed me and I swore at him. He pushed me and I said to him, "What are you doing hitting a **** woman?" I was angry because I had been pushed for no reason. Straightaway he hit me over the face.

David Davies: You said in your earlier evidence that you had pushed him in anger. What action do you think a police officer should take if they are pushed by a member of the public? In our recommendations what should we be saying that police officers should do if they are pushed by members of the public?

Q214 Chairman: Ms Fisher, in the circumstances in which the police officer was in, not in normal circumstances, if you take Mr Davies' question into the context of the hothouse of the G20 protest.

Ms Fisher: It was not the main G20 protest, it was the day after and it was a vigil. It was a very quiet, peaceful environment.

Q215 David Davies: We are obviously going to make some recommendations here. If a member of the public pushes a police officer, what action should the police officer take in that situation?

Ms Fisher: Should not the question be why would the police officer be pushing me in the first place when I had done nothing wrong?

Q216 David Davies: We will certainly be asking that question. In general terms, what do you think a police officer should do if a police officer is pushed by a member of the public?

Ms Fisher: I did not approach him and push him. I pushed him in response to him pushing me.

Q217 David Davies: Are you saying that basically police officers should treat somebody, if they are female, as a lady and not respond to them?

Ms Fisher: I think a police officer should not come up to someone and push someone for no reason. I think they should ask you to move. If he asked me to move, I would have moved. He came up to me, he pushed me with some force and when I complained about this he instantly attacked me.

Q218 Tom Brake: I wonder how tall you are. Are you five-foot, five-foot-five or five-foot-six?"

Ms Fisher: Five-foot and three-quarters of an inch.

12 May 2009 Ms Nicola Fisher

Q219 Tom Brake: The police officer was probably six-foot.

Ms Fisher: I think he was more.

Q220 Tom Brake: Would it be the case that you would expect an officer, even if you had pushed him, to respond proportionately? A proportionate response from someone of his size and someone of your size would not have been to hit you, would it?

Ms Fisher: Yes.

David Davies: What would that proportionate response have been?

Q221 Chairman: Ms Fisher, are you likely to be going to any more vigils for anyone else in the future bearing in mind what you have been through?

Ms Fisher: I doubt it, no.

Chairman: Thank you very much for coming here and sharing your evidence with us. We are most grateful.

Witness: Ms Sue Sim, ACPO Lead on Public Order, gave evidence.

Q222 Chairman: Deputy Chief Constable, thank you very much for coming to give evidence to this short inquiry into the policing of the G20 protests. You have had the benefit of listening to the evidence of Nicola Fisher, David Howarth and others. Are you concerned with what they have said this morning and what you have seen about the way in which the G20 protests were policed as you are the ACPO Lead on Public Order?

Ms Sim: I think what I need to do for the Committee is to explain what the ACPO Lead in relation to public order is.

Q223 Chairman: No. I would like you to answer my question. I will come to what you do. I have asked you a specific question. You have heard the evidence of Nicola Fisher. You have heard the evidence of David Howarth. You have known about the circumstances of the G20 protests and you will have seen the reactions of other senior police officers. What is your reaction? Are you concerned with the way in which the G20 protests were policed?

Ms Sim: What I will say is that I have heard today for the first time the version of events from Mr Howarth, from the two colleagues that were with him and for the first time I have heard what Ms Fisher had to say. I have not heard what the police commander has had to say about it and neither have I heard what the police officers have got to say about it. I am aware that there is an Independent Police Complaints Commission inquiry into a number of complaints. Experience over a considerable period of time in policing, 24 years actually, has shown me not to jump to conclusions. I have seen photographs that have appeared in newspapers which if taken on a first-hand impression would lead me to believe that police officers had inflicted dreadful things of violence. I have then listened to the investigations after that and had the photographs explained in such a way as to show me that actually there was not any misdoing in relation to the police officers.

Q224 Chairman: With the greatest of respect, you are not a High Court judge, you are the ACPO Lead on Public Order. So Sir Paul Stephenson was wrong to be concerned and Dennis O'Connor in evidence to this Committee? I am sure you have seen his evidence because that was part of the G20 protests. These senior officers themselves were not present but saw

exactly what you have seen and have all commented on this and said that they were concerned with the way in which these matters were dealt with, to the extent that Sir Paul has set up a review. Are you still not concerned with what was seen?

Ms Sim: I have not said—

Q225 Chairman: Will you answer my question then?

Ms Sim: You have asked me whether I was concerned with the way the G20 was policed. My answer to that is I do not know because I do not know the full extent of the policing of the G20. The officers who will be able to provide you with those accounts are the ones that you have got coming before you next week.

Q226 Chairman: So you have no comment to make about it despite the fact that the Metropolitan Commissioner has made a comment and the new Inspector of Constabulary has made a comment? ACPO and you as the Lead on ACPO will make no comment on whether or not this matter was—

Ms Sim: Until I am fully aware of all of the facts I will not make comments about individual police officers' actions.

Q227 Chairman: I am not asking you about individual police officers. Did any behaviour at the G20 protests violate ACPO norms?

Ms Sim: What the ACPO norms say is that police officers have to be able to justify any force that is used in line with Section 3 of the Criminal Law Act. If those officers are able to justify the violence that they used then that would be all right. If not, then the investigations will find that and the officers will be dealt with accordingly. I have no intention at all of saying that if police officers have committed deliberate acts of violence then that is acceptable. What I am saying is I do not know the full circumstances and I do not believe in trial by press. I believe that a full investigation has to take place and what happens as a result of that investigation then is what happens.

Q228 Mr Streeter: Could you just share with us the ACPO guidelines for the policing of public protests like this? I am interested particularly in kettling. We have heard a little bit this morning about the line of police with the shields just marching towards people

12 May 2009 Ms Sue Sim

without any warning and dialogues with people. Could you just share the relevant guidelines that ACPO has handed down? Are they available for public record?

Ms Sim: Firstly, I do not understand the term “kettling”. Kettling is not a British policing public order tactic, it is something that has been created apparently in the media.

Q229 Mr Streeter: What do you call it when you group people together in this way?

Ms Sim: I would call that containment.

Q230 Mr Streeter: Containment?

Ms Sim: Yes. The public order doctrine says that you should have a strategy in relation to how you are going to police protests, you should be aware of the tactics that you are going to use and your officers should be fully trained to deliver the tactics that you are going to put into place. When Mr Howarth said that the public order doctrine was that all police officers viewed protest as unlawful, that is not the case: police officers and our manuals talk about the fact that human rights is at the very foundation of our democracy. If my mum wants to protest, I am more than happy for her to protest, it is a fundamental right, and police officers are taught the human rights articles. Specific emphasis is placed on Article 10 and Article 11 in relation to public order policing.

Q231 Mr Streeter: But when a six-foot police officer cuffs a five foot young lady around the face, is that in accordance with ACPO guidelines?

Ms Sim: What the ACPO guidelines say is that the police officer has to be able to justify their actions via section 3 of the Criminal Law Act. It is up to that police officer and the investigation, because all we have heard so far is Ms Fisher’s version.

Q232 Mr Streeter: We have seen a little bit of video evidence, have we not?

Ms Sim: Yes, there has been a small part played, but, as I have also said, we have seen a considerable number of times before evidence that would appear, in the first place, to be *prima facie* but then subsequently does not turn out to be so.

Q233 Mr Streeter: We have just heard that the IPCC might take 12 months or 18 months to investigate that particular claim. Do you think that is a reasonable amount of time, or do you think that perhaps three months for something like this would be much more reasonable? There is significant public interest. What on earth can take 12 months?

Ms Sim: Again, I cannot talk for the IPCC. I do not know whether it is the case that they have said that. I am not disputing Ms Fisher’s version of events, but the IPCC would have to explain why they are saying it is going to take 12 months.

Q234 Tom Brake: Can I come back on the issue of public order policing? You say that the police are taught about the human rights of protesters. Are you aware that apparently, when the Army and the Police

do joint training exercises on public order, they are taught to consider the protesters they are dealing with as the enemy? Is that likely to lead to good public order policing if that is the attitude that is being adopted in training exercises?

Ms Sim: Mr Brake, I am not aware of that.

Q235 Tom Brake: Could I ask you perhaps to investigate whether in joint Army and Police training that is the attitude that is being adopted?

Ms Sim: I will certainly look at that. I am not aware of any joint Army and Police training in relation to public order, but I will certainly look at that on your behalf.

Q236 Mr Winnick: Ms Sims, you have said that you have listened to one version of events, namely Ms Fisher’s. Would I not be correct in saying that you have seen for yourself what happened when you saw she was slapped across the face on television?

Ms Sim: Mr Winnick, I have seen it on television, but, as I have said, I did not see the issues that happened before the incident.

Q237 Mr Winnick: Can I, therefore, ask you this question. Are there any circumstances in which you believe it would be appropriate for a police officer to slap someone across the face in the way in which Ms Fisher was slapped across the face?

Ms Sim: I believe whole-heartedly the British law says that the officer has to be able to justify his decision.

Chairman: Could you answer Mr Winnick’s question?

Q238 Mr Winnick: It is very simple. You are not here as an apologist, presumably, for the Metropolitan Police. Yes or no?

Ms Sim: I do not know all of the circumstances. I cannot prejudge an officer that an investigation is going on in relation to.

Mr Winnick: Unsatisfactory.

Chairman: We do accept “I do not know” sometimes.

Q239 Ms Buck: Going back to the issue of kettling as a term, as a concept, it is something that has entered discourse in terms of crowd control probably since the May Day demonstrations at the beginning of the decade. In an earlier answer you kind of rejected it as a term. Are you saying, really, that this is a media invention and that actually there has been no change in the tactics of crowd control?

Ms Sim: Kettling is not a term that is contained within any policing manuals or with any policing concept. The issue of containment is a public order tactic.

Q240 Ms Buck: Do you not think then that there has been any change in the techniques of crowd control in recent years: because that is certainly an assumption that is widely held, that there have been these changes, which is why the term kettling has come into more popular discourse?

12 May 2009 Ms Sue Sim

Ms Sim: Containment has been a tactic for a long time. On the issue of kettling, I do not actually understand how that has come into the terminology because it is not something that we would accept; containment is.

Q241 Ms Buck: On the G20, in particular, whatever we choose to call it, there clearly was, and has been in previous demonstrations, a pattern of police management of the crowd which has detained large numbers of people, including members of this Committee, for long periods of time.

Ms Sim: Yes.

Q242 Ms Buck: Is there a check-list process that is used at Gold level or other levels that actually says: "These are the circumstances in which we will take the decision to contain a crowd in this way and to refuse people leaving"?

Ms Sim: The Gold Commander has to be able to justify, as I have said before, their decisions in relation to the strategic objectives, and then the Silver Commander has to take the decisions in relation to the deployments. So, to answer your question, if a decision has been made to contain the crowd for a period of time, a number of things have to be looked at. You have to look at what it is you are intending to do and for what reason. It is very, very clear that people have to be exceptionally clear about the objective: why they are doing something. They have to communicate with people, it is good practice to communicate, and that is what the manual says: it talks about communicating with crowds. It also talks about allowing people to filter out, and that is what would be considered to be good practice.

Q243 Ms Buck: That is very helpful. One thing that would be helpful for the Committee is to actually see specifically what the manual proscribes in terms of these things. I can understand why at Gold or Silver Command level it would be possible, and sometimes necessary, to take that decision. I do not think anyone would dispute that. Where I think we would have concern, based on the evidence that we have been receiving, is what happens between a strategic level to contain and manage a crowd in particular circumstances and the implementation of that decision? It is in that middle area of decision-making that, I think, we have a lot of worries, because all the evidence appears to be that, even if you take the decision at high level reasonably, by the time you get to the level of communication and an operational decision about what size of people get contained, where and how long for, there is not a clarity of decision-making. Is that level spelt out within a manual?

Ms Sim: It is spelt out, insofar as people have to be able to justify to groups like yourselves and to courts as to why those decisions were made, and I would expect those all to be contained within the various policy books.

Ms Buck: Can we see them?

Q244 Chairman: What would be very helpful is if you could send us a copy of the manual that you are referring to, because the Committee will be going to have a look and see where the police get their training to deal with situations of this kind. We would be most grateful to receive it.

Ms Sim: Thank you. Could I just carry on? I think there are issues (and I think it is something we are trying to learn all of the time) in relation to how to improve the communication between Gold Commanders, Silver Commanders, Bronze Commanders and then the people on the streets themselves. It is an important thing for us to do.

Q245 Bob Russell: Deputy Chief Constable, in addition to sending us the manual, I wonder if you could give us the date when this system came in? I have been around a good number of years and this appears to be a relatively new way of containing people who are protesting. I may be wrong, but I would like to know when the current rules and regulations came in and what the previous ones were and the timetable. I just observe that, like you, I have no idea where the term "kettling" comes from, but the word "kettle" does strike me as being very close to something that can boil over, and I suspect that this is what has happened.

Ms Sim: Yes, but it is not within police terminology. Certainly in relation to the manuals, we review the manuals on a yearly basis and update them, and this year, as I have said to the Joint Committee on Human Rights, we are reviewing it and we are expanding our piece in the manuals in relation to protests.

Bob Russell: The Deputy Chief Constable said it is updated on a regular basis. The point I am trying to get at is: is this a completely new method of policing? It strikes me as being something different from what it has been historically and I want to know at what point it changed to what we have got today?

Q246 Chairman: Mr Russell needs to know the date when kettling began.

Ms Sim: We do not kettle, Mr Vaz.

Q247 Chairman: The date it began even though you do not do it. This is a media term, is it, the word kettling? It is not a police term.

Ms Sim: I believe it to be a media term.

Q248 Chairman: You do not arrive on the scene and say, "Let us kettle these people"?

Ms Sim: No, we do not. If I could go on to explain to Mr Russell, the containment tactic has been around since the manuals began. The reason that I think it appears to be a new tactic is because of the case that went before the House of Lords, where at that point justification was provided in relation to the containment instance that happened in that particular protest. I think that is why people link it to that.

Chairman: We will go on and discuss this further.

Bob Russell: I suspect it was a Cornish police officer who said, "Let's herd these people like cattle"!

Chairman: Probably from Essex.

12 May 2009 Ms Sue Sim

Q249 David Davies: We have heard from some of the individual protesters and senior officers, like yourselves, in charge of strategy. Do you think it would help us to get a full picture if we were able to speak to individual police officers who were present on the day of these protests?

Ms Sim: From my perspective, everybody listens to the media, everybody listens to the protesters. I do not think the police officers have been heard. Again, looking at the media coverage, it was very, very clear that the media coverage was pointing out the fact that the protesters were apparently assaulted. Earlier in the day when I had been watching it from Northumbria, I actually saw, on the television coverage, police officers being assaulted. That has mysteriously now disappeared and is never replayed, whereas the instances of apparent abuse of protesters is constantly replayed, which is why I have made the point that we have to be very, very careful how we interpret the way that the press is portraying the incidents, and that is not to justify police violence. If police violence has occurred in a way that is unjustifiable, I would, without doubt, condemn it, but what I am saying is police officers have to be able to be given the opportunity to justify what they have done.

Q250 David Davies: In general, when police officers attend a big protest like that, are they looking for a big scrap, or are they wanting to go home at the end of the day and see their families? It maybe an obvious question but it does not seem obvious to some of the people we have taken evidence from?

Ms Sim: No, it does not. I am hugely proud to be a police officer and I am hugely proud of the vast majority of police officers who are out there who want to do a great job for the public that we serve with a passion. We whole-heartedly believe in people's right to protest, we whole-heartedly believe in community policing, we believe in talking to people, we believe in trying to facilitate lawful protest and peaceful protest, and police officers do not go out with the intention of causing harm to anybody. Are there some bad police officers? Yes, there are, and I would never ever say that we are perfect in everything that we do, but we also believe, as the Commissioner has quite rightly said, that if there are things that need to be investigated and things are proven to have been done incorrectly, we must learn, and, as the ACPO lead, I will give you my very word that we will learn. We intend to learn from Her Majesty's Inspectorate of Constabulary.

Chairman: We will come on to what you are going to do afterwards.

Q251 Mrs Dean: Is there an argument for using a "looser" containment strategy than was used in the recent protests?

Ms Sim: In relation to the containment tactic, it should be guided by what is happening in relation to the crowd, the communication that is happening, what is actually happening at the scene. It is not a tactic which says: you absolutely do this to within so many feet of the crowd, or anything else, it should all be determined by what the Bronze Commanders and

the PSU Commanders see, and they should be reacting to the situation before them. These are not things that are pre-determined in which you go in and there is a deliberate view that you are going to hold people for seven or eight hours. That should not be happening.

Q252 Martin Salter: Ms Sim, having been on the receiving end of the tender mercies of the Special Patrol Group many years ago, I am quite interested in the guidance given to their successors which, as I understand it, were the Territorial Support Group and the Forward Intelligence Teams. Are there specific rules that govern the conduct and the policy and practices used by both the Forward Intelligence Team and the Territorial Support Group?

Ms Sim: The Territorial Support Group is a metropolitan group, and that will be guided by the Metropolitan Police who, I have no doubt, will have issued guidelines to their officers. The Forward Intelligence Teams are contained within our manuals, and what that is about is officers in uniform, and it is very clear, because I have watched the news coverage this morning, Forward Intelligence Teams are officers in uniform who go into the crowd and try and make contact with people who are either, in their view, causing trouble or the leaders of the protests so that they can facilitate communication between the people in the protest and the commanders.

Q253 Martin Salter: On that point of communication, you sat in for the earlier evidence session and the Committee heard quite clearly that, as far as the protesters were concerned, those that were present at the Climate Camp heard no intelligible communication prior to the exercise (allegedly by force) of section 14 to clear the area. What do the guidelines say? What should happen? I am not asking you to prejudge what did happen. What should happen in a situation like that? Is there not a responsibility on the police to ensure that instructions given or announcements made are understood?

Ms Sim: Yes, the guidelines are clear that communications should be given to the crowd. My interpretation would be that people understand that the communication has been given.

Martin Salter: Thank you. That is most helpful.

Q254 Tom Brake: It has been put to me by a senior police officer that the Territorial Support Group see themselves very much as a group apart, an elite squad. Is that something that you would recognise?

Ms Sim: I cannot talk about the Territorial Support Group, but I can talk about a similar group that I have in Northumbria, because the Metropolitan will talk about the Territorial Support Group. My officers are a similar group: the Area Support Group we call them in Northumbria. They do not see themselves as being apart. I think there is a misconception that we have riot police. We do not have riot police. We have police officers who are trained in public order tactics, but my Area Support Group (and I believe it would be the same for the

12 May 2009 Ms Sue Sim

Metropolitans) also undertake house-to-house, they undertake specialist search and a number of other policing activities, so if there is a misconception that they are purely riot police, then British policing does not recognise riot police, if that is helpful to you.

Q255 Tom Brake: A member of the Safer Neighbourhood Team would not also be a member of the Territorial Support Group?

Ms Sim: No, but I would expect them to work together, certainly in relation to protests I would. Mr Howarth said before that there is a preconception that we believe that all protests are unlawful. The majority of protests in my force area and, as I presented to the Joint Committee on Human Rights, the majority are of protests are facilitated around the country by the neighbourhood teams.

Q256 Tom Brake: Is there any risk that, if they are not, for instance, conducting a community police officer role in the way that the Safer Neighbourhood Teams do, that they may adopt a different attitude towards the policing of events than perhaps if they had active experience within the community of direct contact with people?

Ms Sim: The issue around certainly our own Area Support Groups: they do actually work in the areas with their neighbourhood colleagues. That is what I am saying. This notion that they are a breed apart does not exist in my force. They are a team, they spend time undertaking specialist public order tactics, yes, they do, but they also work in the areas with their neighbourhood officers and they understand the issues of neighbourhood policing.

Q257 Tom Brake: One final question around the role of plain clothes officers working in a crowd such as the G20 protest. Can you explain to members what the ACPO Guidelines have to say about the activities plain clothes officers can carry out when they are in the middle of a crowd or in the middle of a kettle, or a cordon, or a containment area?

Ms Sim: There are no specific issues in the manuals in relation to plain clothes police officers.

Q258 Tom Brake: So there are no guidelines setting out what activities they can undertake when they are in a crowd?

Ms Sim: No. That may well be something we would need to look at in the future.

Q259 Mr Clappison: Would you expect them to go into a crowd, without being identified as police officers by the crowd, and in any way act as an *agent provocateur*?

Ms Sim: No, I would not. I would not expect plain clothes police officers to be in a crowd at all, but what Mr Brake asked me was whether there was anything in the guidelines.

Q260 Mr Clappison: Yes, that was a tame question. What has been suggested elsewhere in the media, and I have a direct quote here, a report from *The Guardian* newspaper, is that police have been seen to go into the crowd. The men, who are identified as police, have been seen to throw bottles at the police outside, and encouraged others to do the same, having passed through a police cordon. These are police officers we are talking about here. This was the suggestion that was made. What would you say to that?

Ms Sim: I would not accept that that was acceptable behaviour, Mr Vaz. That is something that I would be very positive on.

Q261 Chairman: Can I hold this discussion there and thank you for coming. The reason why we are holding this inquiry is because of public concern and the Commissioner and Dennis O'Connor have both said that they were concerned with what was happening at the G20 protests. We were a little surprised, some of us, that as the ACPO lead on public order you did not share those concerns, but you did mention the fact that you are waiting until all the facts come out.

Ms Sim: Yes.

Q262 Chairman: Are these facts coming out of Dennis O'Connor's report, are they facts coming out of this Select Committee report, are they facts coming out of the IPCC? There may be other protests before the end of those inquiries and you may, as the lead, want to update your guidelines.

Ms Sim: Absolutely. We are updating the guidelines now.

Q263 Chairman: As we speak?

Ms Sim: Yes, as we speak.

Q264 Chairman: As a result of the G20?

Ms Sim: Not as a result of the G20. We were updating our guidelines beforehand. Her Majesty's Inspectorate of Constabulary commissioned a review into public order policing before any of the G20 happened. I did not in any way mean to be obstructive to you before.

Q265 Chairman: No, no, we did not regard you as being obstructive.

Ms Sim: What I am saying is that we want to learn all of the time. We have been working with groups to update our manual. We believe whole-heartedly that we police by consent and we learn, and things that are brought out by your Committee, Mr Vaz, will be incorporated as well as anything earlier.

Q266 Chairman: I am sorry to press you on this because time is very short. You have not updated the ACPO guidelines on public order as a result of anything that you have seen at the G20 protests?

Ms Sim: Not at the present time, but the review is underway. The manual will be rewritten.

Chairman: Thank you so much for coming. We are most grateful.

Witnesses: **Sir Hugh Orde**, Chief Constable, and **Mr Duncan McCausland**, Assistant Chief Constable, Police Service of Northern Ireland, gave evidence.

Q267 Chairman: Sir Hugh and Mr McCausland, thank you very much for giving evidence today. We are most grateful to you coming all the way from Northern Ireland to be here for this inquiry. Can I, on behalf of the Committee, congratulate you most warmly on your appointment as the new President of ACPO.

Sir Hugh Orde: I am not sure I want the job now, Chairman!

Q268 Chairman: Are you rather relieved that you did not become the Metropolitan Police Commissioner?

Sir Hugh Orde: Thank you for reminding me. No, the Met is a great force, Chairman, and thank you for the opportunity to speak to you today. I have a very short opening statement, if that would be helpful, just to set the context of Northern Ireland. Otherwise I am happy to be guided by you.

Q269 Chairman: I think, if you do not mind, we will ask questions and you can incorporate your statement in what you say. I do not know whether you heard the evidence of Nicola Fisher, but you have seen television coverage of the G20 protests, you know what Sir Paul has done. You may or may not have seen what Dennis O'Connor said to this Committee, but clearly there is concern and that is why we are holding this inquiry. We are keen to know about what you have been doing in Northern Ireland: the way in which the Northern Ireland Police Service are able to police very, very sensitive demonstrations, marches, over a long period of time, which you have done extremely well, if I may say so. Are there any tactics that you use there that you feel would be of benefit to other parts of the United Kingdom?

Sir Hugh Orde: Thank you. The reason I have asked Duncan to come with me is that Duncan ran some of the most serious disorder between 2002 and 2008 as the Assistant Chief Constable in charge of Belfast, so he may chip in. In broad terms, we operate a very clear structure and, you are right, we have dealt with serious disorder. In 2005 over 150 live rounds were fired at police in some of the worst rioting the United Kingdom has seen, and, indeed, we in the military returned fire on 11 occasions. So you are talking at some stage about the most serious assault. At the other end, the following year, the same march was policed by two officers in white shirts. I think the message is that talking works. We operate a very straightforward system. All our training is based on a human rights approach, and Duncan, indeed, has given evidence to a joint committee of the Houses on that which has been published recently. So it is in the mindset of my people that the approach around human rights is no impediment to proper and effective public order policing. We operate on principle and no surprises, again mentioned in the previous report I touched on, and that really is substantial engagement with those who want to protest and those who want to demonstrate about the protesters and trying to manage those competing rights. We consult widely. We have, of course, substantial oversight. It would not be unusual in a major public order event for my Gold Control,

which Duncan would be running operationally, to have the Policing Board's human rights adviser sitting in the corner with a member of the Police Ombudsman for Northern Ireland. That has happened routinely. They routinely attend Gold meetings—I have no difficulty with that—and they answer to the Policing Board as a sort of oversight, if you like, which we have found to be effective in the complex world of Northern Ireland.

Q270 Chairman: Can you specifically tell us about what we have heard, which Mr Russell and others have raised, about kettling and kettles? Where does this term come from and what does it mean? Is it a recognisable police term or is this a Sky News term?

Sir Hugh Orde: I have absolutely no idea where the term came from. Issues of containment are very clearly tactics. As I came here today, there is an issue of containment going on to allow people access to Parliament, and you have a demonstration just opposite, but Duncan, do you want to touch on the tactics that we would use around containment?

Mr McCausland: We would not recognise the term “kettling”, as the Chief Constable has said. I believe it has been something created by the media about a kettle being on the boil. We would use clear containment tactics, that you heard and that Deputy Chief Constable Sims mentioned, but our role in terms of containment, Chairman, has been to potentially diffuse the situation and allow protesters and people to move away from the area that they are potentially wanting to get into. That is how we have used containment, but, remember, the situation in Northern Ireland is potentially, in many instances, fundamentally different, because the people that we are containing potentially live near or close by to the areas that they are being contained in and are happy to be allowed out to go home, whereas in London that can be fundamentally a different situation.

Q271 Chairman: We have heard some evidence just before you came in from a young woman who says she was slapped by police officers and then hit with a baton. Can that be justified? Obviously hitting with a baton is in a public order situation, that is why they have them, presumably, but the slapping of people. Did you see the television coverage of Nicola Fisher being slapped?

Sir Hugh Orde: We do get national TV in Ireland, Chairman, and I did see some of it, but, frankly, it is very difficult to comment on individual cases. The bottom line is the force has to be proportionate to the events. Disproportionate use of force is unacceptable. We brief our officers very carefully. Indeed, in relation to a comment earlier, we use the equivalent of TSG. I have TSG. I appoint the largest number per head of population than the United Kingdom. They are trained in exactly the same way. Indeed, the officer I sadly buried recently was a TSG officer delivering community policing. He was responding to a community policing call. Only 15% of our TSG officers' time, in our world even, is public order; they are mainly around protecting communities, but let us be very clear: disproportionate use of force is unacceptable, it

12 May 2009 Sir Hugh Orde and Mr Duncan McCausland

should be investigated and it should be dealt with. It does huge damage to the credibility of policing if it is not.

Q272 Chairman: You were concerned with the some of the images that you saw.

Sir Hugh Orde: I think any member of the public would have been concerned. What I do not have are the facts of G20. I would be concerned. If I saw officers acting disproportionately in my world, then I would act on it, or actually the Police Ombudsman would act on it.

Q273 Chairman: Was Sir Paul right to set up the review under Dennis O'Connor?

Sir Hugh Orde: I think he was absolutely right, and we are indeed supplying some of our public order experts to help Mr O'Connor in his investigation.

Q274 Chairman: Finally, on the question of identification of officers (and I do not know if there are any different circumstances in Northern Ireland), Sir Paul was very clear. As soon as he discovered that some officers were not wearing identification, such as the officer in the Nicola Fisher case, he insisted that everyone should have their identification on their lapels. Is this something that you have in Northern Ireland? Is this important?

Sir Hugh Orde: Identification is actually not only important, it is a regulation. It is also clearly referred to in Patten to the point that even the Chief Constable has to have a number. I have a number as well as a name on my uniform. Every officer has a number on his or her uniform and it must be clearly displayed at all times. Patten made that utterly clear, and every other force would be exactly the same, and I think the Commissioner is absolutely right.

Q275 Chairman: It should never be excluded. Nobody should make attempts to take off their identification?

Sir Hugh Orde: No, that would be straightforward unacceptable behaviour.

Q276 Tom Brake: On that point, I can understand possibly that junior officers might not be aware or may decide for some reason not to display their ID, but why were not their senior officers pulling them out and saying, "You have got no ID"?

