Same Destination, Different Journey:

A Comparative Study of Public Order Policing in Britain and Spain.

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<u>Abstract</u>

Public order policing is about power and control. The preservation and maintenance of order is a defining characteristic of the sovereign power. It is a highly political activity which is also emotive, controversial and reflects national culture and identity. Public order policing asks serious questions of the police and represents the most contentious policing activity in modern democratic states.

The purpose of this study is to increase and improve current knowledge of public order policing by comparing the policing of disorder in Britain and Spain. It reviews two high profile incidents, the 2011 London Riots and the 2014 "22M" Protests in Madrid, using a fusion of Waddington's "Flashpoints Model" and Herbert's "Normative Orders" to comparatively analyse the incidents. The study is supported by a comprehensive literature review and interviews with experienced police public order commanders.

This thesis concludes that British public order policing is in need of considerable reform to improve operational effectiveness, efficiency and professionalism. It identifies several key themes which contributed to the inability of the Metropolitan Police to respond effectively to the serious disorder and criminality which proliferated across 22 of London's 32 boroughs in August 2011. These include the need to review British public order tactics, invest in the training of specialist public order units and improve the understanding of crowd psychology. Practical recommendations are suggested which would refine, enhance and improve the ability of the British public order policing model to respond to the challenges of serious disorder in the twenty first century.

<u>Acknowledgements</u>

List of Figures and Tables

Glossary of Terms

ACPO	Association of Chief Police Officers
BTP	British Transport Police
CCC	Central Communications Command
CNP	Cuerpo Nacional de Policía
ECHR	European Convention on Human Rights
EctHR	European Court of Human Rights
EGF	European Gendarmerie Force
ESIM	Elaborated Social Identity Model
EU	European Union
HMIC	Her Majesty's Inspectorate of Constabulary for England and Wales
HRA	Human Rights Act 1988
IPCC	Independent Police Complaints Commission
MPS	Metropolitan Police Service
MPSTC	Metropolitan Police Specialist Training Centre
NPoCC	National Police Coordination Centre
NSY	New Scotland Yard
PCC	Police and Crime Commissioner
PSU	Police Support Unit
TSG	Territorial Support Group
UIP	Unidades de Intervención Policial
UPR	Unidad de Prevención y Reacción

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Chapter One: Introduction

"…there was the fear of revolution, that grande peur which after the French Revolution had haunted the European bourgeoisie throughout the nineteenth century. The notion that revolutions were like forces of nature, elemental mechanisms operating without reference to the will of the actors in them, following their own logic and leading perforce to reigns of terror, destruction, killing and chaos – that notion was seared into the public mind"

(Fest, 1974, p.135)

Overview and Structure

The study of public order policing is important because public order matters. Within the legal boundaries of modern western parliamentary democracies public order policing is the ultimate physical expression of the civil power. Throughout history societal systems, be they democratic or autocratic, have placed a high value upon preventing disorder. Investment in mechanisms to maintain order and suppress anarchy are necessary as "public order is a matter of life and death" (General Charles de Gaulle in Beevor, 2014, p.515). Public order policing is a relevant, controversial and topical subject of interest to commentators, practitioners, policy makers and academics.

The unruly "Mob" represents a political force to be feared, revered, appeased, confronted or manipulated (Bucholz & Ward, 2012; Le Bon, 1895; Mathers, 1959; McClelland, 1989; Porter, 1982). The determination, violence and focus of a mob can influence the destiny of a nation state by radically altering government policy, instigating

revolution, inciting regime change, or toppling monarchical dynasties (Bloom, 2012; Briggs, 2012). The serious disorder that swept across Britain in August 2011 following the shooting of Mark Duggan served to define a generation and compel the British police to assess and review operational effectiveness and efficiency (HMIC, 2011a; Lammy, 2011; MPS, 2012; Reicher & Stott, 2011; Trabant, 2012). The huge numbers mobilised by the Indignados movement from 2011 onwards in Spain and the novel tactics deployed by supporters, ranging from peaceful rallies to riot, altered the relationship between the state and the citizen (Calvo, 2013; Navarréte-Moreno et al, 2012). Consequently the attainment of civil peace, obedience and orderly behaviour are attributes of sufficient value and desirability to attract the use of the full force of the state. The presence of public tranquillity and the absence of disorder are seen as the hallmarks of a successful society regardless of the political background of the governing power.