Sir Hugh Orde: I am sure the Commissioner will answer that. If I or any of my ground commanders saw anyone not wearing a number, they would be dealt with straightaway. Patten was very clear on this. In terms of confidence in policing in the context of Northern Ireland, everyone had to be identifiable. Most of my officers are now prepared even to have their names on their uniforms. There are some very good reasons why in some parts of Northern Ireland that is inappropriate, and they do not. The default position is that you have your name as well as your number on the uniform, and I do that, Duncan would do that, every single officer, and certainly senior officers, have them all clearly displayed.

Q277 Mr Winnick: Sir Hugh, of course what has happened over a period of time, certainly before the peace process in Northern Ireland, makes what occurred at the G20 relatively minor, without minimising the concerns which have led to this Committee making its inquiry, but can I ask you this question. How important do you believe it is that dialogue should take place between the police and demonstrators in a situation which could be potentially violent?

Mr McCausland: We would define it as critical, and Duncan has led those discussions. We know when our marches are. On 12 July we can guarantee we will have marches across Northern Ireland. We have 3,500 marches a year, of which 200-250 would be contentious, but Duncan would lead those discussions, my ground commanders would lead those discussions, we would make sure that all our Bronze Commanders and Silver Commanders would have access to the community networks which we also deal with. It is not just the formal arrangements, it is also getting into the communities who are being policed. That seems to work. Duncan may be able to expand slightly on the Parades Commission, which is also different and, I would argue, a model of best practice because it takes some of the heat out of police decision-making.

Mr McCausland: We do not make the decision around protests or parades. It is made by an independent body called the Parades Commission, to which people have to submit a request to carry out a parade or a protest. They then take evidence from all relevant sides, including the police, as to the reality of the effect the protest being allowed to go ahead will have. They then make a decision and the Chief Constable is empowered to police that decision. We do have, within the last 24 hours, the right to override the Parades Commission decision based on potential serious public disorder, but we have never, in effect, done that. That is the basis of our consultation process (the Parades Commission negotiating and talking with people and attempting to resolve the problem), because our outlook is that we want a win-win situation, a compromise, where people can go about and parade or protest peacefully within the law. The key aim for me is have everyone go home safely at the end of the day having protested or paraded and, in effect, been policed proportionately and appropriately.

Q278 Gwyn Prosser: Sir Hugh, what priority do you give to maintaining good relations with the media and what efforts do you put in, in particular, before a likely demonstration and, indeed, during the day of a demonstration, to keep the dialogue with the media in particular open?

Sir Hugh Orde: We brief before, we brief during and we brief after. It is as simple as that. I have a fairly large media department which is available to those, and Duncan as Gold Command would be probably my talking head, so there would be a clear focus. In a serious disorder, I will, if necessary, stand up myself and stabilise it, as I did in 2005, because it was important. The senior member, the top of the Police Service took that role, but routinely I would have

defaulted to the decision of my Gold Commander. It is back to everyone knowing what is going to happen as best you can. We are different. We know when our marches are going to take place, we know when demonstrations are going to happen; not all the time because we have illegal demonstrations. Certainly, currently, we have dissident Republicans who are demonstrating without any permission because they do not recognise the Parades Commission, so we do have ones that we have to police in a different way, but, again, there we would gather evidence and make sure that our approach was proportionate. On Easter Sunday we did not police one—we gathered evidence that we will go in later to deal with—because had we gone in we would have had World War Three, frankly, a lot of injured cops for no outcome.

Mr McCausland: We would very much pre-brief and facilitate the media during any event, and then, post the event, we have learnt in terms of our CCTV coverage we have the ability to pixel out faces within 24 hours and release the CCTV coverage that the police have gathered to the media so that the media have it, if they wish, to display and show exactly from our point of view what the police have gathered in relation to evidence. It does not destroy the evidential value because we pixel out the faces. We also very much use 21st century technology in terms of gathering evidence—head cameras, hand-held cameras, cameras mounted on vehicles and the CCTV around the streets—and we are very clear to our officers that we are gathering this information and it is there to show to the media and show to the public and hand over completely to the Ombudsman in terms of investigation.

Q279 Gwyn Prosser: During the G20 demonstrations there were, in my view, an unusual number of complaints from photographers and from members of the press, and a number have complained that they were part of the kettling or containment process and they were not allowed to pass through. Is there anything in the guidelines that deals particularly with the media? Are the media part of the target of kettling or containment?

Sir Hugh Orde: Duncan is actually on the committee, so I will leave Duncan to deal with it.

Mr McCausland: There are specific guidelines. In fact, that is one of the guidelines that is being adjusted at the moment in terms of reflecting what the Police Service of Northern Ireland do in relation to facilitation of the media. We have found it far easier, in effect, to help the media do their job and how the media work with us in terms of what we are trying to achieve on the day, because the media are part of the community and part of potentially providing a win-win situation and a compromise. There are arrangements that we have. For example, if we are holding a cordon, the media have our contact points in terms of our press officer, as the Chief Constable has said, and facilitation can be made to facilitate the media where it is operationally feasible to allow them to move around.

Q280 Gwyn Prosser: Did you see the film footage of photographers and media people demonstrating with police because they were being held back? Can you understand that in those circumstances there will be the suspicion at least that they are holding them back, not just because it is part of the containment process, but because they do not want them to see what is going on, referring to some of the evidence we have heard this morning?

Sir Hugh Orde: No, I did not see it. The reality is, as every officer should be fully aware whether or not the press are there, cameras are now everywhere. Every single mobile phone is a camera, and so the stuff is going to be captured. Operationally, I do not know why photographers may or may not have been allowed access to certain places. Our principle is to give them access. The reality is there are occasions when simply, “Sorry, you are not getting through this cordon if there is an Article 2 issue.” One of the most seriously injured people in 2005 was a photographer who got far too close and was the victim of a blast bomb.

Q281 Gwyn Prosser: Article 2 is?

Sir Hugh Orde: The right to life. I have to protect the rights of journalists. They may not thank me for it necessarily. The stark example from 2005: one of the people injured was a member of the press who got too close and was actually hit by a blast bomb, one of the hugely dangerous items which were being thrown at my officers. So there are times when you say, “Sorry, you are not getting in”, but the routine is I have no difficulty with it.

Q282 Tom Brake: Clearly senior police officers will be aware of what the media are able to do, but what do you do to inform officers at lower ranks about that so that when they are presented with a press reporter or photographer at a cordon, for instance, they know what it is they are supposed to be allowing to happen?

Mr McCausland: We have a very specific media strategy built into the Gold Strategy, which is a generic document which runs throughout the length of the year and is developed at the start of each calendar year and then adjusted accordingly as it goes along. Within that strategy there is specific guidance in terms of how we handle and deal with the media, and, as I have already said, we appoint media liaison officers who have exchanged their mobile phones with the media and have the ability to contact and speak with the media.

Q283 Tom Brake: I understand that. I am thinking more of a junior officer who is there in the middle of a protest. For instance, if a reporter wants to leave a particular area, how does that junior officer know what the relationship between the media and the police is and what the media can and cannot do?

Mr McCausland: In terms of our briefing, on the day of the events we are specifically briefed about how we are handling the media and that is briefed right down through Silver and Bronze to front line officers at sergeant level.

Q284 Ms Buck: On that point as well, are you confident that police officers on the ground would be clear about the powers to intervene on photography and would not, for example, invoke unnecessarily section 76 of the counter-terrorism legislation: because this is an issue that has been raised more and more with me recently, this leakage of legislation intended obviously for counter-terrorism purposes into the wider use of police powers, particularly in protest?

Sir Hugh Orde: I am sorry; are you talking about the “right to photograph” issue?

Q285 Ms Buck: Yes.

Sir Hugh Orde: I cannot think of any reason why we would—

Mr McCausland: We would be more aware of the terrorism legislation in Northern Ireland, and we have had occasions when the issue of potentially photographing police officers has become an issue. That is one of the reasons why we have tried to develop this positive relationship with the media so that they are aware of potentially the concerns police officers would have about their faces and the dissident Republican threat, and the media tend to work very actively with us, which resolves any difficulty we would have in Northern Ireland with that particular problem.

Sir Hugh Orde: It is routine in Northern Ireland for officers, even when they are escorting prisoners, for example, for the press, without even asking, to pixel their faces out, but it is a matter of building that relationship over time.

Q286 Mr Streeter: Sir Hugh, you place great store on dialogue with protesters, demonstrators, media and so on, but most of your demonstrators on marches are from your community. If you were hosting a big G20 event, say, in Belfast—perish the thought, you might think—and people were coming in from the outside, and some of them may be known trouble-makers (Strasbourg and so on), how would you go about briefing and debriefing? Would you include people coming in from the outside, leaders of them? Would you talk us through that in terms of interaction with them?

Sir Hugh Orde: The principles do not actually change. Our principles are very straightforward: it is good to talk. That is the bottom line. Whether they want to talk or not is a different issue, and, of course, there is a reality check here that not everyone comes with a view to exercise their right to protest or their right to march, they come there to cause mayhem and disruption and to attack the police, let us be very clear, and we have stark experience of that. In 2005 people were convicted of attempted murder of a policeman (serving 17 years) by opening fire on my police officers. So there is a hard edge to this which means you have to respond in a proportionate way. Sadly, in that particular event it was responding with live fire, but, notwithstanding any of how it falls out, you still adopt the principles at the beginning. If they choose to engage: great. If they do not, then you know what you are dealing with and you police in a different way, and you would certainly see a harder

edge to policing. If G20 comes to us, heaven forbid, we would put the right amount of police officers on, and that does not mean you swamp it—actually sometimes it is better to have less rather than more—but it would be a very thoughtful planning process with the time we had available. We would offer engagement to everyone and, if they chose not to take it, then we would know what we were dealing with.

Mr McCausland: I am leading on the preparations for G20 in 2013, and we have already started the planning preparations. That does not mean to say it is coming to Northern Ireland. I emphasise that in case any of our politicians at home are watching this.

Q287 Chairman: They are all watching!

Mr McCausland: The reality is that we are preparing already. One of the key issues is how do you contact and consult with and be aware of what potentially protest groups coming from right round the world may well be, and the Committee should be reassured that the findings from the G20 will be factored into those preparations.

Q288 Mr Streeter: Can you think of circumstances in which your line of specialist police officers with shields would advance on a crowd of protesters without saying to them, “Look, we are coming now. We want you to go. We want you to do something”, ie having a dialogue with them first rather than just suddenly moving in and invading their space, which to me makes no sense whatsoever?

Mr McCausland: We would record, by CCTV or cameras placed, warnings that we would be giving and that we were preparing to advance, and we would inform people what we were going to do so that they had an opportunity to move back. However, you have got to be aware that, if the police are under serious attack, you may not have the chance to give that warning. We have found it helps to record the warnings, in answer to one of the Committee’s previous questions on how do you know people are hearing or are aware of what is being said, because it was a concern that was raised by the Ombudsman a number of years ago, and we have learnt from that.

Q289 Ms Buck: Can you tell us a little bit about the training process for police who are engaged in crowd control? Is there a specific training programme, or, indeed, any form of accreditation for crowd control, or even specialist services of people for whom this is their main function?

Sir Hugh Orde: I will ask Duncan to deal with the detail. The short answer is, yes. All our Territorial Support Group officers are trained to deal with public order. We have our own training centre—members of the Committee who want to visit are most welcome; I was there very recently—where they go through scenarios and we train with other units. Senior commanders also go through what we call critical incident training, which is for virtual incentives. It is a building base but they run through scenarios and they are put under tests and then they are given feedback by what we call a “Diamond

Group”, which would be a mixed group of police and professionals, and, indeed, community workers and people who are involved in it. So it is fairly comprehensive. I do not know if Duncan wants to go into it.

Mr McCausland: Very quickly, Chairman, we have three levels of training: EPOT (Electronic Public Order Training) for our sergeants and inspectors, and every sergeant and inspector should have gone through that—that is done by interactive online—IPOT (Intermediate Public Order Training), which we do for our Bronze and Silver, and then Advanced Public Order Training, which we do for our Gold and Silver Commanders. We also have specific training given by a human rights lawyer. We have a specific human rights lawyer dedicated to this type of event and training, and we also use the human rights adviser from the Police Board, who over the last five years were Jane Gordon and Keir Starmer, the current Director of Public Prosecutions, and she and he oversaw most of the critical events that we are talking about here today and could independently report what actually went on.

Q290 Chairman: The Committee is planning to visit the Tally Ho Training Centre in the West Midlands. I am not sure why it is called Tally Ho, but that is where apparently the police in England train people. Do you have something better on offer?

Sir Hugh Orde: We have our own training centre. Indeed, why Patten has allowed me to have the Patten Force that I need of 7,500 police officers is that I cannot rely on mutual aid. In 2005 I relied on military support. We no longer use the military, so I now have to be completely self-contained and we have to train all our people. Our tactics, I have to say, are different, partly because the remaining terrorist threat has to be factored into public order policing, and our vehicles are different. So we do have a slightly different style of training to others. That having been said, other forces do come over. When I was at the so-called riot training centre, Strathclyde were over, and so we do work with other forces where we can, but we have to be self-contained. If you are interested, you are most welcome to come and see us.

Q291 Chairman: So far as European examples are concerned, obviously the way we police is different from policing on the Continent. Is there another country that you would recommend the Committee visits which would give us a good comparison about the way in which they deal with protests and the way in which our police force deals with protests?

Sir Hugh Orde: Notwithstanding individual events which need to be looked at, I think the strength of our approach is that we start at a very low level and escalate if we need to. As I say, in 2006 we took risks, frankly, a year after over 100 of my officers were injured: some have never returned to work because of the severity of their injuries. The same march went up the same road led by two officers wearing white shirts and one Land Rover. That was because of engagement and consultation and no surprises, but, frankly, it was a risk. My officers decided to do it, it

was a district command decision and the right one, but they could have been quite badly injured. Yes, we had reserves, but we would have had to have got them out fairly quickly and the thing could have escalated very quickly, but I think it shows what can be done, and I do not think—and I hope I am not sounding arrogant—there is anywhere to beat the UK style in the routine of public order policing. We take the rights of citizens very seriously indeed. I have witnessed events in Chicago a couple of years ago at one of the so-called major world events where the starting point was everyone dressed up very, very protectively. I know we have to protect our officers, but we have to manage that and I think the UK is probably the best, to my knowledge. In terms of other countries in Europe, we do send our officers to an annual training event run by the Gendarmerie. We always win it. It is a competition. Every time we have attended, I think, it would be fair to say that we have won.

Mr McCausland: They cannot come back unless they do win!

Q292 David Davies: Sir Hugh, you have had a lot of experience dealing with public order. In general terms, without referring to anything specifically, where you get a large crowd with some who are intent on violence and disorder, is it the case that sometimes a lot of the people hanging back will be watching what that minority does and then watching how the police respond and, if they detect weakness from the police, will then join in and continue a growing cycle of disorder? Is that something you recognise?

Sir Hugh Orde: There is a whole spectrum. I ran TSG in London for two years as a superintendent in South Westside, experience in London as well, and the first point I make is the TSG officers I commanded were highly professional, did exactly as they were told and they were well led. I think one of the issues is around how well led your people are. In Northern Ireland it would be right to say we have, sadly, what we call “rent-a-mob”, who actually do try to encourage my officers into areas and then attack them. So there is that, and people do hang back, yes, you are absolutely right. At the other end, you have people who are simply tied up because they are in the wrong place at the wrong time. One of the problems about public order is it is great with hindsight, but the complexity of these fast-moving, highly complicated situations over large areas sometimes can be very difficult and it would not be unusual for us to have disorder in Belfast and perhaps in Derry or in Lisbon at the same time, and that is hundreds of miles away. So they are each unique, they need to be looked at in that way and each event does depend, in the final analysis, on the ability of ground commanders to respond quickly to circumstances that change very quickly indeed. That is why the training is important. There is a spectrum of tactics, they are in the public order manual, but you cannot cherry-pick them: you have to be able to decide what you can use within those tactics, because the tactics are what our officers are trained to deliver. I have water cannon, I have Attenuating Energy

12 May 2009 Sir Hugh Orde and Mr Duncan McCausland

Projectiles which give me a distancing capacity. They have never been used by the Metropolitan Police Service in some very serious scenes of disorder where I have used them, frankly. I have used Attenuating Energy Projectiles. For those that do not know these are modern rubber bullets, for want of a better description. They are fired by highly trained officers at individuals who are providing a real threat to the police or other members of the public. So each event is different. The Commissioner has never chosen to resort to those tactics, which would be seen rightly by committees as very severe tactics. They have to be available. The importance is a proportionate approach dependent on what the threat is at the time. That is the role of the ground commanders to feed up the command chain.

Q293 Martin Salter: Having beaten the old enemy, the French, at riot control, perhaps you would tell the Committee—I am fascinated—how you win?

Sir Hugh Orde: I am very lucky. I have extremely experienced public order officers. You cannot join the support group in my organisation unless you have got four years' service. So we have experienced officers join and those officers would have done four years in routine policing, in the Patten model, which is a community-based approach, albeit it is very difficult currently to deliver that approach in the way that we would really like to because of the threat, but we do it still, and they are very organised. They examine the scenarios that are presented to them and they operate in the way they operate here. You start at off at low level and, if the thing starts to go wrong, then you call in more support. We are also very good at stepping back. As I said, at the Easter Parades we had an illegal parade. We knew it was a set up to lure our people in. Our evidence gatherers had already seen petrol bombs being stashed, crowds gathering. The catalyst would have been us. We gathered the evidence. It was a small parade, it was not causing huge difficulty or disorder, and we will now build a case and prosecute those who took part in the parade, which did not have the Parade Commission's permission to march. So there are different ways of doing it and, quite often, if we step back, we are very keen to remove our officers from situations where they become a catalyst. We are very different. We have two communities that, sadly, on occasions do not like each other too much and my guys get stuck in the middle, and when they get stuck in the middle quite often we become the focus of both sides. If we are not there, the other sides go home. Again, it is a judgment call by our Bronze and Silver Commanders at the time, at each event, to see what the best approach is.

Mr McCausland: It is a resolution of the scenarios that are faced in training where it is judged by the people assessing it that we were the most effective in terms of potentially coming up with a solution that everyone could accept and resolves the problems that are being faced.

Q294 Chairman: You probably noticed a protest outside the House which has been going on for some weeks. I declare my interest as a member of the All-Party Tamil Group, but in respect of policing of those kinds of protests, do you think that there is an element that the police go too far in order to accommodate groups as they demonstrate and set too many precedents in respect of other groups which might want to do exactly the same thing whose sympathies we may not share? At the moment, of course, you cannot turn right in front of the House of Commons because police officers are currently in the road.

Sir Hugh Orde: I think it is each case on its merits, but in terms of dealing with difficult audiences, I think it would be right to say our officers are very well trained in corralling marchers who for many years have tried to kill them, frankly. They still have the right to march. The law is very clear on that. If you have a right to march, then we march and we will police that march proportionately. It is not right for me to comment on individual cases in London. I think the approach is that you look at each case on its merits. I think we have a huge strength in a Parades Commission which, frankly, takes the pressure off me. You go to a non-police organisation, and it is cross-community, where they decide on what is and what is not acceptable. So it is: "You can demonstrate here, not there. You can march here, not there." I will then police that against that determination in law. So in a way it makes us slightly more independent and we can take a step back, look at the determination and then decide how best to police it. It does not stop us engaging. It is not just the official groups. I think where we have had huge strength is in our community officers who would be on the front line negotiating with the known players in their own communities, and, indeed, the community workers who may not have any official position but are very clearly people who have influence, and those are the people who will be used to try and get them to police the crowds before we have to.

Q295 Chairman: Sir Hugh Mr McCausland, thank you very much indeed for coming to give evidence. I am sure that we will see you again in your new role as the President of ACPO and the best of luck in that role.

Sir Hugh Orde: Thank you very much.

Tuesday 19 May 2009

Members present:

Keith Vaz, in the Chair

Tom Brake
Ms Karen Buck
Mrs Ann Cryer
David T C Davies
Mrs Janet Dean

Gwyn Prosser
Bob Russell
Mr Gary Streeter
Mr David Winnick

Witness: **Sir Paul Stephenson**, Commissioner Metropolitan Police Service, gave evidence.

Q296 Chairman: May I welcome you to this session of the Home Affairs Select Committee. This is the second session of the committee's inquiry into policing of G20 but also our first session with the Commissioner. Sir Paul, may I most warmly welcome you to this session on behalf of the committee and congratulate you on your appointment as the 26th Metropolitan Commissioner? I am glad that you have made a speedy recovery from your recent illness.

Sir Paul Stephenson: Thank you for your kind words, Chairman, and thank you for the courtesy of rescheduling this meeting for me.

Q297 Chairman: We are here today obviously to talk about the G20 but we are also going to use this as an opportunity for our annual meeting with the Commissioner to go through a number of different issues with him. We did this with your predecessor and we are glad that you are able to answer broader questions today. It has been something of a baptism of fire for you. Did you expect it was going to be quite so lively when you were offered the job?

Sir Paul Stephenson: I always knew it was going to be a little tricky and I have not been disappointed.

Q298 Chairman: One of the features of your appointment is that it is an appointment that is supposed to be made by the Home Secretary in consultation with the Mayor of London. At the time of your appointment a number of your senior colleagues in the country were expressing concern about the politicisation of the police. Do you have any concerns that politicians may be intervening too often in the way in which operational matters are concerned, as a general point, not on a particular issue?

Sir Paul Stephenson: I think sometimes there is a difference between attempts, perception and reality. I can say that I have never felt politicised by any politician in my long career. With the way in which things are now presented, clearly things happened to my predecessor; I think the settlement has now changed. Quite clearly, for the Commissioner of the Metropolitan Police Service, it is right, in my opinion, that the Home Secretary appoints but there does need to be clear support from the Home Secretary, and indeed the Mayor, that this is the right person. Without that support, I think the job would be extraordinarily difficult. We in the police have to be careful that sometimes we do not add to the

problem by being a little clumsy. We need to be in a debate. We have to do that in a wise and timely manner; do it without fear or favour but do it at the right time. If we occasionally, through any clumsiness, give the public a view that we might at all be tempted to become party aligned, the public will think of us as many things, with all due respect to politicians; they will not forgive us for getting into bed with party politics, and neither should they. I do not think we have done that but we have to be careful that we do not present like that. Also, there is a need on occasions to think our way through as to what the police relationship is with parliamentary inquiries. I have said something about that recently. You might wish to ask questions about that. I have wondered for some time whether there does need to be some sort of independent gateway. Whilst not fettering the police discretion as to whether to mount an investigation, I do think an independent gateway that vetted comments and has a wiser control of referral might be a way forward.

Q299 Chairman: On that point, you are on record as saying to the newspapers yesterday, and perhaps you can deal with this point straight away, on the issue of MPs expenses, that you have set up a panel to consider this matter. Have you discussed this personally with the Director of Public Prosecutions?

Sir Paul Stephenson: No, officers on my behalf have done that and I have written to him.

Q300 Chairman: What is the timetable? While we are not going into individual cases today, what do you foresee the timetable to be in dealing with these many complaints? How many have you received from members of the public on this?

Sir Paul Stephenson: I do not have the number here but I can let you have a note, if that is appropriate.

Q301 Chairman: What is the timetable?

Sir Paul Stephenson: My officers sat down with the CPS yesterday to discuss the way forward and they will make decisions on scoping this, identifying what material is already available to scope and what more material, without going into an investigative phase, might be easily available to scope to make sensible decisions to come up with perhaps, and I speculate here, what are the right categories. There may be categories of people who may—and I say may—have potentially breached a criminal standard where it might be appropriate for us to investigate. There

19 May 2009 Sir Paul Stephenson

may be people who have done things that the parliamentary authorities are concerned with but that actually do not breach the parliamentary standard and we need to be careful that we try to approach the right category so we use public funds wisely.

Q302 Chairman: On the issue of parliamentary inquiries, the committee has written to you asking if you would send us a copy of the report that Ian Johnston, initiated and completed at the end of last year, into the Damian Green affair. I think that there was an indication from your office that this may well be sent to the committee. When do you think you will be able to send the Johnston report?

Sir Paul Stephenson: I regret to say I cannot give you a date. I have officers working at this moment in time with lawyers going through the report because of course the report was commissioned to inform me. It drew information from people perhaps on a confidential basis. It is right and proper that we speak to those people to see their standing and status in that report, but I do hope as soon as possible to have a report on what we can publish.

Q303 Chairman: As soon as possible meaning what?

Sir Paul Stephenson: I am sorry, Chairman, I cannot give you a timescale but I can give an assurance that we want to do that as soon as practicable.

Q304 Chairman: To deal with one other item, and that is the resignation of Bob Quick, this was presumably a voluntary decision by Mr Quick; there was no political pressure put on him to make that decision?

Sir Paul Stephenson: My involvement in that affair was that I discussed the matter with Bob Quick when it came to light during the day; I had a further discussion with him in the evening. It was proper that the Commissioner should have a discussion with my Assistant Commissioner. We had a discussion and I asked him to get back to me first thing in the morning and he did. That was the point at which he told me he intended to resign.

Q305 Chairman: Before we digressed on those practical matters, you were telling us about your key challenges. Are there any other key challenges or any particular part of the vision that you have for policing while you are the Commissioner of Police?

Sir Paul Stephenson: There are many challenges of course but I think I should draw attention to some five challenges. One is the continuing terrorist threat, both here in London and the Metropolitan Police Service's national role. A second is the Olympics; ensuring we deliver a safe and secure Olympics is a unique challenge. Here in London, I think the issue is one of safety and violence, perceived and real violence that actually stop Londoners on occasions enjoying the streets. I think that is a huge priority for me and particularly youth violence; I think we have all been aware of the scale of youth violence. Whilst there has been some progress made, there is still far too much of it. Third is the issue of confidence, making sure all our communities have a right to feel

confident that the police are on their side and, wherever we can, doing their bidding. That is why we have introduced safer neighbourhood teams. Fourth, of course, is the issue of resources. Nobody can ignore that issue and how we get more for what we have with potentially less in the future. Fifth, the issue of productivity in policing and in the Met is a very high priority for me.

Q306 Chairman: On that final appoint, the bill has come out for overtime last year at hundreds of millions of pounds, and indeed the *Evening Standard* was quoting yesterday a sergeant earning double his salary doing overtime. I think they put the figure that one sergeant had earned at £94,000 last year. He may well have earned that of course because of the work that he has done but that is a very, very large amount of money. It is equivalent to an Assistant Chief Constable in a place like Leicestershire. How can we justify such enormous overtime bills?

Sir Paul Stephenson: I cannot comment on individual people's overtime submissions. What I can say is that since I have been in the Met, which is over four years now, we have effected much greater control over overtime. We authorise overtime because we see it as a way of increasing productivity and sometimes overtime is cheaper productively than it is to employ additional people because it does not come with management time costs. You have to be careful that you do not over-use that and end up with people who are too tired to do the job. I think sometimes you have to look at the extraordinary demands here in London. If we refer to the Tamil protests, and the dispute in terms of the protests here is not long in history, over the period we have been policing that the latest costing is now just short of £8 million. Out of that just over £4 million is opportunity costs, lost opportunities—

Q307 Chairman: The cost of the Tamil policing is £8 million?

Sir Paul Stephenson: It is just short of £8 million, of which £3.72 million is additional policing costs. I do not have the precise breakdown but it is reasonable to assume that a lot of the additional costs may well be overtime costs because that is what we are going to have to do. We are having to provide such a level of resource that that is reducing policing on the streets of London. To maintain that policing on the streets of London we employ overtime. I use the figures as a case in point to exemplify why we need to use overtime.

Chairman: We are going to keep the Tamils on hold until we come to G20.

Q308 Mrs Cryer: Sir Paul, can I ask you about Project Sapphire? Apparently it was introduced in 2000. Since 2000, there has been quite a lot of media coverage about two men, one called Kirk Reid who was eventually convicted of 24 sexual assaults and two rapes, and the other, John Worboys who was convicted of one rape and five sexual assaults. Both were convicted in March of this year. Could you just talk us through what has happened with Project Sapphire which was started in 2000? Earlier this year

these two men were eventually convicted. Had they been arrested at the beginning of their reign of terror on women many women would have been saved a lot of distress. Could you talk us through what has happened and what is going to happen now to improve matters?

Sir Paul Stephenson: Mrs Cryer, I think it is right that I start off by saying that the apparent failures in that case are deeply disturbing. I have said it in the past and I am happy to say it again now. We have referred the matter to the IPCC. There are ongoing disciplinary investigations into those matters. As the ultimate disciplinary authority, I have got to be careful that I do not prejudge the outcomes of those investigations but it looks to me as though there have been failures and those failures are deeply disturbing; we must get to the bottom of that. Turning to Project Sapphire, that was an advance at the time. As a result of Project Sapphire and other improvements made the actual conviction rate for these hideous but most difficult offences to investigate has improved significantly. It is not where we would like it to be, I hasten to add, but it has improved. Sapphire was seen at the time as a ground-breaking move to improve the way in which we deal with these offences. I will come back to those two cases in a moment. Based on the review we had already put in train but also informed by the lessons coming out of those two cases, we now feel it right to make a further advance. Using the lessons learnt from Sapphire and the lessons learnt from what appear to be some mistakes, we think it is right now to move to a 24/7 specialised centrally-commanded command not quite but in a way mirroring the advances we made following Macpherson in the creation of a centralised homicide command because these are some of the most difficult investigations to undertake. Therefore, we should try to ensure we have some of the most experienced detectives who have the best opportunity to bring the best result for the victims. So we are investing and setting up that centralised command now. That is not to denigrate the work of many fine officers in Sapphire who have been doing a very good job. The other improvement that has been made is the establishment of the three havens here in London that have made a significant difference to the experience of women who are suffering from such offences. We think that is right move now. I do not wish at all to minimise the scale of my concern over the Warboys and Reid cases. I am quite clear that what looked like failures there are deeply disturbing. I think we can put that into some sort of context. The context of this would be that if we think about those cases, they seemed to be active for a number of years. I think that is part of your question, the fact that these people have been active and active for too long when we could have intervened. If we take a date between 2002 up until the end of the last financial year, there have been in the region of 16,500 crimes of rape reported. We are dealing with two failures. There may well be other failures as well but we are dealing with two failures. I think there is a context here.

Q309 Mrs Cryer: May I interrupt? May I mention something perhaps I should have mentioned earlier? The conviction rate has only gone up during the

years of Sapphire from 3.6% to 6.4%; it is still very low. Is that right?

Sir Paul Stephenson: Obviously the detection rate has improved significantly. That is the responsibility of Sapphire. The conviction rate is an ongoing problem that we have to deal with in this country. I think I am right, Mrs Cryer, in saying that the conviction rate has gone up from 25% to 33% but I am going from memory there. You are absolutely right; that is the detection rate. The conviction rate is much lower. My colleague John Yates, who leads nationally on this, wrote an article. We have to be careful that we do not just see conviction as the only outcome in these hideous offences. In fact, to quote from him, he said what really matters is how victims are treated, that their immediate needs, medical or otherwise, are dealt with properly and sensitively, that they know they have been believed and that their wishes were followed. The critical element, it seems to me, is that they have been believed. That is one of the biggest complaints we have. I think we should not just judge success in the way the agencies look after the victims just on conviction rates, but the conviction rate is disturbingly low and it is a wider problem. Can I turn to the Warboys' case specifically? It seems to me, without prejudging, that a mistake was made on Reid going back a number of years, perhaps in 2004. It does seem opportunities were missed. Similarly with Warboys, it seems to me that mistakes might have been made in 2007 and opportunities were missed. Of course, both cases have now come together. Whilst that is distressing and disturbing, by coming together, that represents an opportunity to say, "Whilst we have made huge improvements, things are still not yet good enough".

Q310 Mrs Cryer: I know conviction rate is not everything. I know that we have to think about how women are dealt with. At the end of the day, it is the conviction rate that acts as the deterrent to men from doing what they have done. Detection is only part of that, I know but if we do not get more convictions, there are men who may well go on committing these dreadful offences because they think they can get away with it.

Sir Paul Stephenson: I do not think anything I have said would indicate I disagree with you. I think the conviction rate is far too low. What I am trying to say is that for a number of victims conviction is not the outcome they are looking for. They want to be believed. They want to be looked after. For whatever reason, they might choose not to go through the process. One of the reasons why they might not go through the process is that that the process itself is a deeply intrusive affair.

Q311 Mr Streeter: Commissioner, can I ask you a couple of questions about the Serious Organised Crime Agency (SOCA) and the relationship between the Met and yourselves? Obviously SOCA has been set up to tackle some of the things that the Met used to do on a national basis. How do you get on with SOCA? How is the relationship working?

19 May 2009 Sir Paul Stephenson

Sir Paul Stephenson: I am not entirely sure that in my time SOCA has replaced what the Met used to do on a national basis. Prior to coming down to the Met, I was Chief Constable of Lancashire and the Chairman of the Crime Committee nationally and I was part of the establishment of SOCA in terms of the idea of it. The relationship of the Met with SOCA is a good one, very good. We have a positive working relationship but our relationship with SOCA is different from most, if not all, forces in the country because the Met is still of such a size and scale that we largely deal with much of our own business, although we do co-operate in a number of operations. We are very capable partners. I suspect the relationship between SOCA and other forces is a much different one. Our relationship is perhaps not typical.

Q312 Mr Streeter: Do you do some work for SOCA, so to speak? Do they sub-contract some actual operations on the ground to yourselves?

Sir Paul Stephenson: Firstly, we co-operate on something called Middle Market Drugs Partnership where we have a joint operations, which is very successful at tackling illegal drugs. That has been an ongoing operation for a number of years and that has been a very successful operation. We work closely with the Child Exploitation and Online Protection Centre, which is part of SOCA. There are times when we will assist SOCA, particularly around firearms capacity and capability and there are times when we will carry out arrests at their request, but our relationship is a good one based on mutuality. I do have to stress that it is probably not a typical relationship.

Q313 Mr Streeter: On a slightly different subject but the final question from me: it struck me over the years, and you may disagree with this, and this has nothing to do with SOCA, that the Met Police has suffered slightly from a touch of risk-aversion and political correctness, but you have come in from the north, so to speak, obviously with a dose of good old-fashioned common sense. Do you think that you might be able to bring some new leadership? Am I right in my assessment? Do you think you can do anything about it?

Sir Paul Stephenson: It is not for me to comment on my predecessors, all of whom have faced challenged and all of whom have moved the Met on. All I can say, Mr Streeter, is that I will do what I will do; I will apply the learning of 34 years and if a little bit of northerness helps, then so be it.

Q314 Gwyn Prosser: Sir Paul, as you know the Chairman of SOCA is standing down next month and being replaced. Is that a reflection of some of the criticisms which have suggested that SOCA has simply failed to tackle organised crime groups in the country?

Sir Paul Stephenson: Not as far as I am aware; I think that is part and parcel of the arrangements for the chairmanship of SOCA. I have no information that would indicate that that is the cause of any commentary on SOCA's performance. I think it was

always the case, and I am not here to be an apologist for SOCA, neither am I here to kick SOCA because it was always going to be the case that SOCA was going to be a very difficult organisation to establish. In essence, what SOCA tried to do was break ground; it tried to say, "We need to be an organisation designed fit for purpose, which should not be constrained by the ancient office of constable or the ancient office of Customs and Excise Officer but designed and fit for purpose and to try to work upstream" which I think intellectually we would all agree is something that we need to do, to stop some of the problems upstream so that the national policing agencies themselves can do something about what is happening within our own borders. I think that is a very noble and correct strategy, but it was always going to be difficult to bring those different operatives from different organisations together and do it in a trouble-less, seamless process. All I can say is that my relationship with SOCA and what the Met does with SOCA actually is very good. I do understand there are difficulties in the rest of the country and I do understand there are difficulties for much smaller forces that feel as though they no longer have the support that perhaps they once did. I have to say, and I am in my 34th year of policing, that there is a tendency for people like myself to look back through rose-tinted spectacles and say that everything was wonderful when we had such and such. I cannot remember a time when everything was always so wonderful.

Q315 Gwyn Prosser: Sir Paul, you have anticipated my next question. I was going to ask you about the operation of SOCA in much smaller forces without the degree of support the Met is able to supply. It does seem to be working less efficiently and less effectively in smaller forces. How can that be remedied?

Sir Paul Stephenson: I think it is a broader issue than that, if I may say so. I think the concentration on "it is not working well between SOCA and the smaller forces" misses the point. When I wrote a paper back in 2003, I recommended a package of measures. One was the fact that we needed SOCA. Whatever we might think about SOCA, if you take SOCA away, you need something like SOCA to replace it. I also recommended there needed to be capable partners in policing. My belief was then, and still is, that there are too many forces in this country, that some of them are far too small and, whilst they do their level best, the reality is they have real difficulty in growing and maintaining the capability to deal with serious and organised crime. I fully accept the debate around the amalgamation of forces has gone. No party is going to go back to that debate, so I am not arguing here today for that. What I am saying is that in the absence of that as a solution, we have not yet found another acceptable solution because the real issue is: is policing able properly and capably to deal with serious organised crime in this country? The subset of that is: is the relationship and what SOCA does the right relationship at the right level? The fundamental question is: do we have the capacity and capability to ensure that what resource we get in

19 May 2009 Sir Paul Stephenson

policing plc is properly used to give the best effect to serious organised crime? My view is, and I have said it publicly, that whilst many people have done a huge amount of work around this, nationally progress has been a little disappointing.

Q316 Chairman: Of course we do not want you to kick SOCA, as you put it—your words—but the fact is that anecdotally officers, speaking off the record to members of this committee, have expressed concern about the organisation. One of the things they have said is that it is a fairly new organisation; it has taken a long time to mesh various bits together. It is important, is it not, that we should look at targets? When you set up the new organisation, they need to have targets for people to have confidence that they are succeeding because it does cost the taxpayer an enormous amount of money.

Sir Paul Stephenson: I think there clearly need to be success criteria. I am a little nervous occasionally, Chairman, about the word targets. I think every organisation needs to have a performance culture. We have on occasions in policing had a few too many targets and the more targets you have, the fewer priorities you have. But I do agree there needs to be some legitimate criteria as to whether SOCA has been successful or not. I do not think it is my job to make that judgment and I do not think it is my job to comment on other people's evidence to this Committee. I can tell you what I believe in terms of my relationship and where I think the key difficulties are. I think SOCA is a subset.

Chairman: I am going to go back for one second to Ms Buck. She has a question on the answer you gave to Mrs Cryer. Then I am going to call Mr Brake.

Q317 Ms Buck: Thank you, Chairman. Sir Paul, you were talking about convictions not being the only indicator of success, and that is obviously fair in a way. What are the mechanisms by which that is actually being measured? I ask this question because in the last few weeks I have had to refer two cases to solicitors, including the case of a young woman, and I am not asking you to make any comment on these cases, who made an allegation and a few weeks later was arrested, held and questioned all day in a way that she described as intensely aggressive and challenging for having made false allegations and harassing her alleged abuser. I wonder how cases like that can make women feel that their allegations are being treated in a way that is fair and balanced.

Sir Paul Stephenson: I am going to seem unhelpful here. I think it is extraordinarily difficult. There are cases of false allegations. Of course there are and we all know that. Those false allegations have to be dealt with properly. It is the way that those false allegations are then picked up and perhaps publicised on occasions that can make the false allegation seem to be the major problem as opposed to our lack of progress in investigating these offences to a conviction on occasions on the other side, on the victim side. I think the critical issue here is that everything that we have, and John Yates' article went to the heart of this, turns on the victim's experience in feeling that the victim is believed and

not having the assumption that we start off from a position of not believing and then having to be convinced. I am sorry to read something but I think it is quite powerful. If you did not catch the article, I think it is worth listening to. It is a quote from a victim of the black cab rapist, and she said, and I think it makes the point: "I just wanted to reiterate how thankful I am to you all for catching this man. I remember after he had discarded me at my home address thinking along the lines of 'what's the point, he is never going to be caught; who would believe me when I am not even sure myself'. I thought I was going crazy. The most amazing thing you said when I first called up was, 'You will be believed'." I think that is incredibly powerful. That is the first point; we have got to convince victims that we will start from the point of view of believing them. Secondly, I think we need to get the CPS as part of the prosecution team much earlier to ensure we do collect the right evidence.

Q318 Ms Buck: I agree with that totally. I think my question was: how are you measuring whether you are being successful in that?

Sir Paul Stephenson: The police will use detection rate for measurement but we need to be co-operating with the prosecution agencies. Despite what I was saying before, we need to improve the conviction rate, with the other agencies. That is one of the key measures. I am not saying conviction rate should not be a measure; I am saying it is not the only measure.

Chairman: Thank you. We have to move on. Ms Buck, I know you wish to pursue this but we do have other witnesses. We do not want to detain the Commissioner because we know he has a lot of other things to do.

Q319 Tom Brake: I should start by declaring an interest, particular in relation to questions I am going to ask later about the G20 protest as I was kettled or contained on 1 April for a number of hours. What I want to focus on at the moment is the issue of tasers. We heard in the taser inquiry that we recently conducted that a number of police forces requested that the Home Office fund the purchase of tasers. Presumably that was not the case in the case of the Metropolitan Police Service.

Sir Paul Stephenson: I cannot remember whether we were part of that request or not. I know we have used some of the funds to increase the number of tasers that we use. I genuinely cannot remember whether we were part of the dialogue before that. I can find out for you, but I just do not know.

Q320 Tom Brake: That would be useful to know because of course you have chosen not to introduce them for all operational officers; is that correct?

Sir Paul Stephenson: No. We have chosen to increase the deployment of tasers. Initially we were deploying tasers only to firearms-trained officers; now we deploy them to additional other TSG officers, a small number, so that they can make them more readily available to support officers on the streets.

19 May 2009 Sir Paul Stephenson

You are right in saying we have chosen not to deploy them to all operational officers; we have not but we have increased the deployment.

Q321 Tom Brake: So far, what do you feel that their effectiveness has been?

Sir Paul Stephenson: I think the additional deployment has been very successful. I do not have the data here with me but the data that I have looked at indicates to me that the use of tasers in that careful way has reduced injury, both to police officers and to people who would otherwise be subject to other enforcement effort. I think it has been a very successful deployment. Critically, in doing it, I have to bear in mind a number of things. First, I have to bear in mind cost. That is a big issue for me in most things that we do, quite clearly, and so it should be. Deploying and then maintaining tasers across some 30,000 odd police officers is a significant issue, which the Home Office probably would not go to. Secondly, I have to look at the different geography of London. By deploying to a 24/7 capability of TSG officers, it may well be I can achieve the same effect because I have it readily available. It would be fair to say that smaller forces would not have that 24/7 capability to deploy. Thirdly, I have to ensure that I maintain community support for what we do. This is London and I work very hard to ensure that not only do I return the support of my governance side, the Police Authority, but that of communities. However we take this debate forward with tasers, my view is that it should be measured; it should be evidence-based; and it should be based on reducing injury to the public, reducing injury to officers, and it must be affordable in the long term.

Q322 Tom Brake: Given that it has been a success in the relatively limited way that you have described, are there any circumstances in which you think you would want to extend it more fully to operational officers?

Sir Paul Stephenson: We will keep that under careful evaluation. If I think it will achieve the things I have just outlined, I will go back to the Police Authority and discuss it with them. Whilst it is an operational decision to deploy, this will be a significant amount of money that will be a budgetary matter. It is sensible for me to take it forward and do anything I would do on this to ensure I return the support of my Police Authority, but more importantly ensure I take the community of London with me. I think if we were to move this forward, we would have to ensure we have a dialogue with the people who are paying our wages and whom we are looking to protect.

Q323 Tom Brake: Finally, can I ask whether the training costs have been a significant issue for the force, because that is not funded by the Home Office?

Sir Paul Stephenson: When I talk about cost, it is not just about the purchase of these things; I always talk about total costs and training costs are always a huge issue. The training budget for the Met is a very significant budget and we need to make sure we give

the right training but minimise the cost. Of course qualification and re-qualification on these would be an ongoing revenue cost to us.

Q324 Ms Buck: Stop and searches under Section 44 of the Terrorism Act rose to something around 12,000 a month. How effective were they and could you explain to us exactly how you reached the balance of the value of stop and search against the disproportionate impact it was having on black and minority ethnic communities?

Sir Paul Stephenson: I think, as you are probably aware, we significantly increased the use of Section 44 following the Haymarket incidents and what went on to be the attempt in Glasgow. This is a power that we want to retain. We increased its use because it is about creating a hostile environment for terrorists but I do accept it is a power that, used unwisely, can lead to negativity and lack of public support. At the end of the day, in this country we are policed by public consent. I think I have made my views known and that we have now moved towards a pilot to reduce the indiscriminate use of that power. I want to retain that power.

Q325 Ms Buck: Should it ever have been used indiscriminately?

Sir Paul Stephenson: I think it was probably the right response at the time because of the nature of the threat we felt we were facing and to send a message to the terrorists that London was a hostile environment. I think we have done much around that and I think we have learnt from that. To be fair, I think we have also learnt from the fact that the level of disproportionality is a balancing act; there are benefits and disbenefits. I think we got to a point where the disbenefits were outweighing the benefits in terms of the way it was being used. I am not saying we were irresponsible but I think you learn lessons and you make that benefits and disbenefits balance. I think the balance is that we need to be far more focused.

Q326 Mrs Dean: Following on from that, does the decision to reduce the use of stop and search under Section 44 have any implications for the use of stop and search in Operation Blunt to tackle knife crime?

Sir Paul Stephenson: Of course, in the public's mind stop and search is stop and search. I do accept that. As you would expect, I look at it much differently because I should look at tactics such as this and these are, as I have said many times, very intrusive tactics. I should look at the tactics specifically as to what effect I am trying to achieve and what the benefits and disbenefits are. We have significantly increased our stop and search in relation to Operation Blunt—that is absolutely undeniable—using PACE and Section 60 stop and searches. The effect of that I believe can be seen in the figures. By the way, and I am far from complacent, I still think there are far too many youth murders and there are far too many youth victims and youth perpetrators, but there have been significant reductions. One of the key alterations in the figures is that our interventions are leading to a smaller yield of weaponry. When we first

19 May 2009 Sir Paul Stephenson

started this we had a ratio of 2 point something and we are now down to less than 1. Actually, we are finding fewer weapons because our intent is to send a message that if you carry a knife, you are likely to be stopped; if you are stopped, you are likely to be charged; if you are charged, you are likely to go to court and there is severe punishment for that. I think we have done that but at all times—it is a bit like my answer to the taser questions—we have worked very hard to maintain community support. We have panels in place across our communities under Operation Pennant, which has been the subject of best practice commentary, publishing the data so people can see what we are doing, but also working with communities and with observers on our Blunt 2 patrols to ensure that communities know we are using this tactic to protect them with them to do what they want. Thus far, we are keeping the communities with us but it is a sensitive balance and we need to keep redoubling our efforts.

Chairman: The Committee will be publishing its report into knife crime next week, Commissioner.

Q327 Bob Russell: Do you share our concern about the Home Office's decision to cease funding for the Met's Human Trafficking Unit?

Sir Paul Stephenson: Firstly, I always share concern if I am not going to get as much money as I thought I was going to get. I would be a foolish commissioner to say I have more resources than I need. From the Met perspective, we have to put this into a context. The human trafficking team is one part of the Met's wider commitment to tackling human trafficking—smuggling, trafficking, illegal immigration crime—because it touches on a number of our units. The original discussion around this actually only affected one part of our much wider operation but we are going to keep that Human Trafficking Unit in place whilst we go through a review as to what is the most effective use of our resources. If you ask me if I would like the funding to continue and if I am happy that funding is being removed, I would like funding to continue; I am never happy when funding is removed.

Q328 Bob Russell: Commissioner, could I pursue that because you said “in context” and I want to suggest in context that the Met's Human Trafficking Unit is not just for London; it of UK-wide importance. Indeed, it has been deemed to be so successful, I understand it is being used as a role model for police forces elsewhere in the world. With that in mind, is it not strange it should be downgraded?

Sir Paul Stephenson: What I am saying is that we have maintained our current response pending the outcome of that review, but regrettably we do not have the money that we once had from the Home Office.

Q329 Bob Russell: Is the review likely to suggest it should be expanded or maintained? My experience of reviews is that they are moving in the other direction.

Sir Paul Stephenson: I have to say that I do not know what the review will say. I await the outcome of the review. I am not going to prejudge the outcome of that review. I want to ensure that the asset that we get, that I get, is used to best effect for this very distressing area.

Q330 Bob Russell: But you do recognise, I hope, that this is regarded as a very successful unit, so successful that some police forces around the world want to model theirs on what the Met has achieved.

Sir Paul Stephenson: That is why just because we have lost the funding, we have not removed our capability. It is right and proper that if I am going to lose funding I then have to review how best we use that asset. We are reviewing it. I am not prejudging the outcome of that review.

Q331 Bob Russell: Should this Committee suggest to the Home Secretary that there should be sufficient funding provided? I think I know the answer.

Sir Paul Stephenson: I think you know the answer. I can only suggest that money like that is well used by the Met.

Q332 Chairman: Finally on this section before we turn to the G20, some members of this committee have been to Europol to see the very good work that is being done there. We have now a new British Director. One of the issues concerned with our officers serving on Europol is that they all had to resign from the police force in order to take up appointments at Europol, whereas in other countries they can retain their service and their pension, serve for two years on Europol, and then return to their police forces. In that way, our officers get a lot of experience in dealing with one of the most important organisations in the world as far as human trafficking and other serious crime is concerned. Do you have any views on that, Commissioner?

Sir Paul Stephenson: My knowledge does not extend to the employment conditions in Europol, so I could not really comment on that. I would say that in quite a number of areas of crime we find huge benefits where we deploy some of our assets in key partner agencies and in key partner countries; we do it with counter-terrorism and we do it with organised crime. The logic of having people working in key agencies maybe aboard that brings benefit to the nation and benefits to the Metropolitan Police Service, and from my point of view most importantly benefits to London, is there but I could not comment on the employment rights, conditions and constraints because it is outwith my knowledge.

Q333 Chairman: Let us now turn to G20 for the remaining few minutes of this evidence session. You are on record as saying immediately after the G20 protest when the press was reporting what was happening, and I quote you and tell me if this quote is wrong, that the headlines should read: “Astonishing operation by the Met who did a first-class job.” Do you have cause either to regret what you said at the time or to look back and think that maybe you should have said it in a different way?

19 May 2009 Sir Paul Stephenson

Sir Paul Stephenson: I would have cause to regret it if that was all I said, Chairman, but it is not all I said, as you know. I think I have been consistent right from the outset. Firstly, I think it right that I said the very sad death of Ian Tomlinson should be investigated; they are demanding answers, they want answers and they should get answers as soon as possible. We have been and will continue to co-operate with the IPCC and we did from the outset. There are three things I have consistently said about G20, and I will come to the point you made as the third. Firstly, I have said right from the outset, from the very point that I saw those video images, that those video images were of real concern and they should be thoroughly investigated. That is what I said right from the outset and I stick by that. As I said earlier on in this session, I am the ultimate discipline authority in the Met, so it would be wrong for me to prejudge the outcome of those investigations. I am pleased to hear that Nick Hardwick when he appeared before this Committee made a very similar and I think very proper comment. That was my first point. My second point was that I recognise the widespread concerns from reports in the media and from a number of people about the tactic we used that other people call kettling. We think that is an entirely inappropriate term.

Q334 Chairman: We will come on to that later in the questioning.

Sir Paul Stephenson: That is my second point; it is the context of what you said I said. I think it was right and proper to ask for a review of that tactic to see if there is something better because if there is, let us look for it and compare that with other

jurisdictions. I then tried to place that in the context that there were 13,000 officer days during this operation. It was a remarkable operation planned over an incredibly short period of time that would normally take years and actually the vast majority of my officers did a remarkable job. I am very comfortable sitting by that statement.

Q335 Chairman: As you know, we have had previous witnesses and I do not know whether you have had a chance to see their testimony before the committee; Sir Hugh Orde has been before the committee; Mr Denis O'Connor has been here too. They have expressed concern. If you are giving marks out of 10 to your police force for the G20 protests, what is the rating?

Sir Paul Stephenson: I would not give marks out of 10, Chairman. I would stick by what I have said and that is that the vast majority did a very, very fine professional job but there are some images that are concerning that must be properly investigated. If officers behaved improperly, then they should be held to account and the tactic we have used reviewed. That is what I would say.

Q336 Chairman: You did say almost immediately after this was drawn to your attention that you felt that officers must have their identification on their lapels; people need to know exactly who they are. Is that the case?

Sir Paul Stephenson: Form a police officer's point of view, it is a statement of the blindingly obvious. Uniformed officers should always be identifiable. Anybody who deliberately tries to get round that, then we should look for the evidence and treat them accordingly.

Witnesses: **Sir Paul Stephenson**, Commissioner Metropolitan Police Service and **Commander Bob Broadhurst**, "Gold Commander" Operation Glencoe (Policing and Security of G20), gave evidence.

Chairman: Could I welcome to your right Commander Broadhurst, who is the Gold Commander. We have some specific questions to you as well, Commander. If you want to chip in, you can, but we do have other things to ask you about. You are welcome to sit there.

Q337 Mr Winnick: Sir Paul, I do not want to break the sequence of questions on the G20 but with the Chairman's permission, before you leave I will ask you another unrelated question. I believe I have the Chairman's permission to do so. Continuing with the questions on the G20 protest, what is your concern? You told the Chairman a moment ago you have a concern about the demonstration. What concern do you have?

Sir Paul Stephenson: I said I was concerned about the video imagery, some of the things I saw.

Q338 Mr Winnick: Like what, for example? Tell us.

Sir Paul Stephenson: I saw an officer push somebody to the ground. In the context of what I saw in that video imagery—

Q339 Chairman: Sorry. You saw an officer do what?
Sir Paul Stephenson: On the video I saw an officer push somebody to the ground.

Q340 Mr Winnick: Sir Paul, did you see, as we all saw on television, a police officer slapping first of all with a gloved hand a woman protester who later says she was not in any way being violent, and then, after slapping her across the face, hitting her on the legs?

Sir Paul Stephenson: Yes, I saw that. That is why I am saying those are the images that caused me concern that need to be investigated.

Q341 Mr Winnick: As the Chairman said, we had Denis O'Connor, the Chief Inspector. He said, in reply to a question of mine on 21 April about what he saw: "I was very uncomfortable with it, I was concerned by it, but what I would have to say is this: the object of conducting an inquiry into the tactics and into the behaviour is to unpick all of that" and look into it accordingly. Do you share the same sentiments as he had when he addressed us, namely that he was uncomfortable with what he saw?

19 May 2009 Sir Paul Stephenson and Commander Bob Broadhurst

Sir Paul Stephenson: I would use my own language, Mr Winnick, and that is that I am concerned and it is right it should be investigated.

Q342 Mr Winnick: I asked him whether he would consider that what he saw was incompatible with British policing. He replied: "What I saw was unacceptable." That is your view as well?

Sir Paul Stephenson: No, that is not my view. My view is that I am concerned at what I saw and it should be investigated. May I remind you, as I have already said to this Committee, I am the disciplinary authority for the Metropolitan Police Service. For me to prejudge these matters would be entirely improper.

Q343 Mr Winnick: So you do not go along with what he said, "What I saw was unacceptable"?

Sir Paul Stephenson: I do not know how I can expand on my answer.

Chairman: I think we must move on to the next question.

Q344 Mr Winnick: I am going to ask you about Ian Tomlinson. There is just one question before moving on to Ian Tomlinson, Sir Paul. How is it possible for a police officer to do what we saw and about which you agree you have concern? How is it possible for a police officer to act in the way we saw on television, what I have just mentioned?

Sir Paul Stephenson: I think you are actually asking me to go into the investigation, and I am trying to give you a very proper reason as to why I cannot and should not do that.

Q345 Mr Winnick: On the statement which was issued on 1 April regarding Mr Tomlinson, do you stand by that statement?

Sir Paul Stephenson: I stand by what the Met said. Based on the information known to us at the time, that is accurate.

Q346 Mr Winnick: But it was not accurate, was it? The police statement said that the police had no involvement with him before that.

Sir Paul Stephenson: That was not our statement. That is not what the Met said.

Q347 Tom Brake: You are carrying out an internal review of video footage. Can you confirm whether that is going to include looking at a rather serious allegation made by a photographer working for one of our national newspapers who alleges that he saw plain clothes officers in the crowd agitating the crowd?

Sir Paul Stephenson: I have seen reports of that. It is an extraordinary allegation. To my certain knowledge that is not something we have ever done but if there is evidence to suggest that is the case and the evidence comes forward, either we or more appropriately the IPCC will investigate it, I am quite sure.

Q348 Tom Brake: What sort of evidence do you need? I have in fact written to you on the subject and provided you a copy of the report which contains the said allegation. Do you need more in terms of evidence to be able to look at that as part of your internal review of video footage?

Sir Paul Stephenson: We will take the appropriate action and no doubt contact you accordingly. If it is a complaint or should be dealt with as a matter of complaint, then we need to refer it to the IPCC. I wonder whether we have done that, Mr Brake. If it is, that is what we should do and I will check and make sure we have done it.

Q349 Tom Brake: The difficulty would be that if they were plain clothes officers then they will not have any form of identification, so I am not quite sure how the IPCC would be able to pursue that particular allegation, whereas yourselves you have access to the video footage which might be able to confirm who these plain clothes officers were.

Sir Paul Stephenson: Let me assure you that if there was an investigation by the IPCC, they would have access to any video footage within my possession or indeed the City of London's possession.

Q350 Tom Brake: Presumably there were plain clothes officers in the crowd. I would expect there to be to spot the worst trouble makers.

Sir Paul Stephenson: I just have to say the idea that we would put agent provocateurs in the crowd is wholly antithetic to everything I have known about policing for the best part of 34 years.

Q351 Tom Brake: Can I ask Commander Broadhurst, please?

Commander Broadhurst: I was obviously the Gold Commander. We had no plain clothes officers deployed within the crowd. It would have been dangerous for them to put plain clothes officers in a crowd like that. The only officers we deploy for intelligence purposes at public order are forward intelligence team officers who are wearing full police uniforms with a yellow jacket with blue shoulders. There were no plain clothes officers deployed at all.