The establishment of professional civil policing, a social and political development initiated in London in 1829 was viewed as a way of narrowing the gap between the state and the citizen (Blair, 2009; Emsley, 2009; Morton, 1994). The ability to effectively maintain internal security is closely aligned to the concept of the nation state which is "a set of institutional forms of governance maintaining an administrative monopoly over a territory with demarcated boundaries, its rule being sanctioned by law and direct control of the means of internal and external violence" (Giddens, 1987, p.190). The powers devolved to the police to manage behaviour in public, particularly the ability to use

physical force against citizens, created enduring concerns over state legitimacy, civil liberties, human rights and civic freedoms. Such concerns particularly resonate when considered against political protest (Emsley, 2009; Porter, 1982; Waddington, 2006).

This thesis critically compares public order policing in Britain and Spain. It provides a comprehensive overview of the individual historical narratives and organisational developments. It compares the respective national strategic, tactical and operational approaches to order maintenance. A critical analysis of influential case studies from both countries is undertaken adopting the "Flashpoints Model" (Waddington, 2007) and "Normative Orders" (Herbert, 1997; Herbert, 1998) supported by rich sources of information including interviews with police officers, official documents and media reports. The intention of this study is to broaden the existing literature within this area of policing by examining, contrasting and comparing the delivery of public order policing in Britain and Spain.[1]

Although the term "public order" in Britain encompasses an expansive range of activities (which includes sporting, cultural, recreational and ceremonial events) this study concentrates on public order incidents which resulted in violent confrontations with the police. The Spanish refer to their public order policing units as "anti-disturbios" (anti-disturbance) which is a descriptively useful starting reference for the role undertaken by

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[1] England and Wales have a distinct policing arrangement from both Scotland and Northern Ireland. For the purposes of this study "British" policing refers to the arrangements in England and Wales. Likewise "Spanish" policing incorporates two national forces (the Cuerpo Nacional de Policía (CNP) and the Guardia Civil), numerous regional forces and hundreds of local police forces. However this study is reviewing the operational experiences of the CNP.

the police in both nations. Public order is an area of genuine professional interest to the author, under researched when compared to other areas of police work, and forms a key part of European policing cooperation.

Defining the Police

The "police", as an institution, is distinguishable from "policing", which is a form of control and governance. Public police forces, such as the MPS and the CNP, are recognisable as artefacts of the state, with a monopoly on the use of coercive force for internal security purposes. They provide "governance from above" whereas policing as an activity is undertaken within society by a variety of actors and institutions, some formal and others not so, which provide "governance from below" (Lippert & Stenson, 2007; Stenson, 2008).[2] Policing, as a criminal justice arrangement, will "fit a country, a culture or a legal tradition" (Pakes, 2015, p.3).

Celebrated definitions of the "police" contain three essential parts: monopoly on the use of physical force, the provision of internal national security and collective authorisation (Bayley, 1990; Reiner, 2000; Waddington, 1999,). The importance of the police is universally acknowledged as a vital element of successful governance arrangements as "in internal affairs of the state, the lack of efficient and effective police – visible and otherwise – would deny public safety, and anarchy or something dangerously close to it

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[2] Although beyond the scope of this thesis it is pertinent to recognise that increasingly many aspects of police work (including patrol, regulation and investigation) are now undertaken by a wide range of public (non police), commercial and voluntary actors (Andrews, 2014; Bayley & Shearing, 1996; White & Heckenberg, 2014).

would prevail. The police are therefore one of the most essential of our public services"
(Winsor, 2011, p.9). According to Walker the "police is the label and policing the means
used by the state when asserting its exclusive title to the use or threat of force against
dangers within its territory" (Walker, 1994, p.25). The operational remit of the police
covers a wide spectrum of activity (Banton, 1964; Holdaway, 1983; Mawby, 1979;
Skolnick, 1966). Brodeur (1983) identified four main areas of dynamic police activity
outlined below:

High Policing

(Espionage & Terrorism)

Judicial Policing   **Public Order Policing**

(Criminal Investigation)   (Crowd Control & Public Tranquillity)

Low Policing

(Petty Criminality & Delinquency)
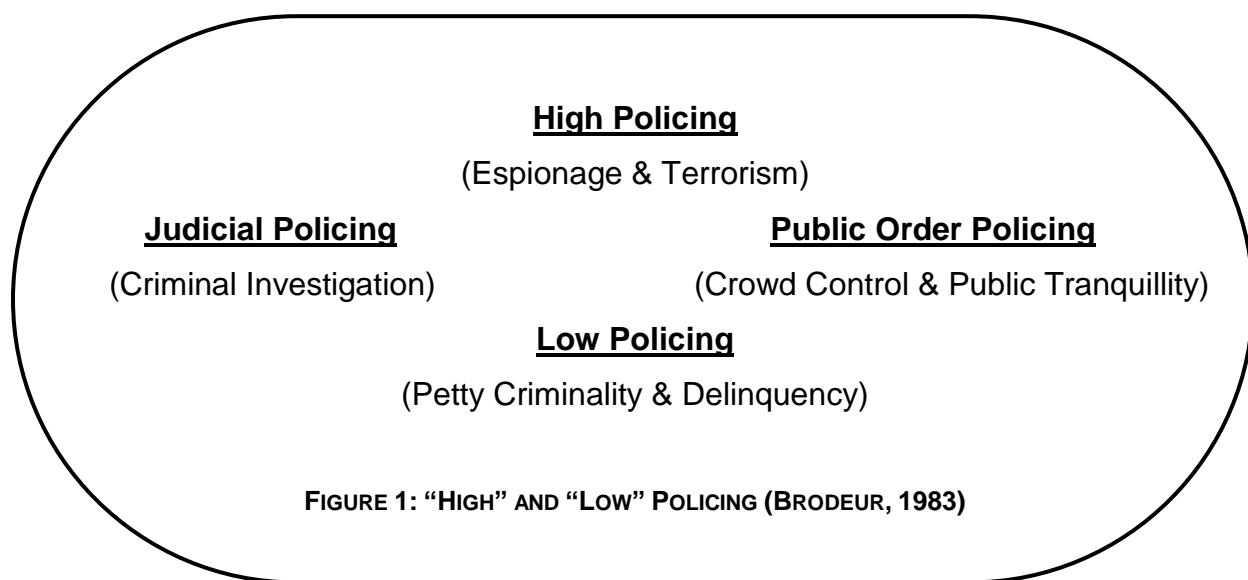
FIGURE 1: "HIGH" AND "LOW" POLICING (BRODEUR, 1983)

Public order policing blurs the boundaries of Brodeur's model. The two public disorder
incidents which are the focus of this study demonstrate elements of all four of the police
activity fields. In recent years high policing has played an increasing role within public
order even though it is defined by absorbent policing, power conflation, protection of the
state and use of covert informants (Brodeur, 2007). The use of high policing methods
within British public order policing is historically, culturally and politically problematic

because of the association with covert surveillance and agents provocateurs in seventeenth century France (Brodeur & Leman-Langlois, 2006). In 1833 an MPS officer, Sergeant William Popay, was dismissed for infiltrating a radical working class organisation, the National Political Union (Morton, 1994). The parliamentary select committee established to investigate the Popay affair deprecated "any approach to the Employment of Spies…as a practice most abhorrent to the feelings of the People, and most alien to the spirit of the Constitution" (Emsley & Shpayer-Makov, 2006, p.7). The European policing method of using informants was seen by many as being incompatible with the Peelian consensual model of policing.