Q352 Tom Brake: In which case, Commander Broadhurst, can I ask you what explanation there is for two men who I personally saw walking through the police lines where I had attempted to secure the release, if I can put it that way, of a number of people who needed medical attention for instance and not succeeded? What explanation can you give for the fact that those two men walked through the police lines without any form of challenge? Who were they and why were they allowed to walk through the police cordon?

Commander Broadhurst: I do not know who they are. They were not plain clothes officers deployed by me or anybody on the operation. All I would say initially, and you can come back to me later on when I give evidence to you, is that there is an issue around the discretion used by individual officers, the message communicated to those individuals, how they interpret that. It may well be that the people you

19 May 2009 Sir Paul Stephenson and Commander Bob Broadhurst

saw have gone through some officers who have used more discretion than others who are not letting anybody out. That is an issue I need to grapple with in our training and our work on such tactics.

Q353 Mr Streeter: I have a very short question, Sir Paul. One of the things we were hearing in relation to the Tamil demonstrations in Parliament Square over the last two or three weeks is that because of the media onslaught over the G20 policing, the police were sort of going softly softly and perhaps too timidly. Can you just assure me that you will not overreact to any criticism which may come from any quarter—and I agree with your comment about the policing of the G20 by and large—and that you are not now going to overreact in the wrong direction and be far too timid?

Sir Paul Stephenson: Mr Streeter, we will learn lessons from any operations, be they successful or otherwise, but in learning lessons we will not overreact; we will not be too timid. We will do what we think is appropriate based on our experience, the lessons learnt and what we think is right for the circumstances. I think you have to look at the Tamil process and look at the different and difficult circumstances as to how we police that event and we police every event commensurate with the threat, the intelligence and the likely consequence of our actions, and that is what we have done with the Tamil protest. I think as people will have been aware last night, there were some difficulties last night. Not wishing to overstate it, that has resulted in round about 25 injuries to police officers and some injuries to other people. We will do what we think is the right thing to do and then learn lessons from that.

Q354 Chairman: Commander Broadhurst, you are the Gold Commander for the Tamil protest as well, I understand.

Commander Broadhurst: I am currently, sir, yes.

Q355 Chairman: Can I declare my interest? I am a member of the All Party Tamil Group and I support their cause—and clearly the situation in Sri Lanka is dreadful—but also I have seen an ever increasing number of people outside Parliament and they have been able to build a structure where people are at the moment on hunger strike, or have been on hunger strike. The worry for me is that although I have sympathy, and members of this Committee have sympathy, with the plight of the Tamils, there may be other organisations in the future with whom we may not have so much sympathy who will do exactly the same thing. The concern is that you are setting a precedent. Those of us who stayed in central London last night heard the police helicopters going above Westminster throughout the night. This is obviously going to go on; it is not going to stop. Do you think you are being a little too soft on this?

Commander Broadhurst: I do not think I am being soft at all, sir. As you heard from the Commissioner, last night, in trying to move the more belligerent end of those protesters, we took a number of injuries, none serious but a broken nose and other injuries such as that. The biggest problem we have with the

Tamils, and I will perhaps come back to it later on, is that we have no organiser to speak to. Nobody within that community will give us information about what to expect. We will always police proportionately. If I have 30 demonstrators, I would have very few police officers to manage those, provided they were not violent or others, which this community tend not to be. Our problem with the Tamil community is that they have the ability to mobilise hundreds and, as yesterday, thousands within a very short space of time, which then overwhelm police resources. We have had them a few times when they have split into the road, probably only about six times in the last six weeks that this demonstration has been running. I have always taken the view that when that happens, they tend to put their women, babies, children and the elderly at the forefront, which then makes it difficult for us to use force. You cannot move even a peaceful crowd without some degree of force, unless they themselves move. I have always been of the opinion that we have managed to clear the Square; it has taken some hours and at some inconvenience but we have done it peacefully. In terms of the structures, that was an authority given to them by the Greater London Authority which has the authority for structures on the Square. They are actually breaking a bylaw. We have no powers of arrest as such; we can only prosecute. The decision was taken on humanitarian grounds whilst they had hunger strikers on the square, again a situation I was unhappy with but had no police powers to deal with; it was given on humanitarian grounds. My understanding now is that the last of what I would call the true hunger strikers have gone. We have some students who are undertaking a daily fast. Discussions are now underway with the GLA that is the responsible authority around them giving authority to get the tent down. Clearly we will then have to work with the protesters to try and do that in a peaceful way. Like yourself, Chairman, there is a concern around setting a precedent. We do not think we have set a precedent and we must take each protest on its own, but this one now I think needs, and I am asking today through the Home Office, some form of Government intervention around messages we give to the community, now the war, is over about how we bring it to some kind of exit strategy and finish.

Q356 Chairman: I spoke to the Serjeant at Arms about this yesterday and what she said is that the police just needed the powers to do what they had to do. Is it more powers you need?

Commander Broadhurst: There is a debate of course around the powers outside Parliament and that will continue. In terms of moving the tent, if the Greater London Authority serves notice on them that they want the tent taken down, I would say in the first instance they should get bailiffs along to remove them, as would be normal police practice. We would stand by to prevent a breach of the peace. I would have concerns about the numbers of supporters the Tamils could get before we do that. Then the question I would ask of the Operational Commander is: do you want me to pick a fight to get

the tent down? I would rather negotiate and get it down but I fear we would never arrive at that situation.

Q357 Chairman: Commissioner, you wanted to come in.

Sir Paul Stephenson: Can I add a couple of quick points? With all due respect to yourself, the issue of whether we sympathise or not with whoever is on the Square demonstrating is not a matter for the police. We will treat them within the law and within our capabilities. Secondly, whatever the rights and wrongs of any demonstration, it does have to be said, at this moment in time, that policing that demonstration is a huge drain on the resources that should be available to Londoners, and it is damaging the Met Performance and does lead to lack of policing on the streets of London. I think that is the context for these demonstrations.

Q358 David Davies: I just wondered if Commander Broadhurst or Sir Paul felt a certain irony that they are being criticised by some politicians for apparently over-policing G20 but as soon as a protest comes along with inconveniences the politicians themselves they are being urged to do more about it. How on earth can they get a clear message unless the politicians involved are prepared to give them one?

Sir Paul Stephenson: I think the most appropriate answer to that is I hear what you say but it is not a policeman's lot to be over-sensitive, sir.

Chairman: Mr Davies wants to declare his interest.

Q359 David Davies: As a Special Constable with the British Transport Police who, I am sure the Commander will feel, did equally as well as the Metropolitan Police during the G20, at which I was also present, albeit in a different capacity to Mr Brake. We have heard a lot of anecdotal evidence from protesters, some of it quite concerning. In my own capacity I have heard a lot of extremely concerning anecdotal evidence from police officers about what went on. We have heard from senior police officers, like yourselves. Do you think it would help the Committee's inquiry if we heard from individual police officers who were involved in policing those protests about the sort of provocation that they suffered?

Sir Paul Stephenson: I think it always helps to get a balanced view of what went on and what did not go on, and we can hear from Commander Broadhurst and Assistant Commissioner Chris Allison has given evidence to another Committee to try and place the right context on these matters. Without wishing to try and be overly humorous I would also be concerned; at this moment in time we are extraordinarily stretched, and the officers you are talking about speaking to are currently out there actually trying to keep peace on the streets.

Q360 David Davies: Is it true, though, that officers suffered verbal abuse, that missiles were being thrown at them over a period of eight hours and that,

in some cases, I have heard that human excrement and urine was thrown at officers as well? Are all of these roughly accurate?

Commander Broadhurst: Certainly the first ones. As to the excrement and urine I understand there are allegations that some urine was thrown, but we have no evidence of that, and probably unlikely. Excrement I have not heard of, no. Certainly, yes, a number of officers—again not all—on those cordons would have come under some form of physical attack, certainly some verbal abuse but, as we have seen from Mr Brake's report, many of them would have had a fairly peaceful time, depending on where they were in that vicinity. Certainly those on the cordons, at some stage, would have come under some form of abuse, if not attack.

Q361 David Davies: Obviously, we are all agreed, that anybody who deliberately hid their numbers should suffer disciplinary procedures. Is it at all possible that in the rush to get on protective clothing, which I think was given out at some point during the protests when protesters turned violent, numbers may have slipped off or that equipment had to be put on in such a hurry that things may have accidentally been obscured?

Sir Paul Stephenson: If I can give a brief answer and then I will pass on to Commander Broadhurst, without undermining at all my statement that it is wholly unacceptable for any uniformed officer to fail to show their identification—certainly to deliberately do it—there are issues around the equipment that we use, and we have now realised that. That is one of the learning lessons. The flashes that we show on command tabs are made to go over the epaulette and they can look like tape covering the numerals. That is something we have learnt. We made a decision some time ago not to actually embroider the numerals into the various equipment—we did that on cost grounds. That may not have been a wise thing in terms of making sure that these things can constantly be displayed. Thirdly, I would say that early on in the dispute on Parliament Square with Tamils, I was out there talking to a police sergeant and, as I was talking to him, his epaulette was undone and it slid down his shoulder. I pointed out to him that was not what he wanted to happen when he was talking to the Commissioner, but these things can happen. So I make no excuses for anybody if there is any evidence that anybody deliberately did it, but there are other reasons.

Commander Broadhurst: Certainly, in the public order work, we are aware of the implications of officers not being identified, because it gives the impression that they are trying to cover up their actions, which is clearly wrong. I had met with a couple of representatives from Climate Camp the day before, who had again pointed this out to me. Most protest groups will always point this out to us. Hence, in my briefings, and I gave personal briefings to all of the supervisors the day before, I made it clear that I wanted them to make a personal check of everybody on their unit to ensure they had their insignia correct. I have spoken to the Commissioner

19 May 2009 Sir Paul Stephenson and Commander Bob Broadhurst

about this; I am satisfied that I do not think any officer deliberately tries to cover up—in this day and age they would be extremely naïve to think they could get away with something like that—but (and you make the correct point) any officer in a public order situation, during the course of any given day, could be expected to have, potentially, five different outer garments from a shirt to a Met vest, to a yellow jacket, to protective overalls, and so on. We only issue them with one pair of epaulettes with metal numbers on, and I am sure that sometimes in that process they do miss bits. Again, when this issue was raised with me we challenged at least one television company to go through their footage and identify how many officers they could see without their numerals on; they could not find any. Again, from Mr Brake's report, someone did ask you that there were officers without numerals and you could not find them. There will be some in a crowd and I suspect in the majority of those it is because they have changed, something has dropped off or they have fallen. It is an organisational issue but because our officers move around probably, on average, two or three years from one unit, perhaps, to another, from one borough, and so on, to go to the cost of embroidering their divisional number, which will then have to change, is a cost. I have pointed that out to the Commissioner and he has asked me to look into that in one of my other roles as Chair of Clothing Board, for uniforms. Other forces do it in different ways, but they do not have the same type of identification in terms of numbers. I think it is not an officer issue it is an organisational issue that I need to look into.

Q362 David Davies: Finally, there is a perception in the minds of some members of the public that officers are only attacked by large, heavily built gentlemen of a certain age. Can you confirm officers are actually regularly attacked by people of all sorts of different ages, sexes and sizes, and if an officer says: "Get back; get back" and somebody keeps coming towards them, they are perfectly within their rights to push them back?

Commander Broadhurst: Absolutely. I am sure, as a Special, you have encountered that. Certainly some of the worst scratches and facial injuries I have had was from a teenage girl who was assaulting me whilst I was trying to sort something else out. It does happen; it will happen all the time. Officers are trained to deal with the threat, not the size or age or sex of the individual in front of them; they deal with the threat in front of them, and the techniques that they are taught deal with that. I will perhaps speak about those later.

Q363 Gwyn Prosser: Regardless of the merits of the tactics used—the "kettling" and the use of the Territorial Support Group—would you accept that, even with hindsight, the actions taken and the actions we have seen on our television screens, etc, have hugely alienated a great group of ordinary people who, ordinarily, would have been naturally supportive of the police in any of these sort of actions. Have not errors been made?

Sir Paul Stephenson: Firstly, I will not go beyond the debate I had earlier about my comments regarding my concern over the imagery of the actions of a small number of officers, but it is that, and I wait to let the inquiry judge the actions. However, I think it is fair to say that the presentation of that, and the way in which that video evidence looks, does stand the potential of damaging public confidence. I think that is a fair comment.

Q364 Gwyn Prosser: Finally—from me anyway—in this day and age where just about everyone carries a mobile 'phone and just about every mobile 'phone has a video or camera, should not part of the training of police officers coming into those circumstances be: "Don't do anything; don't take any action that you are not prepared to see later on the video screen"?

Sir Paul Stephenson: I think that has been part and parcel of the training—not on mobile 'phones, I hasten to add—since I joined the job. I think the training is: "Don't act unlawfully; don't act unprofessionally". I think it is just an extension of that, and as technology changes there are different ways and many more opportunities for people to be caught behaving badly if they choose to behave badly. It is just an extension of professionalism.

Q365 Chairman: Commander Broadhurst, can I turn to you now, but, Commissioner, please chip in whenever you wish to. We are going to look at the actual events of the day. You have had a long and distinguished career as the Gold Commander of many events, including the marriage of the Prince of Wales and the Duchess of Cornwall, so policing the G20 must have been something—I was going to say something quite similar but, of course, it is something quite different. How would you rate the performance of the police? The Commissioner was very reluctant to give the police marks out of ten. If you were self-assessing yourself, how would you rate the performance of your team?

Commander Broadhurst: I think G20 was marginally easier to police than the wedding which, if you remember, had its own distractions at the time, for a number of reasons. Again, I would be reluctant to mark myself; the Commissioner and Chris Allison will do that for me. I would actually say that the performance of the police officers—I would not give them a scale out of ten because you will only hold me to ransom over it—I thought they were superb throughout the week, restrained, certainly in the face of provocation on 1 April, and again, on occasions, on 2 April. Clearly, there are areas of concern, as the Commissioner has said, which are rightly being investigated—and quite rightly so—but, as we have heard, in any areas of provocation when we have people abusing us, attacking us and throwing things at us, we look for restraint. I had asked for restraint in policing, again in those briefings, because of my concerns with how some of this was building up in the media, and for the most part I saw that. Whilst, clearly, every individual officer must be held to account for his or her actions, for the most part what I have seen on television were only the types of

tactics, in terms of techniques, that I train them down at Gravesend. So we have heard of open-strike techniques. Now, there is one that is being investigated I cannot go into, but I have seen open-hand strike techniques, I have seen strikes to the backs of legs, I have seen push-aways with shields—I have not seen anything that has particularly concerned me in the overall of what I train officers to do in difficult and challenging situations. Having said that, each one of them, as individuals, has to account for themselves, which is why, at the end of each of those shifts, despite the fact that many of them have been on duty for in excess of 20 hours, when they get back to whichever base they have come from, they then write copious notes as to what force they have used. Sometimes those notes, in the confusion, do not always bear exact relevance to what they have done, but we do ask them to sit down, and say: “If you have used any degree of force at all today—be it the use of a baton, a shield, open-hand technique, or anything else—if you were trying to protect yourself or colleagues, you must write it down.” It is for each and every individual officer to account for their actions. I must say, that what I have seen, and I can only speak for myself as the officer in command of public order, our officers did what I had asked them to do under very challenging conditions.

Q366 Chairman: We are looking, as a Committee, at other jurisdictions and comparing it to policing in the United Kingdom, particularly in London. We have got the Olympics coming up, obviously, for which you are also the Gold Commander. If you were looking at a comparison—and I know it may be difficult because you deal with these people on an international basis—the way in which we police great events like the G20 and other countries (for example, the French or Swiss police—events that happen there), which country would you suggest we look at to see a different approach to the approach that you adopt here?

Commander Broadhurst: Practically every country in the world is different to us. I think we are probably one of the few jurisdictions where, in our response to all policing, but certainly when it gets to disorder, I do not have at my disposal anything to give me distance control. You will see other forces, including PSNI (Police Service of Northern Ireland), who use water cannon, they may use tear gas and they will regularly make use of what used to be called “baton guns” and have now been given a new name. (I will call them “baton guns” because I think we understand that.) Although we have access to baton guns (now called AEPs) we have never used them on the mainland in a disorder situation because of the implications, which means we, as a service, come toe-to-toe far quicker, probably, than any other police jurisdiction in the world. That was one of the learning points from Parliament Square in 2004. We were charged, as one of the IPCC recommendations, to look at greater distance control, and although we have talked about and looked at the use of water cannon, I see no appetite in this country for having water cannons in Parliament Square to keep crowds back, which does then mean that we put our officers

and our specials and others in that very invidious situation of being toe-to-toe with sometimes a violent and antagonistic crowd, and then having to work out who are the decent people and who are those that are trying to attack me. That is why I say I am incredibly proud of the way the Metropolitan Police, the City Police and BTP—and Sussex Police, because they were there helping us as well—managed that very difficult situation on 1 April. To put 1 April in context, whilst, clearly, it has caused us concern and is why I am here now and speaking to HMI and others—and quite rightly, to learn the lessons—if you put the disorder and violence that was seen that day into the context of other demonstrations such as Poll Tax, May Day in 2001, it is nowhere near on that scale. I think, again, if this Committee were to look back at the media coverage on the day, you would see most leader commentators saying: “This is pretty low-key; it is not building into what we thought it would; the police have been quite restrained and, in fact, have come under attack themselves”, and you will see lots of footage of police officers wearing flat caps and ordinary beat helmets. My view of life is this all changed, clearly, after the death of Mr Tomlinson, which is clearly very sad and needs to be investigated, but what we have seen since is the media and others only honing in on the officers in full kit, responding in the way that I have trained them, and the actual day itself, which passed off relatively unscathed, is not commented on. The other thing I think I need to put into context—you spoke about other events that I have done—is I would say that this week of the G20 (if that is what we are going to call it) was probably the most complex policing event the Metropolitan Police and our partners have undertaken, certainly in my length of service. What many people forget is that the issues that we are talking about, quite rightly (and we need to learn the lessons) were only a small part of a very challenging week, as the Commissioner has said. If you think of the other events, we had the State visit of the President of Mexico, the first visit outside the United States of the new President of America, the Heads of 20 other nations; we had, on the day of the events that we are talking about, 19 demonstrations, in 17 of which the organisers came and spoke to us and we had no problems with; two did not and we had problems with (that is a very important point that I will come back to); we had 14 demonstrations the following day and, of course, the G20 summit. The backdrop to everything that we are talking about here on disorder, for me as the Gold Commander, I had 20 of the world’s top leaders, we had 48 protected people in all and we had run out of protection officers and escort officers, and we had to go to mutual aid outside London.

Chairman: It sounds like an extraordinarily difficult operation. Can I ask colleagues to ask questions briefly and, also, the witnesses, if you could be brief in your answers? Would you prefer these events not to happen in London? Would it be better to take them to some remote place and get the leaders to fly in on their helicopters, or whatever, or swim there, if necessary, if we are being environmentally sound?

Far away from the metropolis to enable it to be policed in a different way. Would that be a better suggestion?

Q367 Mr Winnick: I would suggest Leicester myself!
Commander Broadhurst: Not necessarily. I think we, in the metropolis—the Met Police, the City and BTP—are used to handling these big events. I do have a concern, that is documented, that we were not consulted on the venue itself nor on the date, which did cause us some concerns. At the end of the day, we can police it. My own view is this may have been better placed in a more secure central London building—Lancaster House, for instance, or others—but wherever you put this, any other force would face the same kind of issues that we have.

Q368 Chairman: And the cost, in the end? What was the cost of policing the G20?

Commander Broadhurst: The latest cost—and bear in mind that there is a drag factor as we pick up some of the real costs of overtime and other bits as they filter in—was in the region of £7.2 million.

Q369 Chairman: To come from where? The Government or out of your budget?

Sir Paul Stephenson: We have not yet established precisely from where, Chairman.

Q370 Bob Russell: That is cheaper than the Tamils!

Sir Paul Stephenson: Can I just support what Commander Broadhurst has said there? It was a very challenging security environment at the ExCel centre, but London is an iconic city that does run extraordinary events, and against all extraordinary events this was the most extraordinary, and I think Commander Broadhurst has fairly accurately outlined the scale of the challenge and what was achieved without undermining what we have previously said about proper investigation.

Q371 Mr Streeter: I would like to say well done, Commander Broadhurst. You did not have long to plan it. If you had longer would you have done anything differently, and were there any surprises? Did it go according to the plans you had been able to put in place, or did things take you by surprise?

Commander Broadhurst: I think had we had longer to plan it we would not have done anything differently, we would have just had more time to actually get the plans in place better and more accomplished. There is a difference between having too much time to plan and too little. Three months was probably a bit tight, in terms of some of the detail of planning. So I think, no, we would have stuck to the same plan and, for the most part, the week panned out as predicted. The summit itself was a success; the world leaders came and went. I even got a personal ‘phone call from the Prime Minister thanking us, which I think shows the level of concern that there was in government about the potential for disruption to the summit, and all that goes with it. We would have done much the same but to have had two or three more months would probably have been preferable.

Q372 Mr Streeter: Commander Broadhurst, you mentioned earlier that one of the hard things is working out who are the decent people and who are those who are going to attack you. I think this is an issue for all police forces, on any occasion. We had evidence the last time we met from a young man whose name I have forgotten, who was sitting down on the floor and was then punched in the face. Mr Abbott. I believed him. To me, he came across as a perfectly sensible, decent person who was not a trouble-maker. If I could just encourage you to read the transcript of the evidence that he gave, I thought it was very powerful, very believable, and that is the kind of thing for which the odd officer has to be held to account, if I may say so.

Commander Broadhurst: I will read it, sir, and I have read many of the other incidents which, as the Commissioner has said, cause us concern, which is why we need to learn and see how we can better improve that particular tactic.

Q373 David Davies: Are there any alternatives, do you think, to “kettling” if the police want to work with protesters? I saw on *Police Review* recently, there was a report about some country in Europe where they actually put uniformed officers into crowds of that nature and used them to try and calm things down a little bit. Have you looked into any of these alternatives, or do you think “kettling” is the best way to deal with potentially difficult situations?

Commander Broadhurst: I think, like everything else, the tactics must fit the situation in front of you, which is why containment, as we would call it, was not a pre-determined tactic; it was something that best suited the circumstances. If you think here, the circumstances are an unlawful demonstration, four marches moving off without consulting the police, without authority, as it were, under the Public Order Act, where the protesters, on their own website, had the declared intent of “stopping the City”. I say “stopping”, not “damaging” or “trashing”. At no stage in advance of this did I talk about violence, but a very clear intent of “stopping the City”. By that, on their sites, they were quite openly saying they would occupy buildings, clog up entrances, get into offices, sit on photocopiers, block junctions—stop the City working—which, in itself, would have caused a great deal of economic damage, and is patently illegal. The concern of the City businesses was a return to 1999 and the J18 disturbances that left £13 million worth of damage. Given that that is the apparent mindset of the protesters, and given that this is not an organised protest so to find out about it you have probably read some of those websites, I think we are entitled to think that at least a section of that crowd—and the crowd turned out to be quite decidedly larger than we or the protesters had anticipated, for whatever reason. The Silver Commander and the Bronze Commander on the ground took the opportunity that when the four groups came together, and to be honest I thought they would do what is, essentially, a European tactic—by meeting in four places they would have gone off in four different directions and caused lots of little disturbances that would have stretched the

policing; as it is, for whatever reason, they came together. My view is, and I support this wholeheartedly, that if their intention was to cause as much disruption to the City as possible, containing them is the most sensible option. The only alternative to containment is dispersal, which is the opposite. In other words, you push the crowd back and get them to disperse in small groups so they go their own ways. I have heard some evidence given by the PSNI that, essentially, that regularly occurs in Northern Ireland, but of course they do it within estates where people go back to where they live; what we would be doing would be pushing people through the City where they have already avowed their intention to be disruptive. We saw in J18, as we dispersed them (we can show you video footage) back in 1999, when we got our tactics wrong, they caused lots of damage as they went; going over Waterloo Bridge smashing the windows of every car they went past. So there are alternatives. I would be very reluctant to put police officers into a potentially violent crowd because I am then putting them at risk. So there are a number of tactics, but essentially you come down to either contain your crowd or disperse your crowd, and on this occasion to have dispersed it would have been manifestly irresponsible of me because it would have led to the very thing they wanted to do.

Mr Streeter: Thank you for that very comprehensive answer.

Q374 Mrs Dean: Commander, are you satisfied that all the officers on frontline duty on 1 April had received sufficient training and gained sufficient experience of policing events of this type?

Commander Broadhurst: No, I am not. A number of reasons for saying that: first of all, I take great pride in the way they acted, and I would always stand by that. The vast majority—clearly one or two need to be investigated, I do not deny that. However, if you look back at the history of London we have, very fortunately, not had large-scale disorder now for a number of years. Parliament Square in 2004 was probably an outlier and if you go back to 2001, before that, those of you that remember, if you go through the 1990s or 1980s, we tended to have summer after summer, almost, of some form of large-scale disorder. That means I now have a workforce of relatively young people that we draw from bear in mind we do not have riot police, as some commentators would have; these are officers taken from the borough environment, one day policing Sutton High Street and the next day called into central London. Our level 2 officers, that is the public order trained ones, of which I have 2,500, only now get, because of time constraints on us for training, two days' training a year. So they get two days' training a year, and the vast majority of those, I would hazard a guess, have never faced a situation as violent as that. If you go back earlier in the year, again, we faced some even more violent situations in some of the Gaza and Palestinian protests. So I do have a concern that some of our officers have not faced that. I would like to train them more but, of course, we just have not got the time or the ability to train the numbers we need. That is why, again, I

think, that the restraint I saw from officers, who were probably clearly quite scared, and had perhaps not faced that type of situation before—and it may also be why one or two of them, as you have seen on television, may have used inappropriate force at times. Again, I would say that was probably more fear and lack of control, whereas our experience in the past is the more we experience these things the less quick officers are to go to the use of force, because they understand more the dynamics. So I do have that concern, and that is for us to work on, obviously, as a service.

Q375 Mr Winnick: Do you accept that one of the ways in which it is most important for the public to have confidence is that any statement issued by the police should be a reflection of the actual events?

Commander Broadhurst: Absolutely, sir.

Q376 Mr Winnick: Do you accept at all that the statement issued by the police on 1 April regarding Mr Tomlinson's death did not reflect that?

Commander Broadhurst: The statement issued by the Metropolitan Police? There was only one statement issued by the Metropolitan Police.

Q377 Mr Winnick: Do you stand by that statement?

Commander Broadhurst: I wrote it.

Q378 Mr Winnick: You wrote it, you take responsibility for it and you in no way consider that it was inappropriate in any way whatsoever?

Commander Broadhurst: I stand by my statement, sir, which was this—if I can just go through—

Q379 Chairman: Is it a long statement?

Commander Broadhurst: No.

Q380 Chairman: Do you want to tell us what it was then?

Commander Broadhurst: I have not got it in front of me, sir.

Chairman: Do you have it?

Mr Winnick: The statement is here.

Q381 Chairman: Read it out then.

Commander Broadhurst: Read it out, sir.

Q382 Mr Winnick: It did not indicate in any way. This is the point, and I do not want to pursue it because it is the subject of investigation and I do not want to pursue it endlessly, but I do put it to you, Mr Broadhurst, that this statement on 1 April made no mention that the police had contact with Mr Tomlinson beforehand. Do you stand by that? It is a simple question.

Commander Broadhurst: If I can explain the statement, sir? At the time it was made, bear in mind I am in the control room at Lambeth—

Q383 Mr Winnick: Why can you not answer yes or no?

Commander Broadhurst: I need to put it in context.

Chairman: We must allow the Commander to answer the question.

19 May 2009 Sir Paul Stephenson and Commander Bob Broadhurst

David Davies: I would not be allowed to question a witness in this discourteous fashion.

Q384 Chairman: I think the Commander is going to give us an explanation.

Commander Broadhurst: At the time, I was in the control room at Lambeth where I only have access to the CCTV coverage that I see. The first time I became aware of Mr Tomlinson was seeing him on the pictures from our helicopter being treated by our medic officers. It became very clear to me that he was in a very bad way, and I was told very quickly afterwards that he had died. Unfortunately, due to the nature of our systems within the control room, I do not have the ability to rewind and look at any other footage. We can only do that subsequently. So, at that time, none of us in the control room had seen any of the footage that later came on television. The first I saw of Mr Tomlinson was him being treated. As soon as I had heard that he had died, because I now have a suspicious death, I did exactly as I would do in any other suspicious death on the streets. (By “suspicious” I mean we do not know why he has died.) I asked for it immediately to be made a crime scene, I sent a detective chief inspector to the scene to start forensic recovery; I asked that we capture any CCTV images we may have taken (bearing in mind I cannot immediately view them but I can ask for them to be kept so that we can subsequently view them—I do not have the facility to view them), and I asked that we make a note of which police serials were in the area, again knowing that as these things fade away from us it is hard to work out who was there. So I took steps, because I did not know whether Mr Tomlinson had come into contact with police, I did not know whether he had come into contact with the crowd, I did not know if he was just a passer-by who had been mugged, or just had a heart attack. I knew none of that, and I had seen none of the footage until I saw, on the television, a week later, the same images that you saw. We, the Metropolitan Police, had no prior knowledge as to what had happened, because we did not have the camera systems to allow us to go back and look. That has subsequently happened.