It has been argued that the "world of undercover policing is grey and murky" (Evans & Lewis, 2013, p.6). Forces recognise that "the deployment of undercover officers is inherently risky. They can intrude into the lives not just of criminals, but of their associates and other members of the public" (HMIC, 2012, p. 4). This does create issues when covert police work is considered against the Peelian Principles, policing by consent and the securing of the confidence of the public to justify police activity (Home Office, 2012b). The existence of a secret police within the domestic policing arena has been an accepted and acknowledged part of Spanish policing over recent years, both during General Franco's dictatorship and in the years following his death.[3] British

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[3] Between 1941 and 1978 covert policing duties were undertaken by the Brigada de Investigación Social (Social Investigation Brigade) (Jaime Jiménez, 2002; Payne, 1987). This unit was replaced by the Cuerpo Superior de Policía (Superior Police Corps) from 1978 until 1986 when it amalgamated with the uniformed Cuerpo de Policía Nacional to form the Cuerpo Nacional de Policía (CNP). Both the Brigada de Investigación Social and the Cuerpo Superior de Policía were known colloquially as "La Secreta" (Secret Police).

policing also deploys undercover units, although their existence and use are sensitive and controversial. In the late 1960s the MPS established the Special Demonstration Squad to plant "undercover officers in organisations engaged in protest" (Joyce & Wain, 2014, p.217). In 1999 the National Public Order Intelligence Unit (NPOIU) was set up to monitor extremist threats to public order (Davies, 2012). The use of undercover officers and their behaviour whilst engaged on undercover duties has subsequently fuelled ongoing debate over "the proportionality of such intense police surveillance, the ethical basis of political policing and the right of individuals to protection from state interference" (Lubbers, 2015, p. 339). The conclusion of a significant review into undercover police deployments in Britain recommended the use of additional controls to manage and supervise officers before, during and after covert operations (HMIC, 2012, p. 41).

A less intrusive example of high policing within public order is the use of pre-emptive intelligence-led arrests prior to a large demonstration or event. The MPS has established a reputation for making "effective use of preventive measures to stop disorder taking place by taking action in advance of planned events. These include arresting people suspected to be conspiring to commit crimes connected to those events and using legislation to seek the prohibition of public processions that are likely to result in serious public disorder" (HMIC, 2014, p. 12). Disruption techniques and pre-emptive arrest activity is now standard practice before the Notting Hill Carnival (Chambers, 2014, p.216). Furthermore the police in both Britain and Spain will deploy

Forward Intelligence Teams (FIT) and Evidence Gathering Teams (EGT) to scenes of protest, demonstration or disorder. These teams conduct overt surveillance of crowds and individuals (College of Policing, 2014b). They provide the police with capability to identity troublemakers, secure evidence for subsequent prosecutions (supporting Brodeur's "Judicial Policing" activity) and build up police intelligence (Beggs et al, 2012; Harfield, 2009; HMIC, 2012; Joyce & Wain, 2014).

The police in Britain and Spain are reflective of the wider socio-political environment in which they operate. Forces can be categorised as being military or civilian, armed or non-armed, "High Policing" or "Low Policing", "Judicial" Police or "Public Order" Police, national or local and regarded as an instrument of the state or of the people they serve. These distinctions provide a complex, challenging and engaging backdrop against which to undertake a comparative study.

The Nation State and the Police

Weber described the nation state as a "compulsory political organization with continuous operations…will be called a "state" insofar as its administrative staff successfully upholds the claim to the monopoly of the legitimate use of physical force in the enforcement of its order" (Roth & Wittich, 1978, p. 54). The borders of the nation state exist "as a physical, political and legal space, which allows government and state actors to take action and make demands not possible anywhere else. It presents a unique opportunity to fulfil strategic objectives through operational and tactical

interventions and gathering of data and intelligence" (Border Force, 2015, p.7). As a key agency of sovereign control there is a strong relationship between the nation state and the police (Home Office, 2011; Walker, 2000). The nation state controls "the use of force within their borders" (Kornblum, 2011, p.498) and the police are the custodians of the state's monopoly on the use of legitimate force (Waddington, 1999a). It can therefore be concluded that in the modern state, even liberal democratic ones, "authority still wears blue" (Bloom, 2012, p.14).