Sir Paul Stephenson: Just two quick points, if I may, Chairman. You have got to remember this is now part of a third new investigation now being undertaken by the Independent Police Complaints Commission into what was said. Secondly, I have to say it would be hugely irresponsible of the police to speculate as to we may or may not have come in contact with the inquiry; the best and safest course of action is to stick with the facts. That is what the statement did. To try and imagine, or try and distil early information so that we could have put a press statement out would have been hugely irresponsible, and I would not have supported that being done. The fact were published from the Met.

Commander Broadhurst: Before that statement was issued, we contacted the IPCC’s press officer, ran the statement past them and, also, contacted our Director of Professional Standards. The reason we put the statement out is normally we would not because there is potentially an IPCC investigation in

the offing; it was because I was concerned about the potential community interest; I thought it was only right and proper we say: “Somebody has died in this demonstration. We do not know why.”

Q385 Mr Winnick: Mr Broadhurst, can I say that if a moment ago I seemed discourteous, I apologise.

Commander Broadhurst: You did not, sir.

Q386 Mr Winnick: It is not our wish to put dedicated public servants in a position where they are subject to rudeness. If I was, as I said, I apologise. Is it not important on future occasions to learn from what has happened as regards the statement and to be absolutely clear, as far as the Met is concerned, be it at the most senior level, or next to the senior level, like yourself, to have absolutely the facts gathered together, even if it means delaying the statement until you are absolutely certain of all the facts? Would that not give greater confidence to the public?

Commander Broadhurst: I would then have been accused of not reporting the death at all.

Q387 Mr Winnick: You smile, Sir Paul.

Sir Paul Stephenson: Exactly what Commander Broadhurst is saying, Mr Winnick. The reality is you are damned if you do and you are damned if you do not. Not to have put anything out in these circumstances would potentially have led to much further problems. Our intent is to reduce problems and reduce tension on the street, but to go beyond the facts as you know them at the time is a very silly thing to do—

Q388 Mr Winnick: The facts were not quite out with precision.

Sir Paul Stephenson: The facts, as far as the Met was concerned, were put out with precision, and we learnt that from Stockwell.

Q389 Tom Brake: It has been put to me by the crime correspondents with whom you meet, I understand, that their concern may have been about the verbal briefings that were issued as opposed to the written statement. Do you have any concerns about any verbal briefings that were issued?

Commander Broadhurst: Is this before the event, sir?

Q390 Tom Brake: Yes.

Commander Broadhurst: I briefed the Crime Reporters’ Association. The Commissioner has a monthly briefing with the Crime Reporters’ Association. We took advantage of that, about 10 days to two weeks before the week of the summit, to personally brief them. I have read some articles since that my briefing, if you like, “hyped-up” the situation and “hyped-up” the potential violence that they were going to look at. That caused me concern. I have reread my transcript; I did not use the word “violence” or “force” once; I merely said it was the aspiration—and I repeat “aspiration”—of the protesters to “stop the City”.

Q391 Tom Brake: Thank you. Can I, just very briefly, state and go on the record saying that the overwhelming majority of officers on the day acted perfectly professionally and that it was very clear that a small minority of the crowd were there to cause trouble, were being violent and aggressive. I want to go on the record about that. I would certainly hate it if the UK moved to a more remote form of crowd control. I do not think that would be the right thing for us a country. I want to return to this very serious allegation, because I want to try and get you on the record just confirming, Commander Broadhurst, or Sir Paul—whoever is appropriate—whether you are going to be investigating that allegation about *agent provocateur* or not.

Sir Paul Stephenson: I will go away from this Committee and examine what we have done with that letter and I will communicate with you immediately afterwards, Mr Brake.

Q392 Tom Brake: Thank you. If you want my assistance with going through the footage I am very happy to do that, as I am contributing to this allegation in one small respect, in having said that I saw two men leave through the police cordon in a way that nobody else on the day had been able to do. Just to come on to a couple of questions about what actually happened in relation to a number of things, such as the availability of water, such as the availability of toilets, such as the warnings that were issued on the day and, also, the ability of people to leave through the police cordon. In the evidence that the Metropolitan Police Service gave to the MPA, there were, I think, some fairly categorical statements about water being available, toilets being freely available, small numbers of people being allowed to leave through the police cordon and warnings being issued to the crowd about the action the police were about to take. My evidence, as submitted in the report that you have received, is that water (certainly when we were requesting it) was not available; toilets were not available after a certain time because the police cordon had moved forward and they were then behind the cordon; there was no evidence that I could provide of anyone that we had asked to be allowed to leave through the police cordon to be allowed to leave, and there was evidence that warnings were not being issued before—and I personally saw it—the crowd were being charged by the police. How does that tally with the evidence that was provided by the MPS to the MPA?

Commander Broadhurst: I think, sir, given that, again, I wrote the report and I stand by what I wrote in the report, everything in the report is factual. Again, having learnt the lessons from 2001 and the containment in Oxford Circus, one of the recommendations from that was that if police use that tactic on a large-scale again they should ensure toilets and water are provided. So through the City of London Corporation we did just that. They were put into Lombard Street at a given time. I was not aware, until you told me afterwards, sir, that that had moved back a bit so they were no longer available. People were let through cordons and warnings were given.

Q393 Tom Brake: How many people were let through the cordon?

Commander Broadhurst: We do not keep a note of that, I am afraid, Chairman. Bear in mind there were five cordons. A sizeable number of people were allowed through. If I can just finish, it comes back to, I think, the confusion of any public order situation. The lessons that I have taken away—and we are already starting to act upon—is, one, clearly, our communications to the crowd were not good enough, so we need to think: do we need to invest in dot matrix signs or louder PA systems rather than just a hand-held megaphone that probably does not reach too many people? That is an issue we need to look at. So, for instance, we put water into Lombard Street. I have asked the question: how would you have known if you were on the other side of it? You probably would not. I accept that we need to get that better. We need to get better, as we have said before, at identifying those within the crowd who we think will cause us problems and those who are wholly innocent. I have read, again, some very factual reports from your report, sir, where people have come up and said: “I’m epileptic, can you let me out?” The Bronze Commander’s view was: if everybody comes up and says: “I suffer from this, that or the other condition”, how do we know? We need a better way of filtering people out so that we can actually manage that. We need a better way of communicating to the officers at the front of the cordons—the very ones who have been the subject of assault, abuse and everything else—that they get the message from me. For instance, at one stage I was told that members of the press could not get out. That actually came through to us in the control room; the message I got back was: “Please let them out if they are *bona fide* press.” That message takes a long, long time to get down to the front line. Again, I think your experience was officers at this end of the cordon interpret “discretion” in one way and officers at this end in another. That is for us to get into in our training. Again, I only have these two days a year and most of the training is around techniques and using cordons, etc. We do not do enough around the softer issues of speaking to crowds, etc. I accept that is more work for us to do.

Q394 Tom Brake: Thank you. Can I make a recommendation that when the MPS do provide evidence to organisations like the MPA that that evidence is, perhaps, more caveated than is the case, because my experience was not what you have just described in terms of the police cordon—the way they were operating—the availability of water and the availability of toilets. In terms of credibility it has got to be not quite as black and white in terms of its presentation.

Sir Paul Stephenson: Chairman, if I may say, the commissioning of Sir Denis O’Connor to actually review the tactic is not necessarily designed to lead to the result that containment is bad; actually, it may well be how do we improve containment, if that is the appropriate tactic and we are not going to move towards this distancing approach. Those lessons are about signage and they are about communications

to the crowd but, critically, I think, Commander Broadhurst has raised a real issue (and you have raised a real issue) and that is how do we get the message through so that officers can with discretion let the right people through? That is extraordinarily difficult, and we need to work harder on that.

Bob Russell: Commissioner and Commander, this is the second session we have had where the term “kettling” or “kettle” has been used. I find it offensive. I do not know where the term has come from. The police have stated it is not terminology they use. I wonder if, first of all, you could tell us what your terminology is and, perhaps, the *London Evening Standard* can run a competition to get a British-sounding terminology for this type of police operation.

Chairman: Are you implying that “kettle” is not a British term?

Q395 Bob Russell: It is something, Chairman, that in my many, many years in public life, and as a former court reporter, I have never heard of until relatively recently. So I am just wondering where the term came from.

Sir Paul Stephenson: It is not a term we use; it is not a term we favour; we—and I think it is in the ACPO manual—use the term “containment”, and that is what we will continue to use because that accurately describes what the tactic is.

Q396 Ms Buck: Can I ask you about some of the evidence we have received from representatives of the NUJ, which is that journalists were told, on the evidence that was given to us: “You can go or you will be arrested. You can come back in half-an-hour.” Do you regret that that side of the management was, perhaps, not done in a way that did not keep the media with you, in the first instance? Do you accept that that is an accurate version of events?

Sir Paul Stephenson: I will pass on to Commander Broadhurst, but I think, as I have already said, Bob has already given an example of how officers on the front line were, perhaps, not responding as precisely as Bob would have intended to respond, in terms of letting journalists through.

Commander Broadhurst: Just to tell you, on the allegation itself, clearly, if that was someone’s experience then I accept it. I would say probably the officers would have a different version of what they said and what they did. Coincidentally, I spent a rather feisty afternoon yesterday in front of the NUJ and their photographers, many of whom had been at G20, and I think they are absolutely right. We do not set out to cause difficulties for journalists or photographers or anybody else; it is in our interests that things are reported and reported accurately. However, I come back to the point, if you look at any of the images, our officers were faced, sometimes, by more photographers and journalists than protesters, which they find very, very confusing. When they are told: “You can let journalists out”, a lot of people will come up with a camera and say: “I’m a journalist”, and they have not got a press pass; they might be working for a protest organisation, a

college or university—it matters not. I got into quite an embroiled debate with the journalists yesterday. Certainly my view is, and I am sure the view of the Metropolitan Police is, that we support journalists in doing their job. We try to give them facilities. However, when there is a disorderly situation they have no more right than the ordinary citizen to come through all our cordons.

Q397 Ms Buck: Can you also clarify for me, because constituents have been in contact with me about G20, that you would not seek to use powers available to you under counter-terrorism legislation to prevent photographers from taking pictures?

Commander Broadhurst: Not at all. In fact, I make it quite clear at all briefings that we try never to confuse our counter-terrorist/anti-terrorist powers with our public order powers, and that goes to stop-and-search and section 44 as well.

Q398 Gwyn Prosser: We took evidence from Sir Hugh Orde and he told us the value of using the Parades Commission prior to demonstrations and how effective it was in taking the heat and hostility out of those events. Would either of you favour the adoption of a similar strategy or similar commission throughout the UK?

Sir Paul Stephenson: I will let Bob answer for himself. I wonder, rather—I know these are serious matters—whether, on mainland UK, that would be a sledgehammer to crack a nut. The vast majority of demonstrations and parades that we deal with we deal with responsibly; we have organisers who tell us what they intend to do and we police it very well. To actually put that under an additional constraint, I think, would be an unnecessary constraint. The difficulty we have is when, on a very small number of occasions, we have organisers who are not willing to share with us their intentions, so that we can do something to facilitate their peaceful protest. I am not entirely sure we are comparing apples with apples there. I have worked in Northern Ireland, on the Garvaghy Road on Drumcree back in 1992 in a very significant public disorder situation. It was (and, perhaps, still is) a different world and not one that we can compare directly with our streets.

Commander Broadhurst: I fully agree with that. As I said earlier on, in the vast majority of protests/demonstrations/marches that we deal with, we have organisers who come to us, they tell us what they want to do, we negotiate and then we facilitate whatever it is. Generally, they go exceedingly well. That is what happened on 1 April. Where we have issues are where we have nobody to talk to. Whether you had a Parades Commission or not, anarchists, by their very nature, would not talk to anybody in authority—otherwise they would not be anarchists. I do have some issues with Climate Camp. Whilst I accept that they are a peaceful organisation, and I understand what they are trying to achieve, they will not put forward organisers because they say they are a non-hierarchical organisation where nobody makes decisions, which then gives me huge problems in trying to find out, as happened on 1 April, what

19 May 2009 Sir Paul Stephenson and Commander Bob Broadhurst

they intend to do and where they intend to do it. They sometimes confuse being peaceful with unlawful.

Chairman: A final question on a non-G20 related subject.

Q399 Mr Winnick: Commissioner, your immediate predecessor had an agenda to do whatever could be done to encourage black, Asian and women into the force. Does that remain your objective, and how successful do you believe you will be over a period of time?

Sir Paul Stephenson: Absolutely. I think the organisation—and I am on record as saying that, Mr Winnick—has made very significant progress since the Macpherson report, but there is much more yet to be done. We have seen significant improvements in our recruiting; last year, I think, the percentage of new recruits into policing—that is new recruits—ran at something like just over 16% from black and minority ethnic communities. That is light years away from where we were 10 years ago. Our target is in excess of 25% from black and minority ethnic communities in our next recruiting round. Similarly, we are trying to improve the position of women, which again has improved dramatically. On recruiting we have made great strides forward, but there is more to do. Similarly, there is more to do in how we treat people once inside the force; how do we ensure that all our processes and systems allow

people to access not only advancement in a vertical sense but, also, in a lateral sense. I think you cannot police London without understanding diversity.

Mr Winnick: Thank you very much.

Q400 Chairman: Have you dealt with all the outstanding cases that were brought against the Met as far as racial discrimination was concerned? Is that all now sorted out, because we do not read about them any more?

Sir Paul Stephenson: There will always be ongoing issues because people have a right to bring employment tribunals. I think it would be inappropriate for me to comment on high profile cases. There is one very high profile case outstanding, but I think the other high profile case is now settled.

Q401 Chairman: Do you think we will have a black Commissioner some day in London?

Sir Paul Stephenson: It is not for me to comment on, but certainly not for the next four years because I intend to be here.

Chairman: We are very pleased you are there.

Mr Winnick: We will believe it when we see it.

Q402 Chairman: On behalf of the Committee could I thank both you, Commander Broadhurst, and you, Commissioner, for coming here. I am sure that you will be back in the future, as we have always dealt very courteously with your office, and we wish you the very best of luck in your term as Commissioner.

Sir Paul Stephenson: Thank you very much.

Written evidence

Memorandum submitted by David Howarth MP

EXECUTIVE SUMMARY

1. On 1 April 2009 a group of parliamentarians attended the G20 protests at Bishopsgate and at the Bank of England to observe and to act as independent witnesses to any incidents that might arise between protesters and the police. This report recounts their experiences. It also refers to a meeting between senior officers and representatives of the Climate Camp on 31 March, chaired by David Howarth.

2. In the build-up to the protests, media reports of imminent violence raised the temperature and made clashes more likely. Although we have no reason to doubt the sincerity of senior officers who claimed in 31 March meeting that they were concerned to counteract this, we have concerns that aspects of the media strategy employed by the police prior to the demonstrations may have contributed to escalating expectations of violence.

3. Another issue that emerged from 31 March meeting was the contrasting assumptions of police and protesters about what constituted legitimate protest: the police invariably referred to “lawful” protest, while protesters referred to “peaceful” protest. Since this determines the way in which the policing of a protest is approached, these assumptions must be brought into the open and debated fully.

4. In relation to the concerns that have emerged over officers failing to display identification, we note that assurances were given in the 31 March meeting that this problem was being dealt with by senior officers.

5. The debate on “kettling” has conflated two separate tactics, both of which we observed at the Bank of England protests and at the Climate Camp on Bishopsgate: the containment of protests by corralling, and the use of aggressive advances to compress them into a smaller space. Both of these tactics give cause for concern and there needs to be a thorough review of when and how they are justified.

6. A third related tactic is that of using police advances to disperse demonstrators when police wish to bring a protest to a close. We are concerned that this tactic was deployed at the Climate Camp, causing numerous injuries, on the basis that the Camp was causing “serious disruption to the life of the community” merely by blocking a road in the middle of the night.

7. We congratulate the police on the relatively unobtrusive and constructive approach taken to the Climate Camp in the early part of the day. It is regrettable that this positive approach appears to have been abandoned later on 1 April, and we very much hope that the policing of the Tamil protests, which was, for the most part, similarly measured, represents a new paradigm for the policing of protests.

8. We also welcome the announcement of the HMIC and IPCC inquiries. However, we continue to believe that a full, independent inquiry is essential if public confidence in the police’s approach to protest is to be restored.

1. INTRODUCTION

About the delegation

9. In the run-up to the G20 demonstrations, a small group of parliamentarians felt it would be beneficial for them to attend the protests as external observers. It was hoped that this might help to defuse any tension between police and protesters, as well as providing independent witnesses to any incidents that did arise. The eventual delegation consisted of:

- David Howarth MP, Lib Dem Shadow Secretary of State for Justice.
- Tom Brake MP, Lib Dem Shadow Home Affairs Spokesperson.
- Baroness Williams of Crosby, Lib Dem peer.
- Simon Hughes MP, Lib Dem Shadow Secretary of State for Energy & Climate Change.
- Martin Horwood MP, Lib Dem Shadow Environment Spokesperson.

10. These parliamentarians attended the protests on their own behalf, making no claims to be acting as official representatives of parliament or of their party. Some attempts were made to contact parliamentarians of other parties, as well as figures from outside parliament, but due to time constraints no other volunteers came forward.

About this report

11. All parliamentarians who took part in the observational delegation wrote statements of their experiences in the days immediately following 1 April. This report compiles those statements thematically; it also quotes from notes of a meeting between the Metropolitan Police and representatives of the Climate Camp on 31 March, chaired by David Howarth (See Appendix 1 for the notes in full). These accounts are contextualised by some general comments which highlight the main points of concern arising from our experiences, leading to conclusions and policy recommendations.

2. BUILD-UP TO THE PROTESTS

Raising the temperature

12. Part of the background to our decision to attend the protests as observers was the hyping up of the prospect of violence at the protests in the media (See Appendix 2 for examples). The reports suggested that the source of these expectations of violence was the police itself. Senior officers were reported as saying that the police were “up for it—and up to it”,¹ apparently fuelling an atmosphere of confrontation. Police briefings themselves seemed to have warned that the protests could be “very violent.”² A month earlier, Superintendent David Hartshorn, head of the Met’s public order branch, had been widely reported warning that the G20 could be the epicentre of a “summer of rage”, with “activists intent on coming on to the streets to create public disorder” using popular discontent to recruit “footsoldiers”.³ Requests from the Climate Camp to attend police briefing sessions to try to dispel the expectations of violence were rebuffed.⁴

13. David Howarth raised concerns that talking up violence could become a self-fulfilling prophecy, putting off peaceful protesters and attracting people who wished to cause trouble. In the 31 March meeting the senior officers in charge of policing the protests appeared to express similar concerns: the notes of that meeting record that Commander Bob Broadhurst was:

“Concerned to combat media hype—some officers are young and impressionable and read the papers. Police are with the Climate Camp on this point.”

14. While we do not doubt the sincerity of Commander Broadhurst’s comment, and we are very worried by the possibility it seems to have presaged that the hype might have contributed to a loss of police discipline on 1 April, we are not convinced that the police were wholly innocent, and the media solely to blame, for the rising expectations of violence that preceded the demonstrations. We note that a high level of expectation of violence would mean that the police would be able to claim success if violence did not occur, or to claim to be vindicated if it did. Any review of the policing of the G20 protests should ask whether the police, or any part of the police, followed a conscious strategy of raising expectations of violence in advance of the demonstrations.

Police displaying identification

15. In light of the increasing concerns expressed since the protests about officers failing to display identification, it is worth noting that this point was raised by the representatives of the Climate Camp at the meeting with the Metropolitan police, as the notes record:

FW Second point: importance of police wearing ID at all times and responding to requests for names when asked—which legal team understand they are obliged to do.

IT This is being dealt with. However, if an officer is wearing ID, they do not need to give their name. There is no legal duty to give their names to legal observers, only to a person who is being arrested.

RB Officers should give their names when asked—agree on this point—but in reality the situation on the ground may be tense, eg. officers with little experience of public order situations finding themselves being photographed and asked for their names: what campers need to do in this situation is seek out the senior officers.”

16. Although there are grounds for believing that there was an improvement compared to previous Climate Camp demonstrations, the issue of wearing ID at all times was plainly not “dealt with” as promised. The failures of officers to identify themselves that subsequently came to light suggest that a serious problem remains.

“Peaceful” versus “lawful” protest

17. One problem that became apparent in the 31 March meeting was an important difference in the language normally used to describe legitimate protest by police and protesters. While the Climate Camp invariably stressed that their protest would be “peaceful”, the police instead focussed on whether it would be “lawful”, as the notes show:

“RB The problem from the police’s point of view is that they cannot communicate with people who have decision making power. Not interested in the background to climate camp, which they know already: what they need to know is what’s happening on the day. If it’s lawful, they will facilitate it. If it is unlawful, they won’t allow it.

ME Reports in the media have implied violence: climate camp feel that police statements have misrepresented them. Would like to be clear on the difference between violence and breaking the law.

RB The police have never said that the camp would be violent.

¹ <http://www.guardian.co.uk/politics/2009/may/01/hugh-muir-diary-g20-terrorism>. Agencies reported Commander Simon O’Brien as saying, “This is a very complex operation with some really experienced public order commanders. We’re up for it and we’re up to it.” http://kenyalondonnews.co.uk/index.php?option=com_content&task=view&id=3309&Itemid=45

² <http://www.guardian.co.uk/uk/2009/mar/27/g20-protest>, <http://www.timesonline.co.uk/tol/news/politics/article5946908.ece>

³ <http://www.guardian.co.uk/uk/2009/feb/23/police-civil-unrest-recession>

⁴ <http://www.guardian.co.uk/uk/2009/mar/27/g20-protest>

IT We will proportionately police whatever you want to do.”

18. One key problem here is the question of what counts as proportionate. It sometimes appears that the level of policing of a protest is determined by a binary categorisation of protest as lawful or unlawful: *“If it’s lawful, we will facilitate it; if it’s unlawful, we won’t allow it”*, rather than a graduated approach where the level of force used is proportionate to the level of violence or of threat to public order.

19. Another problem is that the police seem to consider that any obstruction of the highway renders a protest unlawful. The Silver Commander said at the 31 March meeting that a demonstration “in the middle of a road” was “not viable” because it would “cause obstruction”. This seems to make all protest on the highway presumptively unlawful and thus not to be facilitated or allowed.

20. The subsequent breaking up of the climate camp (see section 4) brings out what might happen when these two apparent police assumptions, that any action to combat illegality is proportionate and that all protest on the highway is illegal, are put together. The reason given for judging the camp to have become “unlawful” was that it was disrupting traffic, and on this basis, senior commanders authorised the extensive use of force to end the protest. The result was, in our view, the use of disproportionate force.

3. ON THE DAY: “KETTLING”

21. The media debate about kettling has been somewhat simplistic and misleading, conflating two separate tactics:

- *“Corralling”* protests: enclosing them in a police cordon through which nobody is allowed to enter or leave; and
- Highly aggressive *advances* in police lines against the demonstration, often by fully equipped riot police, compressing it into a smaller space.

22. We observed both of these tactics on the day of the protest, and believe that both constitute cause for concern.

3.1: *Corralling protests*

Observers’ accounts

23. At around 2pm, a group of parliamentarians attempted to observe the demonstrations outside the Bank of England, but by this point the demonstration was already corralled and they were denied access:

24. *“There were already signs of ‘kettling’ around the Bank of England as the police had made a human cordon around the Bank of England, refusing to let anyone in. There were a lot of people on either side of the cordon and it was very unclear as to what was going on. There did not appear to be a central point of organisation for the protest.*

25. *The focus of attention was clearly towards Threadneedle Street as there was a lot of noise including helicopters circling overhead, but the police cordon prevented us from moving in that direction and we did not have a clear picture of what was going on there other than it was not as peaceful as the Climate Camp protest. The only person we saw who had been injured was a male police officer who was escorted away by colleagues. He appeared to have minor injuries.”*

Simon Hughes MP and Baroness Williams

26. Soon after this, Tom Brake MP, accompanied by two members of his team, did succeed in gaining access to the area of the demonstration at the Bank, but subsequently found that they were refused permission to leave. They were then detained for five hours, despite identifying themselves as legal observers. As a result, Mr Brake missed a vote in the House.

27. *“3:45pm*

During the next 10 minutes, we learnt that the police had decided to use the kettle tactic by detaining everybody. It was impossible to leave the area. All the roads were shut by a police cordon. Policemen were wearing helmets and protection. They did not explain why and when asked, could give no indication as to how long they expected the cordon to be in place.

28. *4:30pm*

Near Poultry’s police cordon, demonstrators reported to us that a lady was panicking with her dog. The lady was sitting next to a building’s door. She was really scared and she was struggling to control her dog. This was reported to the police officer. They refused to let her go, saying it was impossible for her to leave.

29. *A protester came to talk to one of my team, showing his arm which looked as though it could be broken. My team member escorted him to the nearest police cordon at Princes Street, and asked for medical assistance. The police agreed this but did not allow his friend to accompany him. The protestor then refused to receive medical assistance because of this.*

30. Next, a man who was apparently a bystander asked me for some help. He was caught in the cordon and needed to go home to look after his elderly 83 year old mother. I went to the Poultry Street police cordon with him and spoke with the police who subsequently refused to let him go. We were informed by the police that he should have planned alternative cover. A young man who told the police on the cordon that he was diabetic and needed to return home for medication received the same response.

31. I spoke to an elderly couple who made the mistake of walking through the area and were completely unrelated to the protests. They feared for their safety and wanted to leave, but the police refused to let them go.

32. Near Poultry's police cordon, another man came to us for help, wanting water. He said he had not drunk for more than 9 hours. Considering that this was a sunny day and the temperature was around 16 degrees, a member of my team formally asked the sergeant in charge of Poultry police cordon to provide water. He refused to provide it, claiming that they did not have any. My team member pointed to a police van, with its door open, which contained many bottles of water.

33. During the afternoon we continued to ask for water. The police always responded in the same way, 'you should have planned that you would be detained', and by now my team and I had not had a drink since midday."

Tom Brake MP

34. The Climate Camp on Bishopsgate was also corralled from around 7pm, according to numerous accounts. Martin Horwood MP observed the corraling from outside the protest from around 9pm. Various other parliamentary observers had visited the camp earlier in the day and experienced it as uniformly positive: the mood was peaceful and light-hearted, and, although there was a very large police presence, the policing was very hands-off, which seemed a sensible and proportionate approach.

35. "Throughout the time we were there, the atmosphere was lively but peaceful, and there was no apparent tension between police and protesters. Both police and protesters kept a respectful distance from each other and there appeared to be very little interaction. The reaction from police and protesters to the presence of the parliamentarians acting as legal observers was very positive and both groups seemed grateful for the support given.

36. Generally, the protest seemed to be very well organised and thought out. The purpose of the demonstration was made very clear by the banners on display and by the speeches made by the protesters. Representatives from several organisations, such as Friends of the Earth, were also present."

Simon Hughes MP and Baroness Williams

37. The question here is why the positive policing approach we observed early in the day changed so abruptly as night began to fall. Martin Horwood's observations at 9pm suggest that this change did not reflect an increase in aggression on the part of the protesters:

38. "I found Bishopsgate blocked off by police vans and a small line of City police between them at the junction of Bishopsgate and Threadneedle Street... After speaking to a legal observer, I asked one of the City police officers what the legal basis for closing off the street was. He said it was a 'public order' situation and that there had been violence and 'there was only so long police officers could stand by with things being thrown at them'. I asked him if he had personally seen any violence or anything being thrown at this protest and it was pretty clear he had not. He was asked by his commanding officer not to speak to me. I tried to speak to the CO but he declined. At this southern end of Bishopsgate, a small crowd of perhaps 20 or 30 people had gathered but apart from some occasional chanting from a group of three or four with a megaphone it was entirely peaceful, with protesters chatting and hanging around.

39. Speaking to protesters who had been in and out of the climate camp protest earlier in the day, they said that the atmosphere had been very friendly with protesters sharing sushi and cake and police forming a line across the road but letting people freely in and out. One protester said that the mood had changed when Sussex police had arrived earlier in the evening—I think she said after 1700. Previously the police had been holding helmets but the Sussex police arrived in riot gear. By about 1900 I was told the protest had been cordoned off."

Martin Horwood MP

Points of concern

40. The police sometimes give the impression that the *Austin* case (now on its way to the ECtHR) decided that the tactic of "kettling" was fully lawful. In fact, the House of Lords ruled only that it was acceptable in the very particular circumstances of that case. Lord Neuberger laid out what those circumstances were:

- "The cordon was imposed purely for crowd control purposes, to protect people and property from injury;
- The cordon was necessary as many of the demonstrators were bent on violence and impeding the police, and its imposition was in no way attributable to policing failures;
- The purpose and reason for imposing the cordon were at all times plain to those constrained within it;
- The cordon lasted for as short a time as possible; during its imposition, the police attempted to raise it on a number of occasions, but decided that it was impractical;

- The inclusion of the Appellant and the demonstrators constrained with her within the cordon was unavoidable;
- Those who were not demonstrators, or were seriously affected by being confined, were promptly permitted to leave;
- Although the Appellant suffered some discomfort, it was limited, and the police could not have alleviated it; further, she could move around within the cordon;
- The Appellant knew in advance that many of the demonstrators intended to cause violence, and that the police were concerned about this.⁵

41. It seems very unlikely that all of these factors applied at the protests outside the Bank of England. In particular we know that Mr Brake and his team, who were not demonstrators, were certainly not “promptly permitted to leave”. Moreover, it seems tolerably clear that none of *Austin* factors applied to the Climate Camp protests at Bishopsgate. We do not accept claims that the corralling of these demonstrations was lawful. We recommend that police training and guidance lays out in detail the conditions for the lawfulness of this tactic.

3.2: Police advances on demonstrations

Observers’ accounts

42. “4:30pm

The riot police charged without any warning. Most of the people in front of the police cordon at the corner of Threadneedle Street were peaceful protestors. They were dancing, listening to music and there was no apparent threat. The atmosphere changed, with people panicking. Some people were injured by the Police. People were running and trying to escape but with the cordon completely sealed, there was no escape route.

43. *We decided to talk to the Officer in charge of the area to find out why the kettling strategy had been implemented and why the police were charging the crowd without warning. At the different sections of the police cordon, we asked several police officers who was in charge. Officers either did not respond or said that they did not know who was in command.*

44. 5:45pm

The police began to slowly squeeze the cordon area. Still no one, to my knowledge, had been released from the perimeter. At this point the tension rose significantly. Troublemakers refused to move back from the Bank of England. I began to fear for my own safety and preferred to stay back near to Queen Victoria Street. Some people, a small minority of around 50 to 100 people, were fighting with the Police. They burned a banker’s effigy and threw barriers at policemen.

45. *Around this time, I was approached by a demonstrator, who asked me to go and look at a group of officers who were not displaying their badges. I could not find the officers concerned.”*

Tom Brake MP

46. From 9pm–11pm, Martin Horwood MP was present just outside the police cordon at the Climate Camp protest on Bishopsgate. He observed the repeated use of police advances to force the demonstrators further up Bishopsgate. It seems clear that this is a routine tactic used on demonstrations. Experienced protesters with whom Martin Horwood spoke were able to predict exactly what was about to happen in advance of the baton charges.

47. *“Some experienced protesters introduced themselves to me, explained that the number of people wearing black in the crowd suggested that there were some anarchists present (although a very small minority of the overall crowd) and that they thought the police tactic would be to advance north up Bishopsgate towards us while closing off Camomile and Wormwood Streets to either side. They predicted that the crowd would be moved by shoving and pushing but that we could expect baton charges to clear the street more quickly if people seemed to be resisting. They advised me to take my glasses off in the event of a baton charge....”*

48. *The police sent a small contingent of officers through our crowd south down Bishopsgate to join the police lined across the road. They pushed their way through the crowd physically throwing people out of the way as they went. The force was controlled but quite aggressive. As predicted by the protesters, other police lines soon cut off Camomile and Wormwood streets....”*

Martin Horwood MP

49. Martin’s conversations with senior officers, including a Chief Inspector (who appears to hold a very senior position in the TSG, but nonetheless claimed that he was simply following orders) also suggest that this tactic was authorised at a high level, and not the initiative of over-excited junior officers:

50. *“I spoke to several Met officers, eventually a Chief Inspector Mick Dod, and suggested that since there was no evidence of any violence, no broken windows or missiles being thrown, the best way to avoid anyone coming to harm might be to just leave the protesters where they were and let people come and go peacefully. CI Dod said that a control order had now been made and that their instructions suggested violence had been*

⁵ *Austin v Commissioner of Police of the Metropolis* [2009] UKHL 5 at para 57 <http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090128/austin-3.htm>

used elsewhere and that they saw the same faces here as elsewhere in London. At around this time, I saw one beer can thrown towards the police but the rest of the hundreds-strong crowd was entirely peaceful. A legal observer immediately called on the people who had thrown the can not to throw anything else."

51. Repeated police advances caused injury to many protesters and antagonised a previously calm and peaceful crowd, although there was no violent retaliation by the protesters against the police:

52. "22:30

The police line, with dogs audible but not visible to me, were now separating with one line still across Bishopsgate next to the original climate camp protesters, the vans having driven off down Wormwood Street, and a front line of police moving north up Bishopsgate.

53. *Then at one moment everyone around me was suddenly running north. I did likewise for a few yards. The protesters said this was the time to remove my glasses. I called James [Lloyd] and he said that from his side he had clearly seen batons being used as well as dogs. As the crowd stopped running again, I saw one protester being helped by his girlfriend with blood streaming down his face.*

54. *Later, there was another police advance and I saw a protester throwing a small empty beer bottle towards the police line from the low-walled area immediately to the side of St Botolph Without church. I approached him and urged him not to throw anything else as it would only make the situation worse. He replied that they were 'beating us up' although he was some way from the police and hiding behind the wall of the premises nearest to the church.*

55. *This tense situation persisted with the police clearly becoming the target of peoples' anger rather than defusing it. Shops were all around us with unprotected glass fronts and none were damaged. There was no violence by protesters visible to me apart from those couple of bottles and cans (none of which were from inside the original climate camp), and at the time the police advanced nothing more was being thrown by anyone."*

Martin Horwood MP

Points of concern

56. The forcible compression tactic causes fear and tension, provokes violence, and appears to have no justification from the point of view of preventing disorder. We are particularly concerned at the use of this tactic against the entirely peaceful Climate Camp, where one of our observers saw, and video evidence has since confirmed, protesters being attacked with shields and batons as they were forced backwards. We have yet to find any justification of this tactic or explanation of what it is intended to achieve. Our experience as observers was that it served only to frighten and anger people, increasing the likelihood of disorder and posing unacceptable risks of injury to the public.

4. DISPERSAL OF THE PROTESTS

57. There is a third tactic which has sometimes been conflated into discussions of kettling. This is the use of police advances in lines, including baton charges, to disperse demonstrators when police wish to bring a protest to a close.

Observers' accounts

58. The most striking example of the use of this tactic from our own experience was the breaking up of the Climate Camp on Bishopsgate. Although none of our observers were present at the time of this final advance, David Howarth was in telephone contact with senior commanders and representatives of the protesters, including legal observers, throughout the episode. Shortly before 11pm, he had a conversation with Chief Superintendent Ian Thomas, which he recounted the following day in a letter to Chief Superintendent Thomas (See Appendix 3):

59. *You explained that you were applying section 14 of the Public Order Act 1986 to the situation at Bishopsgate. You referred also to obstruction of the highway. You confirmed that, although you made a passing reference to the possible presence at Bishopsgate of individuals who had been present at other, violent, protests during the course of the day, an allegation both the observers from the human rights charity specifically contradict, you were relying solely on the "serious disruption to the life of the community" part of section 14. You did not allege that public disorder or serious criminal damage was taking place. When asked what the serious disruption was, you referred exclusively to the need to get traffic moving in what you said was a four-lane arterial route.*

60. *I questioned you on whether you had carried out a risk assessment on the proposal to use physical force on peaceful demonstrators solely for the purpose of getting traffic moving at that time. You said that you were taking into account the resources that would be needed to police the situation any further into the night. I asked you again about the risks to life and limb of using force on peaceful demonstrators solely for the purpose of allowing traffic to flow. This time you made the point that demonstrators would be given the additional option of leaving of their own accord and that they therefore had a choice. I pointed out that you also had a choice about what you did, and there the conversation came to an end.*

61. *I have learned this morning that subsequent to our conversation, although most of the demonstrators did leave of their own accord, officers under your command used violence to clear the remaining demonstrators from the area. I understand that several demonstrators suffered injuries at that time.*

Points of concern

62. The decision to use force to disperse the remainder of the Climate Camp, and the way in which it was justified by Chief Superintendent, gives us cause for concern on several counts.

63. First, we are very sceptical about the claim that the camp constituted “serious disruption to the life of the community” on the grounds of disruption to traffic. The camp had been allowed to remain on the road from 12.30pm until 7pm—through the busiest part of the day—and the conversation recounted above took place shortly before 11pm. The number of people likely to have been disrupted by the presence of the camp was clearly far smaller than the “community” of hundreds, possibly thousands, of protesters that was violently dispersed on this basis. Indeed, it is unclear what evidence the police had that, at 11pm at night in the City of London, the risk of disruption to traffic was significant.

64. Secondly, Chief Superintendent Thomas also referred to the cost of policing the protest further. The idea that the cost of policing a protest that the police acknowledge to be peaceful⁶ is sufficient reason to declare that protest illegitimate and violently disband it is, we believe, cause for considerable concern.

65. Thirdly, if the risks identified above are indeed the only reason for the decision to disband the camp in this way, the police appear to have placed very little value on the countervailing risks to life and limb of the protesters. David Howarth specifically questioned Chief Superintendent Thomas on this point and received no direct response. We are disturbed that the potential consequences of using violence against peaceful protesters did not seem to form part of the decision-making process, resulting in several injuries to those inside the Climate Camp.

5. REFLECTIONS AND RECOMMENDATIONS

66. Media attention has understandably focussed on individual cases of police violence, in particular on the very sad case of Mr Ian Tomlinson. That is understandable to some extent, but we would like more attention to be paid to the broader aspects of what happened on 1 April, and in particular on what appear to be systematic problems, not just instances of individual misconduct. Some of the force used, especially at the Climate Camp protest at Bishopsgate, looks to us entirely out of proportion to what the event warranted. That issue seems to us to be one of doctrine rather than individual officer misconduct.

67. The police are to be congratulated for their initially sensible and calm attitude to the Climate Camp protests on 1 April. We note that when dealing with the later Tamil demonstration outside Parliament, the calmer approach seems to have prevailed throughout. We hope that the policing of the Tamil demonstration represents a doctrinal change and urge the police to make any such change known to parliament and the public.

68. We note that the IPCC is permitted only to investigate misconduct by individual officers. We also note that the review by HMIC, although very welcome, is ultimately an exercise in the police being judged by the police. We want to see a full judicial inquiry into the events and implications of the policing of the G20 demonstrations, not at the level of investigating the conduct of individual officers, but at the level of policy and doctrine. In particular, an inquiry should consider:

- Whether current police doctrine properly distinguishes between peaceful and non-peaceful protest and whether typical police responses to peaceful protest are proportionate.
- Police public relations strategies in the run up to major demonstrations.
- The tactic of “kettling” and the related tactic of using baton charges to compress protests.
- The forcible dispersal of peaceful demonstrations solely on the ground that they are obstructing the highway.
- The practice of police officers concealing their identification.
- The role, doctrine and training of the Territorial Support Group, and whether maintaining such a separate force-within-a-force is justified.

69. We have our own views on these issues, many of which will be obvious from this report. We believe that the police seem too often to distinguish not between peaceful and non-peaceful protest but between lawful and unlawful protest, and then to define “unlawful” in a very technical way that does not seem sufficiently to respect the right to protest. We also believe that disproportionate force is being used against

⁶ The police’s acceptance in 31 March meeting that the Climate Camp was peaceful is reiterated in a contemporaneous Metropolitan police account of the protests, which reads, “While this has been peaceful, they are being moved because Bishopsgate is a main arterial route. To allow them to stay would cause serious disruption to the life of the community in this area.” http://cms.met.police.uk/news/updates/operation_glencoe_policing_and_security_for_the_g20_london_summit

peaceful protest, particularly in the forcible compression aspect of “kettling”. But, at this stage, our beliefs are less important than re-establishing public confidence in the police in the context of a renewed commitment to the value of peaceful protest in a democracy. We believe that an independent inquiry would be an essential part of that process. We do not seek unnecessarily to duplicate the work of other inquiries; however, it is crucial that these serious issues are scrutinised in a fully independent manner.

May 2009

APPENDIX 1

NOTES OF MEETING BETWEEN REPRESENTATIVES OF CLIMATE CAMP AND METROPOLITAN POLICE, 31 MARCH 2009

Present: David Howarth (DH), Mel Evans (ME), Frances Wright (FW), Robert Broadhurst (RB), Ian Thompson (IT)

Also present: Christine Berry, James Lloyd, two others supporting police team (*names?*)

ME Purpose of meeting from Climate Camp’s point of view is to explain what the Camp is about and correct any misconceptions that might have developed.

IT Met are well aware of what Climate Camp is, having been heavily involved with the policing of the Heathrow camp

RB Shouldn’t believe everything you read in the papers. The problem from the police’s point of view is that they cannot communicate with people who have decision making power. Not interested in the background to climate camp, which they know already: what they need to know is what’s happening on the day. If it’s lawful, they will facilitate it. If it is unlawful, they won’t allow it.

ME Reports in the media have implied violence: climate camp feel that police statements have misrepresented them. Would like to be clear on the difference between violence and breaking the law.

RB The police have never said that the camp would be violent.

IT We will proportionately police whatever you want to do.

ME Policing at the Kingsnorth camp was immensely *dis*proportionate. One of the reasons this was felt to be unnecessary was that it was a clear site; similarly, the camp on Wednesday will be a clear site—whilst many other protests will be dispersed around the city, the Climate Camp will be in one place and so should be easier to police.

IT But where will this place be? If it is on a road or pavement, the camp will be disrupting people going about their daily business, going to work etc. The camp has chosen probably the busiest part of the city.

ME But important to understand that there is a political context for that choice.

FW Introduced self as part of legal team, but not representing the camp’s solicitors. Legal team had attempted to make contact with the police, especially over the role of the legal team itself, but had not received a response. That role includes training legal observers; first point of concern is immense difficulties with this at Kingsnorth, where legal observers’ access was restricted and they were threatened with arrest. Also concerned that it is important that police liaison have free access.

IT This will be a different environment to Kingsnorth, so it will be inherently easier to move around—implying less problems with access. As long as observers are not interfering with police operation or obstructing police, happy to let them go about their business.

FW Is this covered in police briefings to their officers?

RB Yes, this is being addressed as we speak. Concerned to combat media hype—some officers are young and impressionable and read the papers. Police are with the Climate Camp on this point. First point of the briefings is to facilitate lawful protest.

FW Second point: importance of police wearing ID at all times and responding to requests for names when asked—which legal team understand they are obliged to do.

IT This is being dealt with. However, if an officer is wearing ID, they do not need to give their name. There is no legal duty to give their names to legal observers, only to a person who is being arrested.

FW Understand this, or being searched, but had understood that this was covered in the code of conduct. Would like to see a copy of the code of conduct.

IT This is the same document as the general code of conduct for England and Wales, which is publicly available.

RB Officers *should* give their names when asked—agree on this point—but in reality the situation on the ground may be tense, eg. officers with little experience of public order situations finding themselves being photographed and asked for their names: what campers need to do in this situation is seek out the senior officers.

FW Agreement is good to hear. However, still think that giving names is important for accountability. Third point: anecdotal evidence of use of counter-terrorism powers against people taking photographs of police officers. Would like assurance that these powers will not be used against protesters or journalists.

RB Police have issued a press statement saying they do not use this power against journalists. Briefings to officers cover the proportionate use of these powers. It is not right to use the legislation against journalists or peaceful protesters. Problem comes when protest meets security—the two are “not happy bedfellows”. Need to maintain security as world leaders travel around the City. This means that sometimes police will not be able to allow protesters to do what they would normally allow. Police have counter-terror powers and expect to use them, but are clear that they should not be used when other powers are available, for instance under public order legislation. Briefings say that the powers should not be used against photographers: campers should have recourse to senior officers if that happens.

FW Fourth point: police liaison team will be easily identifiable in orange bibs. How do they link in to police command structure?

IT Each support unit (around 25 officers) will have an inspector (two pips) on the ground. There will also be geographic bronze commanders (three pips): for the area around the European Climate Exchange this will be Chief Inspector Tony Cairney—at least at the start of the operation, although there may be some ebb and flow as the day progresses. These officers will be identifiable by orange flashes. He should be the key point of contact on the ground.

FW Camp have made contact with Tony Cairney.

RB There is only one commander for the overall operation: we have control of both City police officers and transport police.

FW To clarify: there are no other contact details camp needs other than yours and Tony Cairney’s?

RB No. Will make it known to Tony Cairney and others that expectation is that they will co-operate with police liaison officers.

IT Problem is still lack of organiser. Really irresponsible for any group to pitch up and demonstrate without an organiser, stewards and safety liaison with the police. Contrast with Stop the War and demonstration at weekend.

ME Need to understand that horizontality of Climate Camp is very important to many of its members, who have had bad experiences with more “organised” demonstrations and feel disempowered.

FW Climate Camp has liaised historically with the police: not the case that horizontal organisation equates to not being able to liaise effectively.

ME To clarify: there are organising committees in the Climate Camp structure who take responsibility for various aspects of organising the camp. The point of the non-hierarchical structure is that nobody in the camp can tell another protester what to do.

RB This is a problem for the police: we know that Heathrow was hijacked by groups which were violent and attacked police officers. Have footage of this including people attacking police horses.

FW Have seen this footage; perhaps we need to sit down and watch it together. FW/ME did not accept that there had been violent groups who infiltrated Heathrow. FW pointed out that she had also been cordoned for four hours with the allegedly “violent” protesters at the Heathrow camp.

IT Problem is that there are people in the camp which we have no control over.

FW But that is the reality of any large scale event.

RB No: on the Saturday march, they *could* tell people what to do: “if you are on our march, you must play by the rules”. Demo was very well organised with no problems and very little for the police to do. “Control your people” : it is your protest—can’t be right that you cannot tell those who attend what they can and can’t do.

FW But this is just the same as your officers: senior officers give briefings but say that cannot have total control over the actions of individual officers.

ME It is just two different ways of moderating behaviour: there are ways of moderating behaviour in the camp but it is a different approach to the police hierarchy.

FW Yes—and there are organisers.

IT But nobody has tried to contact the police.

FW This is untrue—did try to make contact, to request command structure etc.

IT Clearly “one for the future” to work on improving liaison.

FW Next major concern is over facilitation of protest. Breakdown of trust over this issue at Kingsnorth. Concerns over the use of stop and search and seizure of personal items, which was unacceptable.

IT If camp is something large that will obstruct people in the City, it is not viable. There have been no negotiations over this and therefore no chance to facilitate it—putting up big structures in this context is not feasible.

RB Do Climate Camp representatives have any ideas as to where it will be?

FW No—don't have that information yet, but do have ideas about places where it could be done safely. Do police have any ideas about where they would like it to be?

IT/RB It's 24 hours away now—too late for this.

FW But can police give assurances that search and seizure policy at Kingsnorth will not be repeated—items like tents, bunting etc will not be seized?

IT Stop, search and seizure could easily happen tomorrow, because police are trying to stop offences being committed. If attempting to set up camp in the middle of a road, this is clearly not viable and will cause disruption, so items may be seized. Not many places in the City where it is possible to set up a camp for 1,000 people. If on private land, may not have legal right to be there.

FW Where is possible for you?

IT/RB Climate Camp needs to talk to landowners about this.

ME To clarify—not here to have the kind of meeting police might have had with Stop The War two months in advance. Main issues Climate Camp wants to talk about are around police accusations of violence, use of tasers, etc.

IT Police will not be using tasers. Tasers are never used on public order operations—this claim was totally fabricated by the Sunday Times, or was it the Guardian. TSG (territorial support group) officers, who carry tasers, will be on stand by, but will not be deploying tasers.

RB Tasers will not be deployed. Have never said that Climate Camp will be violent: accept and know that the camp is a peaceful organisation, although may have disagreements over whether “violent” fringes have infiltrated it in the past, as at Heathrow. Briefings, which are auditable after the event, clearly say that officers should not expect a punch up. However, a point will come where police will say protesters cannot do what they want to do. Question is where you are going to put a 1,000 person camp, without any planned space for the tents.

ME Important to acknowledge that none of us around the table know exactly what's going to happen. Although the police are apolitical, need to understand the political situation in which this protest takes place. Campers understand pleas for lawful protest, but need to grasp the situation they are in, where we have an urgent situation with climate change which the government is failing to deal with. This leaves people who want to protest “in a fix.”

IT Police understand that—and it leaves police in a fix as well, needing to preserve their absolute duty to uphold the law and balance rights of City workers with rights of protesters.

FW It is precisely a question of balance, but would suggest that in this situation the balance should favour the protesters.

RB Yes, but if police do that they could end up getting sued by City firms for letting protesters break the law. In a no-win situation.

DH Pointed out that he wrote the textbook on this and police should have no problem with liability!

FW Camp very much hope that everyone can be kept in one place.

RB If they can find anywhere that is acceptable to everyone, then that will happen.

IT Asked what contact the Climate Camp has had with the four horsemen demonstration. Could be impact between the two demonstrations on the day.

FW Camp has given people specific advice to avoid the area where the four horsemen are converging, and arrival time for Climate Camp is later than convergence time for the meltdown demonstration.

IT But if meltdown protesters move, could still be possible for Climate Camp to get caught up with them.

ME Think it is likely they will stay where they are and will not want to move away from the banks to the Bishopsgate area.

FW In any case, nobody has heard of the European Climate Exchange, where the camp is happening—part of the reason for the protest!

DH The important question is one of proportionality. If the police's view is that stopping one vehicle getting through is worth stopping a one-off protest for, that may be hard subsequently to justify. Question to police: are they controlling traffic in the City anyway? If this is the case, the point about City workers getting to work is not an issue.

IT Since police do not know where things are going to happen, cannot do anything in terms of traffic control or getting info out to the community. Repeated point that it was irresponsible on the part of the camp that police could not have dialogue with organisers who were able to negotiate over exact locations etc.

RB Concluding points: police are grateful for the dialogue, but still don't know where camp will be and whether it will have legal right to be there, which is the key point for them. Want to facilitate protest, have worked with Climate Camp before, but must also minimise disruption to the life of the community and manage the intersection where protest meets security. Can't allow protests to get in the way of this. Have

had letters from some foreign delegations asking for assurances that police will prevent protests anywhere near their premiers, and police have refused to give such assurances—but still need to ensure world leaders are able to safely get from A to B, which in the context of managing the protests will be a strain.

FW Are world leaders expected to go down Bishopsgate, since this is not where talks are being held?

RB No—but may be that some leaders will have legitimate business there or elsewhere in the City, and besides, knock on effects of protests may cause security headaches. But police really do understand where protesters are coming from and passion they have for their cause.

FW On question of legal right to be there, police will obviously be aware that Climate Camp has historically squatted land. Had herself been dubious about this initially, but at Kingsnorth came to see why it would be extremely foolish for them to do otherwise, since police had consistently interfered with lawful contracts.

DH That *is* a tort.

FW Level of trust is clearly low, and hope this will be an opportunity to start rebuilding.

RB Hope this meeting is a step towards that.

APPENDIX 3

CORRESPONDENCE FROM DAVID HOWARTH TO IAN THOMPSON, 2 APRIL 2009

Climate Camp, Bishopsgate 1 April 2009

I am writing to follow up our conversation just before 11 pm yesterday (1 April) about the situation at that time in Bishopsgate between Camomile Street and Threadneedle Street. I found that conversation disturbing, and still do. I fully recognise the stress that you and your officers were under yesterday, and readily concede that, under extreme pressure, it is not reasonable to expect perfect decision-making. But a number of questions need to be answered.

As you know, the stretch of street in question was then occupied by Climate Camp demonstrators in a peaceful protest. That protest had been in train since 12.30, and, unlike events nearby at the Bank of England, was marked for most of the day by friendliness and good humour, both on the part of the demonstrators and on the part of the police.

I was therefore disturbed to hear reports at about 9.30 pm from, among others, Martin Horwood MP, who was present in the vicinity, that large numbers of police officers in riot gear had appeared and had cut off the demonstrators from the outside world, not only preventing anyone else entering the scene, but also, unaccountably, preventing protestors and others leaving. He also reported that the situation seemed to be deteriorating.

His account confirms other reports that have come to me, including those of two employees of a major international human rights organisation, whose versions of events I append. In brief, they say that officers launched violent attacks on an entirely peaceful protest at around 7 pm. There are numerous reports of injuries being caused.

Having left a message for Commander Broadhurst to contact me, I telephoned Insp. Cairney, the geographical bronze commander. He explained to me that he was off duty and that his responsibilities now lay with Insp. Mick Johnson. Insp. Cairney gave me Insp. Johnson's telephone number and I rang him from my house in Cambridge at about 10.30 pm. Insp. Johnson said he was busy but he or someone else familiar with the situation would call me back. Subsequently, before 11 pm, you rang me.

You explained that you were applying section 14 of the Public Order Act 1986 to the situation at Bishopsgate. You referred also to obstruction of the highway. You confirmed that, although you made a passing reference to the possible presence at Bishopsgate of individuals who had been present at other, violent, protests during the course of the day, an allegation both the observers from the human rights charity specifically contradict, you were relying solely on the "serious disruption to the life of the community" part of section 14. You did not allege that public disorder or serious criminal damage was taking place. When asked what the serious disruption was, you referred exclusively to the need to get traffic moving in what you said was a four-lane arterial route.

I questioned you on whether you had carried out a risk assessment on the proposal to use physical force on peaceful demonstrators solely for the purpose of getting traffic moving at that time. You said that you were taking into account the resources that would be needed to police the situation any further into the night. I asked you again about the risks to life and limb of using force on peaceful demonstrators solely for the purpose of allowing traffic to flow. This time you made the point that demonstrators would be given the additional option of leaving of their own accord and that they therefore had a choice. I pointed out that you also had a choice about what you did, and there the conversation came to an end.

I have learned this morning that subsequent to our conversation, although most of the demonstrators did leave of their own accord, officers under your command used violence to clear the remaining demonstrators from the area. I understand that several demonstrators suffered injuries at that time.

A number of questions remain in my mind about what you told me.

First, a factual matter: Bishopsgate between Camomile Street and Threadneedle Street has only two lanes and did not strike me when I was there yesterday lunchtime, before the demonstration started, as a particularly busy or important route. The demonstrators had not occupied the junctions at either end of the stretch of street in question and so did not seem to me to be causing major disruption. What was the evidence base available to you last night that this particular demonstration, in isolation to whatever else was going on in other parts of London, was causing major disruption to traffic?

Secondly, even if major disruption might have been caused at rush hour on the following day, surely that was not the case at 11 pm on a week day in the City of London, which is not exactly a lively place in the evening at the best of times. You referred to the cost of policing the protest any further, but are you suggesting that the cost of policing alone counts as “serious disruption to the life of the community”? If so, how do you respond to the objection that a consequence of such a position would be that all protest would be at the mercy of police resource decisions? Would this not end in the ludicrous situation that the police would have an incentive to over-police protests?

Thirdly, I am still not sure what value you were putting on the risk to the protestors’ lives and physical well-being when balancing that risk against the disruption to traffic you were seeking to prevent. I have to say that, on the face of it, you seem to have given the risk of physical injury to the protestors very little weight, since the amount of traffic disruption was very small. How did you quantify the risks at the time?

I understand your frustration, which you expressed at the meeting we had on Tuesday, at the Climate Camp’s very democratic and participative style of decision-making, which can make it more difficult to negotiate with than a conventional protest group, but my impression, during the part of the day that I observed, was that the group, possibly precisely because of its democratic nature, displays a high degree of internal organisation and self-discipline. I am disappointed that this characteristic of the group was neither recognised nor built upon to bring the protest to a close in a way more in keeping with the remarkably positive way it had proceeded during the day.

UNEDITED EYE WITNESS ACCOUNTS OF EMPLOYEES OF MAJOR INTERNATIONAL HUMAN RIGHTS ORGANISATION

Account 1

First let me put this in context; I was not involved with any group demonstrating in the city for the G20 protests. I was a curious office worker from an international charity not affiliated with any of the protest. As an individual I am deeply concerned about climate change; one of the issues on the G20 agenda. I wanted to see exactly what the climate camp contingent were about and what kind of message they wanted world leaders to hear. Considering the vast majority of scientific opinion believes we are in severe danger from climate change and the lack of action thus far, I thought they might have pretty important reasons to be out on the streets.

I also wanted to see whether reports of heavy handed police tactics on earlier demos was accurate.

I’m sorry to say that from what I saw the police tactics were designed with nothing in mind other than to oppress a peaceful protest and make a violent situation inevitable.

This particular group of protesters were encamped in a tent city near bishopsgate. Having wandered amongst them in my lunchtime and after work my impression was universally peaceful. They were in no way associated with the more violent protests the police dealt with earlier in the day at the Bank of England

The climate camp occupied about a 100m stretch of street running a couple of streets parallel to Bishopsgate. The thousand or so protestors had erected a tent city, complete with bunting, cake, live music, stalls, and even a stand up lavatory for those caught short. Before about 7pm in the evening it was entirely peaceful—until the police moved in.

Two lines of police in riot gear penned each side of the street and without warning suddenly stopped anyone from entering or leaving. Just a couple of minutes after this “penning” began we attempted to exit the street only to be aggressively told by riot police that no-one could leave if they were involved in the protests. When questioned further one stated that “there were criminals in there” and “this lot have been causing trouble at Bank and we are going to go in and get them”.

Having failed to get out at the Liverpool Street end we tried the south end of the street. Here we saw protestors with faces covered in blood being dragged away whilst others staged a sit down protest to try and avoid being pushed into the crush by the riot police. We slipped around the side of the street but were initially denied exit. After pleading with one of the more reasonable riot policemen I got out with my friend at the other end—but only after I showed my id card to the police officer and explained we were just observing and in no way involved in the protests.