As an institution of the state "the police is saddled with the responsibility of policing the society" (Omotola, 2007, p.620), and therefore reflective of wider national custom. It is the inherent diversity of the nation state which "characterises police origins and their role in various countries" (Pakes, 2015, p.69) with policing methods taking their "sense and limits of applicability from such cultural connections" (Nelken, 2002, p.177). Bittner argued that the "role of the police is best understood as a mechanism for the distribution of non-negotiable coercive force employed in accordance with the dictates of an intuitive grasp of situational exigencies" (Bittner, 1970, p. 46).   The availability of the use of force casts a shadow over the relationship between the police and the citizen and influences the manner in which policing activity is delivered: "men sleep peacefully in their beds at night because rough men stand ready to do violence on their behalf" (George Orwell quoted in Grey, 2012, p.32). It is this ability to lawfully use force against citizens which distinguishes the unique police role as the primary representative of social authority and regulator of social conflict and interpersonal relationships (Bayley,

1990). The state does bestow extraordinary powers to the police to facilitate the law and order function because "the Government has a responsibility to give the police the powers they need to protect the public and property so that communities and law-abiding citizens can live in peace and security…in considering any new powers, we must balance the duty of the Government to protect the public with the need to protect individual civil liberties" (Home Office, 2011, p.3).

Public Order and Policing

The concept of "order" is deeply entrenched within the wider political, legal, academic and societal narrative around "law and order" and "crime and disorder" (Chibnall, 2001; Reiner, 2007; Waddington, 1999). Public order is valuable as "in the absence of order…almost everything else falls away behind it – not just the confidence of the poor people who are left there, but the reputation of the country when these things are played on television" (Sir Denis O'Connor in Home Affairs Committee, 2012, p.125).

Order, security and civil peace "are the basic organising concerns of the police" (Independent Police Commission, 2012, p.31). Public order "refers to normal and peaceful situations in the public sphere but also, in a much broader sense, to patterns of values that are important in a community of citizens" (de Lange, 2007, p.23). Public order can therefore be described as "the normal state of society. This differs from place to place. The normal state of society in a market town is different from the normal state of society in a city centre. This also differs from time to time. The normal state of

society in a city centre at 0600 hours is different to 1800 hours" (Harfield, 2009, p.751). It provides the societal environment which allows the undertaking of ordinary functions which constitute daily life (Sassòli, 2005). The role of public order legislation serves to identify and classify the constituent elements of acceptable, lawful and tolerable behaviour in the public spaces of the nation state (Herbert, 1997). Accordingly public order policing represents the "adjustment between individual independence and social control" (Mill, 1863, p.15).

Within the wider academic narrative the concept of order has been separated into "general order", which is concerned with the provision of public safety by the state, and "specific order", which preserves the interests of the state (Loader & Walker, 2007; Marenin, 1982; Reiner, 2000; Waddington, 1999; Walker, 2000). Public order also features prominently in influential legal and constitutional texts including the Declaration of the Rights of Man and of the Citizen of 1793 and the Spanish Constitution of 1978. The eighteenth century political theorist and philosopher Edmund Burke believed that "good order is the foundation of all good things" (Burke cited in Jonsson, 2008, p.14). The benefits of order are seen as being both mutual and universal in scope and application: "it covers both the assurance of state security and public peace and the assurance of the rights and good of the individual. Public order is a flexible value that changes from time to time. It is an "open" value that is filled with content according to the development of societal life" (Barak, 2006, p.75). The appetite for tolerance from both the state and the citizenry is a defining feature of the complexity of order

maintenance for the police: "Free Speech and liberty of action are precious things; but order is sacred and it may become necessary to forbid pre-emptorily great gatherings of people in places or under circumstances where disturbances are certain to ensue" (the Standard newspaper in 1886 cited in Keller, 2013, p.114).