Unlike the thousand or so hapless people remaining there, I was lucky enough to have an ID badge from my charity (which happens to specialise in human rights) so the police changed their tune. Unfortunately the others got left to their fate, which in one case I saw firsthand meant an unprovoked truncheon attack from a female police officer. I can categorically say that I saw no anarchists in the camp (who are easily recognisable being dressed in black). The hardcore of the anarchists were still penned in outside the Bank of England, putting the police justification for deploying riot police at Climate Camp on shaky ground.

Predictably as I left anger started boiling over at police behaviour and at least two bottles were thrown from the initially peaceful demonstrators—thus the police had their excuse for suppressing the demonstration. But all I ask is that the truth is reported; it was their own tactics which caused a crushed crowd, panic and violence.

One of the cornerstones of democracy is the peaceful right to protest, as I said to one of the riot police who would not let me leave. We are not a police state. Whoever was responsible for the police operation here deserves to be condemned but then I suppose encouraging violence justifies their ever spiralling security budgets. I for one have lost any respect or goodwill I had for the police and their masters last night. These dangerous and irresponsible tactics deserve our contempt as much as the protestor who throws a brick through a bank's window.

Account 2

I walked down to Climate Camp with friends at about 6.30pm. It was packed with tents and people, most sitting round in small groups, playing music or chatting. There were families, some children and a lot of young people. The atmosphere was jovial and completely peaceful. The extent of the “anarchy” appeared to be people drawing small slogans and pictures about protecting the planet in chalk on some building walls. There were even litter stewards walking round collecting rubbish.

I walked down to the south end of the camp, where there were three police vans (plus a lot more further down the road, and by the Bank of England) and lines of riot police assembling. At first we couldn't understand why riot police were there (the trouble makers had allegedly already been rounded up and were being held around the Bank of England, and further down Bishopsgate towards London Bridge). Having literally just walked all the way through the camp, I certainly didn't notice any anarchists in their trademark scarves and hoodies.

Then, all of a sudden and without any warning, the two lines of riot police charged the south end of the Climate Camp. Fortunately we were standing just behind them, in an area that moments before was just members of the public and police milling about. The riot police stampeded into the front lines of the Climate Camp, trampling tents, bikes and banners. They used their riot shields and batons to beat those at the front of the camp who had been sitting down peacefully to mark the edge of the camp beforehand. The aggressive pushing, shoving and beating carried on for perhaps 15 minutes, until the police had pushed back the south edge of the camp by about 10-15 meters. Apparently they were doing the same at the other end of the enclosed stretch of street, compressing the peaceful protesters and quickly igniting fear and anger. I saw protestors leaving the crowd with bloodied faces, but the only person who was removed by medical staff was a policewoman in full riot gear.

The police action was frightening, aggressive and at times violent, a seemingly unnecessary use of force on a group of entirely peaceful protestors, who had already publicly and repeatedly stated the aim and the duration (24 hours) of Climate Camp, and were not trying to viciously vandalise buildings, aggravate the police, or endanger passers by. My friend who'd arrived at the camp just an hour earlier described talks and cake sales that were going on in the camp. He had walked from London Bridge to visit the Camp, and vividly described the difference between the minority “anarchist” rioters elsewhere, and the peaceful, friendly family atmosphere of the Climate Camp.

The police aggression towards Climate Camp did nothing but incite panic, and then rage, as protesters turned from peacefully going about their business to shouting, chanting and eventually throwing things.

Memorandum submitted by Cambridgeshire Constabulary

1. *How do Cambridgeshire Police separate peaceful protesters from groups such as the ALF and SHAC? Is the aim to prevent potentially violent protesters before they arrive at protest, or while they are there?*

A: We do not physically separate protesters. We monitor them when they arrive by the use of Forward Intelligence Teams (FIT). This information links into existing intelligence functions ie Special Branch (SB) and National Public Order Intelligence Unit (NPOIU) via an intelligence cell set up for the protest. We facilitate a safe and lawful protest until there is a breach of the law. This has always been one of the intentions in the “Gold” strategy.

2. *Do you have direct dealings with groups such as SHAC in “facilitating protest”? How much dialogue do you have with potentially violent groups?*

A: In the planning stages for our last two major protests we had frequent meetings with the national organisers representing SHAC, as well as open lines of communications via telephone and e-mail. At a local level we have an established line of communication with the local SHAC organiser in order to facilitate the weekly protest outside Huntingdon Life Sciences (HLS). Both protests take place under the terms of a Civil Injunction. I would suggest that any group given the right circumstances is potentially violent.

3. *How do you prevent violent protesters “infiltrating” protests? What tactics are used to remove known members of groups such as SHAC without disrupting the essentially peaceful nature of the protest?*

A: We do not prevent any persons from joining the protest. We monitor all protesters by way of our FIT deployment. We have a specialist Police Support Unit who are trained to go into crowds and extract specific persons. We have not had to use this unit in our protests. The tactics used mainly are dialogue and negotiation prior to the event. We aim to identify the main organiser and fully explain their role, responsibilities and liabilities in relation to the event. We stress that we are there in a supporting role to facilitate their event. They are responsible for the conduct of their event and are encouraged to set standards of behaviour for their attendees. We further communicate to them that they are “on trial” and that their conduct will influence the restrictions and policing style of the next protest they want to organise. This approach has to date been successful.

4. *In your experience, would it ever be possible to stop violent protest altogether, or should efforts instead be made to “contain” violent groups?*

A: “Contain” should be interpreted in the widest possible context ie when there are breaches of the law within a protest or other course of conduct to further a cause, all available means to collect evidence and intelligence in respect of that breach should be utilised. If at the conclusion of a judicial process persons are “contained”, as was the case with SHAC members recently, then that would be interpreted as proportionate and legitimate.

5. *At a typical protest, how many a) protesters and b) police are present? Of the police, how many are a) fully equipped riot police, b) trained and equipped with firearms/taser?*

A: Our protests are varied and there is no “typical” protest. The weekly protest outside HLS is routinely policed by two uniformed police officers from our specialist Domestic Extremism unit. Attendance at this by SHAC consists of an average of four persons. These officers are not armed and do not carry Taser. Impromptu protests at other location around our county linked to HLS are normally policed by at least two specialist officers from our Domestic Extremism unit. These may be assisted by divisional officers if it is deemed proportionate and appropriate. The larger scale protests which have taken place in our county and organised by SHAC have consisted of seven hundred protesters and four hundred and fifty respectively. Each of these was policed by two PSU units (with riot gear) and one equivalent unit in normal uniform patrol dress. These were supported by six pairs of FIT units led by a supervisor. The “normal” patrol uniformed officers policed and escorted the protesters, whilst the PSU’s were held in immediate readiness to deploy close by, but out of sight. The organisers supplemented this by using their own stewards at our insistence. This was brokered and agreed with the organisers at meetings prior to the event. Present at these meetings were the Silver commander for the event and a member of the planning team, appointed as the dedicated liaison officer both then and on the day of the protest. This also provided a direct link between the protest organiser and the Command suite on the day, via the liaison officer, which assisted in resolving any emerging issues quickly. No officer was armed in any of these operations. Taser is not routinely carried in this Force. Only firearms officers carry Taser.

6. In November NETCU gave evidence to the Joint Committee on Human Rights. In this evidence they said that,

“Cambridgeshire Constabulary developed good practice in dealing with several different policing protest situations...the good practice was promoted through force specialist support units.”

Can you tell us about these specialist support units? How large are they? What training do they receive?

A: The specialist support unit consists of a sergeant and four uniformed constables. Their remit is responsibility for all domestic extremism (DE) within Cambridgeshire. They also police the weekly protests outside HLS and act as FIT units at the larger protests. They act as a liaison between police, HLS and the suppliers to HLS which have historically become targets for SHAC as a result of their dealings with HLS. They gather intelligence from a number of open sources to inform policing strategies in relation to protests. They also assist other police forces who have similar protests involving DE, and share knowledge and intelligence with these forces. They investigate and collect evidence in relation to crimes which appear to be DE related. They provide intelligence submissions to SB and NPOIU as well as NETCU. These officers are all well known to the animal rights activists within the country and regularly appear in photographs on their web sites. In short, they know that we know who they are and to some extent what they are doing.

They receive formal training only in respect of photography, intelligence submissions and evidence recovery. Specialist legal knowledge in relation to public order offences used in policing protests are gained through personal study and experience.

7. *How often is Section 14 of the Public Order Act used to police demonstrations? Is this accepted practice in Cambridgeshire ?*

A: Section 14 is used regularly within Cambridgeshire to police demonstrations of all sizes. It is however only used if appropriate. It is accepted practise to use Section 14 if it is deemed necessary, appropriate and proportionate. The use of this section is always carefully considered by event commanders prior to the event. It has already been agreed that for the next large scale demonstration organised by SHAC, it will most probably not be proportionate to put a Section 14 order in place, as the previous two demonstrations have had such an order and it appeared unnecessary from the event debrief.

June 2009

Memorandum submitted by Defend Peaceful Protest

SUMMARY

“Defend Peaceful Protest” (DPP) are a campaigning group whose origins lie in the G20 protests and the subsequent concern that human rights and civil liberties issues arising from these protests need to be fully addressed. This submission outlines our evidence and concludes that there is a need for a fully independent, impartial enquiry with public disclosure of evidence and findings.

1. INTRODUCTION—WHO WE ARE

DPP is a grassroots group campaigning to protect the right to peaceful protest. The group was created following the G20 protests. Originating as a Facebook group which allowed people to share their views and experiences of the protests, we have grown into a campaigning organisation with over 2,100 supporters. We count amongst our members and supporters MPs, MEP’s journalists and NGOs.

DPP is not aligned to any political group and is concerned exclusively with non-violent methods of demonstration. We support the protection of the right to protest, without intimidation, for all peoples with all manner of beliefs.

2. RESPONSE TO THE REMIT OF THE INQUIRY—EVIDENCE

We are responding to the Committee’s inquiry in relation to five specific issues raised in the remit (Labelled A–E). This document outlines our views on these areas, and goes on to include witness statements that were submitted through our Facebook group and website in the days and weeks after the protests.

Our response is based on the direct experiences of those who were present at the G20 protests.

A: Priorities of police in relation to protests (protection of people, defence of property, balancing interests of the right to protest against the right to go about one’s lawful business without hindrance)

i) The first case we take issue with is the “Climate Camp in the City” demo, which occupied a small 70m stretch of road outside the Carbon Exchange near Bishopsgate. The protest was self policed and it was possible to travel through the designated area easily with no hindrance from protestors.⁷ The camp had stewards collecting litter, a toilet tent and was deliberately designed with a carnival atmosphere. This demo appeared to members of DPP and (according to numerous accounts) to Journalists and observers to offer little threat to the general public or property, although it did create some traffic disruption.

ii) The video link⁸ and two other videos in appendix [1] section [1] show the various stages of the demonstration. It shows the demonstration, which had been peaceful, being broken up by police. In terms of prioritising rights [as described in the HASC inquiry remit], DPP believe that as well as violating protestors’ rights the tactics deployed actually did more to act as a hindrance to protection of people and defence of property than a help. By “kettling” people in on both ends of the street at climate camp, some for over five hours,⁹ we feel that the police violated not only protestors’ human rights, but the rights of passers by, observers and press in the immediate area. The rights which were specifically violated are those enshrined in Articles 5 (liberty and security of person) and 11 (freedom of assembly and association) of the UDHR.

iii) No witnesses we have spoken to (including members of Defend Peaceful Protest) saw any attempt to give prior warning that the camp was to be cleared. This is despite claims to the contrary by Assistant Commissioner to the Met Chris Allison at the MPA meeting.

⁷ This is corroborated by witness statements in Appendix [2] by observers and video evidence

⁸ <http://www.youtube.com/watch?v=t244-zEENSs&feature=related>

⁹ As described in the Guardian: <http://www.guardian.co.uk/environment/blog/2009/apr/02/g20-climate-camp-protest-london-police-bishopsgate>

iv) With regards to protection of property, it must be noted that the riot police destroyed a number of tents and bikes in the operation, property of the protestors. This should be balanced with the superficial damage caused by chalk and crayon graffiti by protestors on the walls of the European Carbon Exchange and some minor damage to police vans within the “kettled” area, which the police will no doubt use as part of their justification for clearing the camp.

v) In addition to the tactical failure and disproportionate use of force, we note that the police began the “kettling” operation and use of riot police from around 7.20pm—out of normal working hours when the potential for disruption had diminished. At around 10pm and at 12am there were two concerted charges by police using batons and shields on demonstrators.¹⁰ The most excessive use of force occurred at around 12.30am under cover of darkness. There were very few members of the public present and therefore few people at risk of being hindered going about their lawful business.

vi) DPP and other observers are concerned that the decision to clear the camp at this point was based not on a comprehensive weighing up of the rights of all affected groups by commanders on the ground but on the lack of journalists present and the relative cover of darkness.¹¹

vii) The second case with which we take issue is the decision to pre-emptively confine and kettle the Bank of England Demonstration. Whilst there was clearly a small troublesome element at this demonstration, we believe the lack of space provided to protest within the barriers set up and the use of cordons and “kettling” as a preventative measure instigated higher levels of violence than might have otherwise been seen. One of the early videos of the day showed the protestors, who had been crushed into pens with steel barriers, push the police line back over these barriers. DPP have spoken to numerous witnesses, including Sunny Hundal, a Guardian Journalist and DPP member Anna Bragga¹² who all feel certain the method of containment encouraged the more violent elements of the crowd to react rather than suppressed them.¹³

B: Factors taken into consideration by senior officers when deciding how to police demonstrations (eg how many police should be deployed, whether or not to contain protestors, whether to deploy riot gear and riot tactics, use of mounted police)

i) The G20 was without a doubt one of the biggest policing operations in London for some years. According to the Metropolitan Police Press Office, the numbers of police deployed at the G20 over four days equated to 10,500 officer shifts, with 5,000 officers deployed in 24 hours between 1 April and 2 April. The overall security operation cost £7.2 million, with around £2 million specifically relating to overtime.

ii) The two biggest protests were “Financial Fools Day” and “Climate Camp”, held outside the Bank of England and on Bishopsgate respectively. The number of protestors estimated at Bank of England protests by police was 4,000. The number of protestors estimated at climate camp was around 2,000. From this group of around 6,000 protestors, the majority present at these two locations, the police identified around 200 as being dangerously disruptive or violent. Against these two demonstrations several tactics, including “kettling”, police dog deployment and FIT¹⁴ monitoring were utilized. Before these tactics had been deployed, the number of arrests at 1.30pm on 1 April totalled 11.¹⁵ By the end of the day this had reached 89. We believe compiled video and witness evidence shows a direct correlation between the use of police cordons and escalation of violence at the demonstrations.

C: Definition of “reasonable force” and “peaceful protest”

i) Is the Police use of force at G20 appropriate in the context of demonstrations using non-violent, passive, direct action? ACPO’s own guidance developed in 2006 states that there should be “*a reasonable relationship of proportionality between the means employed and the aim pursued*”.¹⁶ Training used in police manuals suggests that in passive resistant situations *only communication and “soft” methods of physical control should be used*.¹⁷

ii) Bindmans is preparing a dossier of evidence on behalf of the climate camp legal team, and other protestors against the Metropolitan Police, after being inundated with over 200 claims by people assaulted and wounded by officers. The injuries sustained by demonstrators include head injuries, fractures and severe bruising.

iii) Separately from these legal challenges, Defend Peaceful Protest has documented and published online dozens of cases of assault by Police Officers¹⁸ and has been encouraging people to submit complaints directly to the IPCC. We have documented cases of head injury, cuts and bruising from batons, broken limbs from batons or being pushed to the ground during “kettling” operations, threats of severe force (breaking fingers or arms) as part of restraint techniques and other violence and intimidation.

¹⁰ www.defendpeacefulprotest—Home Affairs select committee written evidence.

¹¹ A letter was sent by David Howarth MP, incorporating a written statement by Andrew May, founding member of Defend Peaceful Protest, raising concerns over the disproportionate use of force at climate camp.

¹² Anna Bragga, an NUJ card holder account of being refused exit from the Bank of England Kettle is in appendix [2]

¹³ Sunny Hundal : <http://www.guardian.co.uk/comments/free/2009/apr/01/g20-protest-violence-police>

¹⁴ Forward Intelligence Team—involvement in filming and collecting evidence on people present at the Demos.

¹⁵ Operation Glencoe—Metropolitan Police Bulletin http://cms.met.police.uk/news/updates/operation_glencoe_policing_and_security_for_the_g20_london_summit

¹⁶ Manual on guidance on police use of firearms—Ch 2: Use of force. Association of Chief Police Officers, April 2006

¹⁷ Policeman’s Blog: use of force

¹⁸ See Appendix section [2]

iv) In keeping with the human rights based approach recommended by the JCHR in its last report, Defend Peaceful Protest would also like to draw attention to the second and third Articles of the United Nations Code of Conduct for Law Enforcement Officials¹⁹ which state:

“2. In the performance of their duty, [police officers] shall respect and protect human dignity and maintain and uphold the human rights of all persons.

3. [Police officers] may use force only when strictly necessary and to the extent required for the performance of their duty.”

v) Repeatedly punching, batoning and using edges of riot shields on peaceful demonstrators in a non-violent situation is not, in our opinion, covered by any definition of “reasonable” use of force.²⁰ Nor does it meet the standards set by UN and ACPO’s own guidance. Defend Peaceful Protest believe the force employed at G20 should properly be denounced as inhuman and degrading treatment.

D: At what level of command decisions are taken in relation to evolving protests

i) Defend Peaceful Protest has evidence that the responsibility for command decisions reached the top level—Silver and Gold star commanders. In the “kettling” operation at climate camp, DPP have been informed that David Howarth MP spoke on the phone to the Silver and Gold Commanders of the entire G20 operation just before they violently cleared the climate camp. They clearly authorized and justified the decision to place cordons at 6.35pm and start clearing the protest at appx. 7.10pm.

ii) We would also like to draw the committee’s attention to two specific instances where there is evidence of senior commanders misusing or misinterpreting their powers.

Section 14 misused on Journalists

iii) This also relates to relations between the police and the media, but we feel in the light of the evidence submitted it also needs to be looked at under command decisions. A video showing police threatening press photographers with arrest under Section 14²¹ identifies an officer specifically stating that directions had come from Commander Broadhurst to clear the photographers from this area, in contravention of laws around freedom of the press and without any apparent imminent threat to police or press on the scene. The police later apologized for this inappropriate use of Section 14 of the Public Order Act.²²

Misinformation over Ian Tomlinson’s death

iv) At the MPA meeting DPP members attended on the 30 April Chris Allison (Temporary Assistant Commissioner of the Met) confirmed that on 1 April he was in the police control room viewing “Heli Telly” (helicopter TV footage) of the incident involving Mr Ian Tomlinson being attended to by police medics. Therefore Mr Allison would have had seen the incident in its entirety (if not live then almost immediately live by watching playbacks in the control room). Taking this statement into consideration why then did the Metropolitan Police issue a statement on 1 April at 23.36 stating that “The officers took the decision to move him as during this time a number of missiles—believed to be bottles—were being thrown at them”. This was subsequently followed up by a further statement making similar claims here and further claims that protestors blocked entry to an ambulance to treat Mr Tomlinson, which were subsequently disproved.²³ If Mr Allison had seen the incident he would have known that this was simply not true and that no bottles were thrown at the police whilst they were attending to Mr Tomlinson.

v) Specific decisions aside, DPP feel that in the light of evidence submitted here, senior commanders must be censured for the operation as a whole. The death of an innocent bystander and numerous examples of excessive force cannot be down to just a few individual officers. Those responsible for the decisions around this operation must be made accountable.

E: Use of specialist squads

i) DPP have listed eight instances of deployment of specialist squads during the policing operation. Particularly prominent were the Met’s Territorial Support Group, an elite anti-riot squad specifically developed to contain and control violent situations.

This included:

1. Deployment of ATPO (Anti-Terror and Public Order) dog squad against protestors at Cornhill Exchange, Wednesday 1 April.
2. Deployment of ATPO dog squad in reserve at Southern limit of climate camp.
3. Deployment of TSG in “kettling” operation outside Bank of England.
4. Deployment of TSG riot officers at south of climate camp from 7.10pm Wed.

¹⁹ United Nations HCR Articles: http://www.unhchr.ch/html/menu3/b/h_comp42.htm

²⁰ Numerous examples of such behaviour are available in Appendix [1] and [2]

²¹ Appendix [1] Section [3]

²² Press Journal—Police Apologise for S14: <http://www.bjp-online.com/public/showPage.html?page=851141>

²³ Appendix [1] Section [5]

5. Deployment of TSG equipped with tasers in raid on Earl Street convergence centre in early am Thursday 2 April.
6. Deployment of TSG equipped with tasers in raid on Ramparts squat in early morning.
7. Deployment of mounted police to clear streets during Ian Tomlinson vigil on 2 April 2009.
8. Deployment of FIT at various locations to monitor protests and to indiscriminately photograph and monitor protestors.

ii) We have evidence and comments to submit over deployments 1, 3, 4 and 5.

1. This deployment resulted in a protestor suffering a severe dog bite to the arm. Although the protestor was behaving in a provocative manner, he did not appear to offer any violence to the handler or dog and was turned away from the handler when the dog bit him. The man was subsequently arrested when attempting to get a photographer to photograph the handler in question.

3. As members are aware, a TSG officer has been implicated in the death of Ian Tomlinson. Our witness statements²⁴ testify to the high levels of force used by a mixture of TSG and other officers around the Bank of England. Whilst at some isolated incidents during the day it was clear officers were met with violence by a hard core of violent protestors, the wholesale deployment of the TSG against a group of 4,000 people appears disproportionate.

4. This deployment, of the TSG and the level of force they deployed, is likely to be covered by climate camp observers and David Howarth MP. We would like to add our view that this was where we believe the most unjustified and disproportionate acts of force were deployed, largely by TSG elements. One of our group's supporters, Chris Abbot, highlights the aggression with his account:

*"I was punched full in the face by one of the policemen. I was on the floor and absolutely no threat, but he still punched me. I was pulled up and shoved towards the crowd as a group of policemen descended on me, several of them smashing me in the head repeatedly with the sides of their shields. The whole time I had my hands in the air and did not fight back at all, but that didn't stop them."*²⁵

5. This incident is covered by the witness statement²⁶ and video appendix section [2]. DPP are extremely concerned that even after an attempt was made to negotiate with police officers peacefully, the police chose to raid the property with a drawn taser stun gun. The taser, like all use of force, has to pass the proportionality test. Was the use of force justified given the level of threat faced? Police should give a clear verbal warning when deploying the taser. They should explain the taser and its use, spark it up as a deterrent or use the red dot laser sight, unless the circumstances are such that the threat is so serious that this cannot be done.

Engagement rules around the use of tasers, state that a person threatened with the taser has to pose a serious threat to safety and be capable of serious violence and harm.²⁷ The only possible exception to this is where police have intelligence that there are person or persons present that pose a serious threat of violence. The person would have to be demonstrating that level of threat at the time of the taser incident. It is clear from our video appendix section 3²⁸ that not only are the protestors not offering any threat of violence but are actually attempting peaceful dialogue with the police. On entry to the room, the video shows the protestors sitting on the floor with their hands up and offering no violence, but they are still threatened with tasers. The accompanying witness statements²⁹ also mention inappropriate use of force in arresting an individual filming the entry to the building.

3. PROPOSALS

It is clear from the evidence that we have supplied, that the police's ability to justify proportionate use of force and appropriate deployment of tactics and special squads, needs severe censure. At G20, in a number of individual instances and on a larger systemic scale, they failed to balance the fundamental rights of demonstrators with the right to protection of the public and property. Whilst openly cooperating with the larger "Put People First March" on Sat 28th March, the commanders of the G20 operation took a confrontational and counter-productive approach to the smaller groups planning separate activity with more of a direct action element later in the week. We feel this was the largest contributory factor for:

- (1) Individual incidents of violence by police officers, including the death of Ian Tomlinson.
- (2) The escalating violence by a small group of protestors throughout the day.
- (3) The large number of complaints to the IPCC.
- (4) The sustained critical press coverage and damaging loss of public faith in the Met.

²⁴ Appendix [1] accounts from Anna Bragga, Trish Hadden, Sarah Scott Mason

²⁵ Now published on DPP member Guy Aitchinsons' blog on <http://www.opendemocracy.net/blog/ourkingdom-theme/ourkingdom/2009/04/09/trapped-and-beaten-by-police-in-climate-camp>

²⁶ Appendix [1]—Hannah Madden's witness statement.

²⁷ (c) 2007 Policing and the use of force: Less lethal weapons. Brian Rappert

²⁸ Appendix [2]—Section [2] Specialist Squads: Taser raids

²⁹ Appendix [1]—Dom Marsh and Hannah Madden accounts

On the basis of this evidence we propose the following:

(A) An independent inquiry

We seek a full independent inquiry and reform of policing at protests. We have confidence that a re-evaluation of techniques and tactics would increase credibility and restore trust and confidence in the integrity of the police force in upholding their mandate to “Protect the Public”. Any inquiry under the Inquiries Act 2005 will not satisfy the criteria for a genuinely effective and impartial investigation. The hearings and the methods of the investigation must be made public and there must be public disclosure of the evidence and findings.

(B) Dialogue

We would like to propose the running of a forum with the Metropolitan Police; a transparent dialogue in which all interested parties could respectfully exchange views and discuss this important agenda. We believe that an unambiguous and respectful dialogue will be tremendously beneficial to all parties involved.

Further to these overarching aims, we have a number of significant issues that we believe need to be resolved in relation to the policing of protests, including:

- a) An immediate ban on the “kettling” technique at peaceful protests.
- b) Greater accountability for senior management, changes in the way tactical decisions are made and a review of training and recruitment for riot police.
- c) New human-rights based guidelines for the policing of peaceful protests: we believe that the police should protect and facilitate peaceful protest, rather than seek to shut it down.
- d) An end to the intimidating and probably illegal practice of filming peaceful protesters and adding their profiles to a central intelligence database along with those of violent protesters and criminals.
- e) An end to the use of catch-all anti-terror powers, such as stop and search, to harass and intimidate protesters.
- f) A repeal of all laws which interfere unduly with democratic rights to protest and assembly, such as the restrictions on protest within 1km of Parliament (Serious Organised Crime and Police Act 2005)

3. CONCLUSION

In the JCHR Committee’s report of the policing of protests, which was published on 3 March 2009, the Committee recommended the following:

“The police and protestors need to focus on improving dialogue. The police should aim for ‘no surprises’ policing: no surprises for the police; no surprises for protestors; and no surprises for protest targets.

Regular, relevant and up to date human rights training should be integrated into other police training. Police forces should ensure that there is sufficient human rights knowledge and understanding available to police officers to help avoid human rights breaches. They should review how they foster effective dialogue with protestors. Protestors should also, where possible, engage with the police at an early stage in their planning, in order to facilitate peaceful protest.”

Our experience at the protests, and the hundreds of statements that we have received, have shown that the police were unable to demonstrate dialogue with protestors, and ignored basic human rights.

We believe that our proposal, based on direct experience at the protests—for a a fully independent, impartial investigation into the tactics and methods employed by the police at and around the date of the G20 protests together with an open dialogue between police and protestors, with the onus on police to better facilitate this—is the only way to protect the right to peaceful protest.

APPENDIX 1

Section 1: Police “kettling” operation at Climate Camp

(Location, European Carbon Exchange, Bishopsgate)

Section 2: Use of specialist squads

(Police Dogs at Bank of England and Taser Raids at locations in Whitechapel)

Section 3: Freedom of the press

(Location: Bank of England)

Section 4: Police concealment of ID

(Location: Various)

Section 5: Death of Ian Tomlinson

(Cornhill, near Bank of England Protest)

1. POLICE KETTLING OPERATION AT CLIMATE CAMP

From 1.37 minutes into this video you see the concerted attack on demonstrators by police as they attempt to clear part of the climate camp. Appx. 7.10pm on 1 April, Riot Police deployed against peaceful protestors.

<http://www.youtube.com/watch?v=t244-zEENSs&feature=related>

10.50pm Second climate camp charge

<http://www.youtube.com/watch?v=sBNxIOfW5F4&feature=related>

Attacks with repeated beating of riot shields on demonstrators —after 11pm

<http://www.youtube.com/watch?v=YR27Qehxw4w&feature=related>

2. USE OF SPECIALIST SQUADS

Police Dogs

As police try to move protesters in the City of London on 1 April, a police dog bites a man who is turning away from officers.

<http://www.youtube.com/watch?v=ovVLpwQjKVI&NR=1>

This happened on Threadneedle Street outside the Stock Exchange building and Pavarotti's cafe.

Four police officers with aggressive alsatian dogs were facing east, and this guy ran up to them. One of the dogs was brought forward by its handler and jumped up at him and bit his arm.

<http://www.youtube.com/watch?v=zGGf-Ev5a1E&feature=related>

Taser raids

Police raid the day after 1 April 2009 G20 demo. Taser held (visible if paused at 24s) in entry to building and to threaten group of protestors sitting down holding hands in air. Police have admitted using taser as threat weapon in this raid.

<http://www.youtube.com/watch?v=zP5I82I3n5E>

Corroborating video "On 2 April the sleeping spaces where protesters were staying were raided. Many of them had been 'kettled' in on Bishopsgate until after the tube stopped the previous night, so had no-where else to stay the night. Note the second officer who enters at 0:49 is ARMED"

<http://www.youtube.com/watch?v=OmqdE0IXcxk&feature=related>

Video showing build up to raid, over 100 riot police in attendance and about 20 FIT officers. No attempt made by police to respond to protestors attempts to negotiate.

<http://www.youtube.com/watch?v=PYNrf2GIRO4>

3. FREEDOM OF THE PRESS

Met Officer warn press photographers that they will be arrested under S14 if they stay in the area. The force later apologised for using this measure on some journalists and photographers.

<http://www.youtube.com/watch?v=r0-g01kwi1k&feature=related>

Al Jazeera reporter is caught in a police charge at Bank of England.

<http://www.youtube.com/watch?v=HpcVDu1GPfI&feature=related>

4. DELIBERATE CONCEALMENT OF ID BY POLICE OFFICERS

G20 Demo

Two videos in the Ian Tomlinson section [5] show officers not disclosing their ID numbers.

Here are two further examples of officers directly asked for ID and refusing to give it.

Bank of England vigil, 2 April

<http://www.youtube.com/watch?v=p1cieO-34Yc>

Bank of England Kettle, 1 April

<http://www.youtube.com/watch?v=x7ysKLt3duo&NR=1> (34s)

Tamil Demo—ID concealment still occurring

Police continue to conceal ID at Tamil Demo—Friday 17 April, 16 days after G20 demonstrations and after Sir Paul Stephenson gave direct order to stop concealment of ID by police at demos.

Guardian Report:

<http://www.guardian.co.uk/uk/davehillblog/2009/apr/17/boris-g20-police-assault-ian-tomlinson3>

Evening Standard: Photo evidence:

<http://www.thisislondon.co.uk/standard/article-23677372-details/Police+should+be+punished+for+covering+up+ID/article.do>

5. DEATH OF IAN TOMLINSON & ASSAULT ON PROTESTOR AT VIGIL NEXT DAY

Ian Tomlinson Death—Initial Police Interview

The original police statement claims “*the police came under sustained fire from missiles*”. “*paramedics came to help and they also came under fire*” The latter part of this video and subsequent videos in this section show actual events which totally contradict the original police version of events.

<http://www.youtube.com/watch?v=g4OfBcg9xy0&feature=related>

Obstruction of ambulance by Police

7.37pm, Corn Exchange. Police line obstructs ambulance—the original police press release about the incident claimed that demonstrators had been the ones blocking the ambulance reaching Ian Tomlinson. The police blocked the ambulance going to Ian Tomlinson for about three minutes.

<http://www.youtube.com/watch?v=6f0S6PPLI8Q&feature=related>

Original Guardian footage of Ian Tomlinson assault by police officer

The Guardian obtained this footage of Ian Tomlinson at a G20 protest in London shortly before he died. It shows Tomlinson, who was not part of the demonstration, being assaulted from behind and pushed to the ground by baton-wielding police

<http://www.youtube.com/watch?v=HECMVdl-9SQ&feature=related>

Women assaulted at Ian Tomlinson Vigil

Thursday 2 April—Nicola Fisher slapped and batoned by police officer at peaceful Ian Tomlinson video, location: Bank of England

<http://www.youtube.com/watch?v=V23PGWd46MM>

APPENDIX 2

SECTION 1: WITNESS STATEMENTS FROM DPP MEMBERS, PROTESTORS & GEN. PUBLIC

Chris Abbott, 30, Deputy Director of Oxford Research Group Thinktank, “After the first police charge on the climate camp at about 7.30pm it had calmed down, and we were all just sitting there. The next thing you know the riot police just steamed in, without any warning at all. I was still sitting on the ground and a policeman leant over the top of my girlfriend and punched me right in the face, on the nose. I could see him pulling back his fist and was thinking, ‘I can’t believe he’s about to do this.’ I was surrounded by a group of police, maybe four or five. They started punching me and hitting me on the temple and cheekbone with the edge of their shields. I had my hands in the air to show I wasn’t resisting and my head tucked into my chest for protection. I was worried about my girlfriend as I couldn’t see her but I was also starting to get a bit worried for myself, thinking this was getting out of hand. I realised I was stuck in a bit of a corner. You could see the police looking round, wondering who to go for, and there wasn’t really anyone left apart from me. The police were basically a gang. They were looking for people to beat up. I was thinking, ‘It could get very, very nasty now.’ Luckily ... a member of the public dragged me away, saying, ‘Leave him alone, he’s not doing anything.’ The police didn’t give us any orders. It wasn’t even that we could leave. We were trapped. The whole thing was ludicrous. It was a really well-planned protest, with legal observers and police liaisons. People came to have a peaceful protest and by that time they just wanted to go home, and would have happily done so.”

Andrew May, 26, Direct Marketing Coordinator (human rights organization)

Andrew went to Climate Camp after work to see what was going on. When he found himself inside a kettle, he was initially stunned that his freedom of movement had been curtailed and didn’t understand why he couldn’t just walk out as he had walked in. Andrew says he has always respected the police but found his faith in them totally shattered as he saw peaceful people around him hit and beaten. There was no warning of the police moving in to clear the camp. He also saw an unprovoked assault by a policewoman on a female photographer. He doesn’t think he watched a policy of preventing violence, but rather mistreatment of non-violent members of the public through unfair and disproportionate police tactics.

Anna Bragga, 43, Public Relations Consultant, Editor, Journalist, (Not for Profit sector)

On Wednesday 1 April 2009 I took the 214 bus from Highgate Village with my colleague, Sarah Cope, to support the G20 Summit protests, aiming to arrive at Liverpool Street station by 12 noon to join the “Green Horse against Climate Chaos” march to Bank.

Within seconds of arriving in the City we were stopped and questioned by three police officers—two men and one woman, who demanded to know our names, addresses, ID, and what our plans were. It is the first time I have ever been stopped and questioned by police officers in the street and I believe this happened because I was carrying two long bamboo sticks which were to be used to hold up our banner depicting the simple and wholly inoffensive message: “Haringey Green Party” along with an image of the Green Party’s familiar logo.

As I have never before been stopped by police, I did not know whether I had any rights to refuse to give out personal details. I am now concerned that my name will be added to a police database of so-called trouble-makers or criminals. I have never broken the law and formally demand that my name is removed immediately if this is indeed the case.

From the time we arrived at Liverpool Street station to witness the crowds gathering, Sarah and I agreed that we would remain at the periphery of events at all times. This is because it was important to me to be able to get away from the crowds quickly if I felt panicky. In the past few years I have developed agoraphobia and panic attacks in certain situations, and although professional therapies have achieved a great deal to alleviate these conditions, I didn’t want to put myself in a situation which could lead to a return of these terrifying and uncontrollable symptoms.

So we waited until the march had departed on its way towards Princes Street and, holding up our banner, began to follow the tail end. Sarah was completely fine about my cautious approach to the march and allowed me to pause and stand back from the march as often as I wanted. Problems began to occur when police officers began to force us forwards into the crowds. They wouldn’t allow us to remain stationary or turn back. By the time we reached the back of the march in Princes Street I was getting very concerned about the size and tightness and the crowds and suggested to Sarah that we extricate ourselves from the area straightaway—find somewhere quieter to sit down, perhaps find a café to sit down and relax in. Sarah agreed without hesitation. When we turned around to retrace our steps we were faced with a row of officers who ordered us to “move on”, aggressively pushing Sarah in the process. Now we were completely trapped in a situation that was not of our choosing (in a section of Princes Street), condemned to a terrifying two hour ordeal of the following:

- Trapped in tight crowds of peaceful protesters angry and frustrated at being detained against their will.
- Risk of harm by aggressive police.
- Risk of harm by a very small minority of protesters.
- No toilet facilities (agonising when panic increases the need to go to the toilet).
- No food or water facilities.
- Lack of information from officers on how long the containment process could be expected to last.
- The emergence of riot police and the fear of tear gas or water cannon being used.
- Terrifying symptoms of panic attacks (consult doctor for full details).

Soon after we discovered that the police had trapped (or contained) us, I decided to try using my NUJ press pass to exit the crowds. Unfortunately, I was denied access—along with other press, it appeared.

My panic symptoms worsened as time went on, tension and anxiety mounting among those trapped inside Princes Street. When bottles began to fly over the heads of people near to us, Sarah whispered to me that we needed to move. By now, I was crouched down on the ground at the edge of a building, desperately trying to subdue fight or flight symptoms, physical paralysis and numbness and feelings of dissociation. I managed to get up eventually, and holding Sarah’s hand struggled through the crowds until we reached another line of police formed at the other end of Princes Street—the Bank of England end. This time, my NUJ press pass allowed us access through the police line until we were confronted by a second police line further up. Two women with a young child were remonstrating with police officers—desperate to be allowed out. Eventually, the woman carrying the child was given access through the police line and we were allowed to follow when I displayed my NUJ pass.

Hannah Madden, Teacher and protestor at climate camp

(Sent to DPP Wed, Apr 15, 2009 at 10:35 PM)

My name is Hannah Madden. I am an English Teacher. I would like to present the following as statements to be used in the collection of evidence to highlight the excessive use of force by individual police officers and the Met’s tactics as a whole over the demonstrations over the London G20 summit.

On 1 April 2009 at around 1.00/.30am, I was within the contained climate camp when the police moved to clear the area. I was shocked and disgraced at the forceful approach the police acted upon as they took over the street. There was no prior warning that this was what they had decided to do.

I saw protestors sat down at police lines being hit with batons as the police moved in. This caused the crowds to surge down the street. Consequently what ensued was chaos and panic as people tried to grab belongings. People were being pushed over and trampled upon by both police and fellow protestors due to the speed and force at which the police moved with their shields. These shields were not being used to protect the officer holding them, but more as a weapon to forcefully shove people forward. The police would not allow people to attempt to grab their bags, kitchen equipment and tents, my attempt to do so meant that I was knocked to the floor by the crowd and having to scabble around as quickly as I could to get back up before being trampled. The police were angry and aggressive and I was frightened that if I did not move fast enough I would be on the receiving end of the baton.

It was only as the crowds surged forward with the push of the police did I hear a police megaphone announcing that the protest was being shut down.

A friend of mine was carrying three heavy bags that he had managed to grab (one of them mine as I could not get to it in time and one was of a friend who was outside the camp who had not been allowed back in to collect his bag despite it containing his medication) and was struggling with all three. He made a comment to an officer who was pushing him. I was disgusted to see this officer react personally to this comment and hit my friend with the shield that the officer was carrying. This assault caused my friend to fall to the floor where myself and another friend had to help and pick him up.

All of the above need not have happened had the police allowed people to leave the camp. I was wanting to leave at around 9pm to stay at a friend's house in London as the scenes were beginning to get ugly and I was concerned about my safety. Protestors however were told that no-one was allowed in and no-one was allowed out. Consequently I was forced to stay which in turn meant that I was forced to be in the frightening position.

The police followed us out of the camp. As all the tubes were shut and I am new to London and so know nothing of the bus routes to get to my friend's house, I gratefully went back to Earl Street where we were met with warmth.

The following day, myself and a group of friends were about to leave Earl Street to attend the vigil for Ian Tomlinson. We were keen to leave then due to the mounting police presence in the streets outside but a meeting had been called to agree on whether we should all leave the squat together or whether some would stay to maintain the space.

There was loud banging at the door as the police attempted to break the door down. There was an element of panic as people were unsure of what the group as a collective should do. We all ran upstairs to the 3rd floor and sat down in a circle with our hands in the air and told one another to be calm. Alex was stood up filming.

There was banging and shouting coming from several directions. The police burst in. We were all still sat on the floor with our arms in the air. An officer stood at the front of the room pointing what I thought was a gun at the group. Numerous police were shouting at everyone to "lie face down on the floor", "arms behind our backs" and "no-one move". Terrified I obeyed as I was unsure what the officer was holding. Alex was kneeling down still filming. I saw him being beaten on several occasions and heard his cries of pain. I tried to get a glimpse of what the officer was holding without it being obvious that I had my head up as I was on the outer ring of the group and after seeing Alex being hit for reasons that I did not know, was terrified of the consequences of not obeying. It was then that I realised that it was not shaped like a conventional gun so it must have been a taser.

The police seemed very pysched as the whole scene was very aggressive and completely out of proportion to how we inside Earl were behaving at that time of entering and indeed all morning. As far as I was aware there was no reason for the police to suspect that we would be responding in a manner that reasoned such aggression. I had taken shelter here as there was no way of reaching my friend's house. It was very frightening as I was unsure of exactly what the police would do in those first few minutes, particularly after seeing numerous examples of angry personal police reactions the previous day. Plus, I could still hear Alex moaning in pain.

There was lots of banging in the room next door (I saw after that the police removed the floor of the kitchen). They also smashed a window in the room we were in in an attempt to open a locked door (which had not been used by those contained in the building). And other doors in the surrounding area.

After time, the panic ceased, mainly due to fellow protestors asking for the police to calm down and behave accordingly. These voices helped to reassure me that we were in this horrid scene together and would be protected by being in a group (unlike Alex who had been isolated). The police took some people aside (one of them Alex) to question I presume in a neighbouring room. They then started to get people off of the floor, search bodies and bags and then arrest them for violent disorder. In the meantime I could still hear Alex crying out in pain and I was confused as to why the police had separated him from the group and wondered if he was still being beaten.

The police seemed to be confused as to what approach to do now they had secured the building, this was evident in their muttering amongst themselves after I heard them telling people different things. Some people were being “arrested for violent disorder”, others got arrested for “suspicion of violent disorder” and others were “being detained for suspicion of violent disorder”.

After a period of about 15/20 minutes, the scene was calm. People were being arrested and searched and the police officer assigned to me was informative and friendly. This however does not detract from the inappropriate initial violence and aggression that the police used to enter the building.

I was forced to hand over my details whilst being filmed despite having done nothing wrong and with no evidence to suggest otherwise. This made me feel like a criminal and was very belittling as we were led out in hand cuffs to reporters with cameras.

Below is a link to a video that I took. I am afraid that it is not of good/clear quality due to my fear of violent consequences had I got caught filming (Alex as an example) and my camera being confiscated. Together with Alex’s film showing attempts at peaceful negotiating, I hope this can be used as evidence that the Met’s approach was inappropriate and disproportional.

<http://www.youtube.com/watch?v=zP5I82I3n5E>

Apologies for this being more of a narrative rather than a statement. Please let me know if you wish for me to simplify specific aspects.

Kind regards

Hannah

Dom March, climate camp protestor 8/4/09

(Sent to DPP Wed, Apr 15, 2009 at 10:35 PM)

On Thursday 2 April 2009, I along with four of my friends were in the basement room of the Earl St convergence centre, preparing to leave the building at around 12.30pm. There were about twenty people in the basement room at the time.

Suddenly, someone starting shouting that there were riot police at the building, and we could see through the basement window the feet of many police running past the building. We then heard them trying to force their way into the building. They made no attempt to gain entry any other way other than breaking the door down.

After a brief period of alarm and panic (exacerbated by the increasingly loud noise of the police trying to smash the door in), all of us apart from the kitchen crew (approx. five people) ran up to the second floor. There were a few people there who had just woken up. We decided that the best thing to do was to make it clear that we were peaceful, so we sat in a circle in the middle of the room holding our hands in air.

After about five minutes, during which the group of twenty or so sat in fear, the police forced their way through the fire escape on the floor where we were. The first thing I saw was a young man come running into the room where we were sat, pursued by a riotpoliceman who hit him to the floor and struck him several times with his baton. The young man cried out in pain. Someone of our group shouted “has anyone got a camera, film this”, at which point I realised another young man was sitting next to me holding a camera filming the police. Then a load more riotpolice came into the room—at this stage I

remember three things: they all started shouting for us to lie face down on the floor; they made a beeline for the lad filming, hit him with their batons several times, forced him onto the ground and handcuffed him; and one of them, a man, stood pointing a taser at us. It was absolutely terrifying—I lay down as they asked, but bent my neck round to see what was happening to the man who had been filming. I had heard his cries of pain and was scared for him. I saw that although he was cuffed behind his back, his camera was in his hands, so I stealthily reached over and pulled it out of his hands and tucked it into the pocket of my coat, for I was worried that the police would seize it and delete the footage that captured them acting with such fierce unprovoked aggression and violence.

The police told the man that they were arresting him, and they dragged him into a side room off from the main one where everyone else was. Then they grabbed me (I was next as I was closest to the point they’d come in) and told me I was under arrest for violent disorder—then they quickly corrected themselves and said it was for suspicion of violent disorder. They asked me if I understood why I was being arrested. I said no and asked them to tell me the grounds for suspicion. They told me I’d “find out later”. The riotpoliceman who arrested me had the number 429 on his shoulders. They took me to a corner of the room, handcuffed me, and searched my pockets and backpack. They then arrested and searched about ten more people, one by one taking them to the side of room.

Then I was led out of the room and down the stairs by 429. I was shocked by the massive number of riot police—there were scores of them trotting up the stairs as we descended, and scores more outside.

When we got outside I was asked by another policeman to give my name and address as they filmed me.

429 told me to sit on the pavement, which I did; we were soon joined by most of the other people who'd been in the building. After a long wait, probably about 1 1/2 hours, I was told I was free to go. I met with my friends, who had also been released.

Trish Hadden, company director with two children

I am writing to you regarding the G20 protests on the 1 April 2009. It is reported in the Guardian today that Mr O'Brien stated:

"the cordons were put in place because a group of about 200 people were violent. 'There was no real deliberate attempt to say you are all going to stay here for hours,' he said.

He said people had been allowed to leave throughout the day, and that by about 7.30pm those left were people who wanted to be there, and they were asked for their names as they left as part of the inquiry. 'What I saw there at that time was a couple of hundred people who did not want to go. They had ... been the agitators throughout the day,' he said."

This is a downright lie.

I am a Company Director with two young children. I abhor violence and was anxious that it may turn that way, but I felt I had to do something to show my displeasure of the Government and the Banks so I decided to attend the event. It was great at first. People were protesting in a carnival atmosphere. They had a point to make and that was all. I looked around and could see a handful of people with their faces covered which made me dubious of them but as their numbers were so small, I wasn't too worried. I also felt quite confident as I used to work in the area and knew I could get out quite easily if trouble did break out. What I didn't count on was the Police. By 12.30pm, the protest, in most people's opinion, had finished and many of us were ready to go home or off to our normal business. Making our way to the exit roads around the Bank of England, I was horrified to find we were all penned in. I went to every possible exit and asked nicely if I could go. The response was the same everywhere, "no". I knew I needed to be back in Hertfordshire for 3.15pm to pick up my young children from school. I asked what time would we be allowed to leave and was informed, the Police didn't know. Loads of people were in the same position as me and needed, for various reasons, to leave. The only people allowed through were the press. One woman was becoming very distressed. She had a medical condition and needed to go. The answer was the same. This lady was about 55, well dressed and nicely spoken. She was verging on tears. She eventually said that if they didn't let her through she would have to force the issue. She had medical documentation on her and they wouldn't even look at it. Many of us began pleading on her behalf and eventually, because of our insistent urging, they escorted her out.

By this time, I was beginning to get anxious. We were asking if they could let a few out at a time to disperse the crowd, the answer was still "no". It was now 1.15pm. I knew I had to be on my way home by 1.45pm at the latest. Holding the crowds like cattle was beginning to cause frustrations and on top of that, my children still needed to be picked up. I asked if Hertfordshire Police would go to the school and pick them up on my behalf and was informed they doubted it. We asked who authorised us to be held and were informed it was a decision by senior Police officers who weren't available to talk to us. Two young girls of about 16/17 were really distressed. They worked around the corner. Their boss had told them NOT to go near the area in their lunch break and that if they did they would be sacked. Being young and inquisitive, they naturally didn't heed this advice and were trapped in the cordon. I was one of the fortunate ones. After many, many discussions with the Police officers, at 1.40pm, one pointed a finger at me and shouted "You, here, now" and did the same to two other guys. I stepped through the Police line wondering what was coming now. I can't say I was worried as I had done nothing wrong but I was waiting to see what they were going to do. He pulled the three of us down the road a bit and said to me "go, quickly" and then added "I've got young children too". I thanked him and made my way down the street. As I walked away, I could feel the tensions mounting behind me and was thankful I had been allowed out. I heard that shortly after, a handful of people attacked the RBS.

I personally have absolutely no complaints about the Police involved in the cordon. They were very nice, albeit unyielding. At the end of the day, they were just obeying orders. I have heard subsequent reports that many, many people were held for a total of seven hours. These people had no food, no water and no facilities. On leaving, they were taken out one by one and their photo was taken. They were asked for the names and addresses. Despite this not being legally enforceable, if someone refused, they were put back in the holding "pen".

What I want to know is who gave those orders and why? Why were the press allowed to leave and not peaceful protestors? The number of people wanting to cause trouble was minimal, what did the Police think they were doing holding peaceful people? Surely if they had let the majority go, even if it was a few at a time, any problems they would have had to deal with would have been minimal and easily contained given the numbers of Police around. Instead they still had a minimal number of troublemakers causing problems which they then had to deal with, as well as holding a large number of people who wanted nothing to do with it. Why hold the majority for a total of seven hours with no facilities, food or water? Why did they effectively force people to give their names and addresses and why take their photo's when they had done absolutely nothing wrong or illegal?

As I said to the Police, had they given me a choice prior to penning me in, I wouldn't have gone into the area. But they didn't. The only conclusion I can come to is that the authorities wanted to hold everyone as they knew frustrations would boil over. Added to that the handful of people intent on causing problems, the recipe was all there for trouble. If trouble occurred, would it stop peaceful people protesting in the future? I honestly cannot see any other reason for their tactics. It was a disgrace and yet we have no recourse to stop these tactics in future. I am really disillusioned with the authorities (as opposed to the Police offices on the front line). It was badly handled. This was deliberately done and that really worries me. If this is allowed to continue, I can see someone dying as a direct result of these tactics. This isn't public control. This is a Police state.

Holly Scott-Mason, former law student

I am a former Clare law student and I voted for you in the last election. I would like to draw your attention to the excessive violence used by police yesterday at the protests around Bank. I went to look at the protests because I was early to meet my boyfriend who works at Herbert Smith. On Lombard Street there were less than 20 protestors and more than 60 police.

There is no way these people could have caused a significant disturbance and they were not obstructing the flow of traffic. I witnessed several people shoved against cars when they tried to walk down a side street. I assumed that they must have been "causing trouble" earlier. When the police called halt, I sat down at the bus stop. Within seconds I was picked up by an enormous police officer and thrown to the floor. He also broke my sunglasses. A man who I knew tried to pick up the sections of my sunglasses, but he was pushed against a wall and the police officer stamped on his feet. I screamed because I am not used to being manhandled. I asked the officer for his name and number, he gave me false information. I think the police enjoyed being able to exercise complete control and were relying on the fact that people would assume that they were justified. Although I am aware that they have the authority to physically move people, that authority must be used proportionately and reasonably. I think this is a major issue that needs to be raised in Parliament.

SECTION 2: WITNESS STATEMENTS FROM G20 PROTESTS AT LARGE

All of the people listed below have shared their stories in the public domain in some form. Many have shared them on Defend Peaceful Protests Facebook group after being encouraged to do so by DPP organizers.

Sources for Witness Statements—

PUBLIC DOMAIN

Medical student in the crowd told *The World Tonight* on Radio 4, 8 April 2009, "I saw no bottles thrown. The police's version of events keeps changing. I know what I saw and it hasn't changed. The truth needs to come out".

Hannah Kowszun, on *Newsnight* 8 April, said she was hemmed in with protestors for two hours and was hit and extremely scared by police.

Sara McAlpine passed a demonstration to mark Mr Tomlinson's death and is quoted in a *Times* article; "This is what I witnessed myself in 15 minutes standing near the Bank of England," she said. "The police split the protest into two groups on two cornering streets, not letting anyone leave. Suddenly, a policeman threw a punch at the face of a male, who raised his right arm to try and block the punch (no retaliation, merely a block). Immediately, three officers threw him up against the scaffolding, knocked him to the ground and beat him with their batons. They then carried him horizontally away. A photographer on the spectator side of the cordon tried to capture it. An officer ran over and grabbed him, trying to force him into the cordon. He escaped but the officer came after him and squared up to him (who was right next to me at this point) shouting, 'Do you want a piece of this, huh, do you want to come and get some?' He was then called back by another officer. A few minutes later, a girl no more than 10 metres away from me, who was on the front line of the cordon, was suddenly shoved up against a wall and kicked repeatedly by a policeman. He left her as she stayed cowering. At that point, five police surrounded us (as quite a crowd had amassed in horror by now) and told us that we would be arrested if we didn't move along. One guy said he had a right to stand there and watch and the policeman threatened him in no uncertain terms that he would either be arrested or thrown in the cordon if he didn't move. He did. I left."

SOURCE—<http://www.timesonline.co.uk/tol/news/uk/article6060244.ece>

Steven McManus, who says he is a barrister and a former special constable, was in Threadneedle Street on Wednesday. "At around 6pm I was outside the Royal Exchange chatting with some officers. I was between the officers and the protestors. The atmosphere was calm and non-confrontational. I shared a few jokes with one officer and was just generally chatting. A short while later the line began to move forward. The officers began to shout that we should all move back. I turned towards the crowd and began to move off in that direction. As I was walking away I was struck from behind by a baton and pushed forward towards the steps of Bank Underground. I was more than a little shocked at having been hit. The officer who had struck me

was one I had been chatting to moments earlier, who knew about my City Police connection, and to whom I had my back turned. I remonstrated with the officer as to why he had hit me—his reply being: ‘F*** off, move back’. He said he could not help but be reminded of the manner of the attack on Tomlinson.”

SOURCE—<http://www.timesonline.co.uk/tol/news/uk/article6060244.ece>

Richard Howlett was at Climate Camp; “They moved in and blocked us in from both ends. Utterly unprovoked, the police then pushed forward in full riot gear using their truncheons and shields to beat people indiscriminately. Friends of mine were beaten and there were several injuries. Climate Camp responded in a totally peaceful manner. We sat down and chanted, ‘This is a peaceful protest, this is not a riot’. It was incredibly saddening to see the police resort to totally disproportionate tactics in dealing with totally peaceful protesters.”

SOURCE—<http://www.timesonline.co.uk/tol/news/uk/article6060244.ece>

James Lloyd, a legal adviser in the camp, said riot police forcefully cleared the area using batons around midnight. “There was no announcement, the riot police just started moving forward very quickly from the south. They were pushing everyone back, pushing forward quickly. They caused panic, people were screaming and shouting ... There was a person in a wheelchair struggling to move, being pushed forcibly by them. It was totally disproportionate.”

SOURCE—<http://www.guardian.co.uk/world/2009/apr/03/g20-protests-police-tactics>

Ashley Parsons, an eye witness, said: “The violence perpetrated against so many around me over that hour was sickening and terrifying. Without warning, from around midnight, the police repeatedly and violently surged forwards in full riot gear, occasionally rampaging through the protest line and deliberately destroying protesters’ property, some officers openly screaming in pumped-up rage.”

SOURCE—<http://www.guardian.co.uk/world/2009/apr/03/g20-protests-police-tactics>

Just one extract from one of many accounts on WordPress site –

“Still, the thing that sticks in my mind the most, and most sickeningly, was not actually their violence towards the protesters. Rather, it was the totally wanton, riotous destruction of property by those supposedly there to ‘keep order’ ... Specifically, at one point when the cops broke our line, I saw them surge towards the stereo-bike. Four or five of them leapt onto it, arms flailing, tearing into it like crazed animals. Tearing it limb from limb. It was the sheer hysteria of it that bothers, me, I suppose, and the wantonness; but also the hypocrisy”.

SOURCE—<http://g20police.wordpress.com/page/2/>

Fran Hales from London was detained at Climate Camp for 4.5 hours

SOURCE—Facebook Group “Defend Peaceful Protest”

Edward Gammon says he saw police smack a seated young female protestor full in the face. He was then kicked and hit in the face twice despite not being in any way aggressive.

SOURCE—Facebook Group “Defend Peaceful Protest”

Ceri Owen from York University has set up the WordPress site to collate accounts from other witnesses. <http://g20police.wordpress.com/>

SOURCE—Facebook Group “Defend Peaceful Protest”

James Counsell a Defend Peaceful Protest volunteer from Cambridge University was caught in the violence himself

SOURCE—Facebook Group “Defend Peaceful Protest”

Luke Doneghan from Nottingham saw police pushing the crowd without warning, indiscriminate beating, a girl hit over the head and protestors trampled.

SOURCE—Facebook Group “Defend Peaceful Protest”

Elaine Sivyer was at the Climate Camp and described it as peaceful but was shocked by the policing.

SOURCE—Facebook Group “Defend Peaceful Protest”

Marlene Foliot from Bristol enjoyed the Climate Camp but is still shocked and angered by what happened with the police.

SOURCE—Facebook Group “Defend Peaceful Protest”

Paul Saville had his wrist broken by a police baton and riot shield. He says the police were beating people without provocation and were behaving like animals.

SOURCE—Facebook Group “Defend Peaceful Protest”