The Delivery of Public Order Policing

Public order is operationally identifiable as events or incidents that are policed at force or regional level, to facilitate lawful actions and activity so as to ensure public safety and the maintenance of peace (HMIC, 2009). The term "public order policing" is used to describe an expansive array of activity: it gives "a superficial coherence to a particularly broad range of circumstances and situations" (Newburn, 2003, p.284). Public order policing is the use of police authority and capacity to establish a legitimate equilibrium between government and society, collective and individual, rights and interests in a mass demonstration of grievance (De Lint & Hall, 2009; Waddington, 1999; Walker, 2000). It has evolved through a combination of legislative guidance, culture, discretion and organisational experiences gained through responses to emerging threats.

Although there is a logical assumption that public order policing always involves violence, in actuality many public order operations (such as rallies, demonstrations, marches, sporting events) take place peaceably (Waddington, 2007). It has been left to the police to engage in civic compromise and exercise discretion in defining what constitutes an orderly society, what behaviour can be tolerated and what behaviour

should elicit a response. This has served to reinforce the inherent "order maintenance" function undertaken by officers in the course of their regular duties (Banton, 1964; Reiner, 2000; Waddington, 1999).

The police have a historical, cultural and operational affinity with an order maintenance role. The requirement of the state to develop acceptable methods of controlling riot, public protest and dissent played a fundamental role in the creation and development of professional policing (Ericson, 1982; Emsley, 2009; Morton, 1994; Reiner, 2000; Skolnick, 1966). Both Spain and Britain experienced the political dangers and bloody results of the deployment of army units to quell civil protest. The most noteworthy examples from each country, the Peterloo Massacre in Britain and La Semana Trágica (The Tragic Week) in Spain, are included in Appendix D and Appendix E.

Public order policing has evolved to improve the operational response to the challenges of industrial protests, demonstrations, recreational events and inner city confrontations with police officers (O'Byrne, 1981). The maintenance of order is a complex activity involving "chaos and confusion. It involves police commanders making decisions under pressure where the consequences of those decisions may be very serious, including death or serious injury to members of the public or police officers" (Beggs et al, 2012, p.2). Clearly public order situations compel the police to make politically sensitive decisions: to accommodate competing rights, to act with legitimacy, to respect rights and freedoms, interpret legislation, and to use only necessary and proportionate force to

uphold the law. Faced with such complexity it is recognised by senior police officers that public order policing is often about "finding the balance" (The Telegraph, 2011a). However they also serve as opportunities for police commanders to demonstrate their professional expertise, discretion and judgement through their actions and responses (Herbert, 1997). It is the devolved authority to deploy and use force that represents the potency of the authority wielded by the police. If power is defined as the ability to influence or control the behaviour of people then it is clear that a senior police officer in command of a large scale operation has access to a huge amount of power. This includes:

- Deciding what constitutes threat and harm;

- Deciding when to act and when not to act;

- Deciding on appropriate responses;

- Setting the "policing tone" of the event, ranging from low key and conciliatory to high profile and aggressive;

- Deciding what behaviour will and will not be tolerated from citizens;

- Labelling and targeting citizens as being of police interest;

- Imposing conditions on movement, duration and location of citizens;

- Deciding which laws to enforce;

- Deciding which legislative tools will be deployed against citizens;

- Deployment of intrusive surveillance tactics;

- Deployment of specialist police resources which can include police officers deployed in full "riot" uniform with shields, armoured vehicles, officers mounted on horseback, police dogs, water cannon, baton guns, tear gas canisters;

- The use of both physical and psychological coercive force against citizens;

- Deciding whether to arrest and place a citizen in the criminal justice system.

(Bowling & Foster, 2002; Brain, 2010; Council of Europe, 1997; de Bartolomé Cezano, 2000; HMIC, 2009; Reiner, 2000; Stevens, 2006; Waddington, 2007)

The police will claim the legitimate right to make such decisions through numerous formal and informal mechanisms (Herbert, 1997; Waddington, 1999). Furthermore the police response to disorder attracts criticism from both those who expect robust tactics, and from those who condemn such an approach (Amnesty International, 2009; Blair, 2009; Emsley, 2009; Stevens, 2006; UK Government, 2011). The presence of public order police units can either inflame or calm a tense situation, provoke a group into committing violence or deter protestors from taking direct action (Hellawell, 2003; HMIC, 2009; MPS, 2012; Reicher et al., 2007; Reicher & Stott, 2011; Seabrook, 1987; Stevens, 2006; Stott & Reicher, 1998; Waddington, 2007). This places the police in the uncomfortable position of being both a threat and a guardian to public order (Walker, 2000).

Public order policing is further complicated by an inherent moral ambiguity which requires officers to protect and facilitate activity that is lawful in the terms of statute but may be considered unlawful or illegitimate by the wider community (Beckett & Hencke, 2009; Savage, 2007; Waddington, 2007). Examples include the British police facilitating demonstrations by radical groups (such as Muslims Against Crusades or the English Defence League) and the Spanish police supporting the forceful repossession of homes by banks. The police will occasionally be seen to be undertaking partisan political bidding against public mood. This reinforces the view that the police are a legitimate receptor for physical displays of public anger and direct action. Such a potentially confrontational role serves to sets public order policing apart from other parts of operational police work such as response policing, crime investigation and community policing which enjoy broader public support.

The public order policing function is taken very seriously and is recognised as a specialism. In both Britain and Spain public order police officers receive additional training, and access to a broad range of unique tactical options. Even liberal democratic nations boasting strong protections of citizen rights in law will authorise the use of considerable amounts of force against the populace to restore order or control disorderly behaviour. This has attracted the interest of supranational organisations to regulate excesses of the internal policing activity of member states. In the case of Muradova v. Azerbaijan [2009] ECHR 22684/05 the EctHR held that the use of excessive physical force by the police in a public order situation is an infringement of

Article 3 of the ECHR, which prohibits torture and inhuman or degrading treatment or punishment.[4]

A Comparison of the British and Spanish Approaches to Public Order Policing

This study compares the policing of public order in Spain and Britain. The inspiration for this thesis was a 2008 European Commission sponsored law enforcement initiative, entitled Project Colosseum, which tasked small research groups of police officers to produce mutually complimentary security plans to protect major European sporting and cultural events. The policing of events with international dimensions, which include global protest movements and demonstrations and football hooliganism, ask for "police strategies that are no longer confined to the internal territories" (Verhage et al, 2010, p.8).

The author was seconded onto the research team responsible for reviewing Spanish public order arrangements for this project. This involved the review of numerous Spanish football grounds, the America's Cup complex in Valencia Port and the Formula One Grand Prix circuits in Montmeló and Valencia.[5] Project Colosseum formed part of a wider "Europeanisation" strategy of crime and police issues (Sheptycki, 2000). It was

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[4] The influence of the ECHR and the impact of human rights legislation upon public order policing is discussed in greater detail in Chapter Two.

[5] The football grounds reviewed included Real Madrid's Santiago Bernabéu stadium in Madrid, Valencia FC's Mestalla stadium in Valencia, FC Barcelona's Camp Nou stadium in Barcelona, Málaga CF's La Rosaleda stadium in Málaga, Sevilla FC's Ramón Sánchez-Pizjuán stadium in Sevilla, and Deportivo de La Coruña's Riazor stadium in La Coruña

concerned primarily with understanding and improving the tactical response of member states to threats requiring a coordinated policing approach. This is valuable as good "generic knowledge enables a practitioner to increase the chances of making the right decision about whether and how to employ a particular strategy" (George & Bennett, 2004, p.272). The EU Commission has a clear interest in the Europeanisation of Justice and Home Affairs and promotes the integration of the domestic law enforcement institutions of national governments (Fijnaut, 2010; Verhage et al, 2010). The author's field research as part of Project Colosseum included the undertaking of a series of operational comparative studies which benefited this thesis.

Academic comparative study is not easy as it "requires detailed understanding of not just criminal justice processes but also the actors in it and the society that forms the backdrop to these processes" (Pakes, 2015, p.3). The diversity of the individualistic policing arrangements in Europe provides a rich backdrop for a comparison study as "national policing is organised on a different basis across member states, with major differences in legal and judicial systems, operational structures and 'traditions' of policing" (Benyon et al, 1993, p.7). The threats and risks to public order stability faced by European member states do not respect the intricacies of jurisdictional boundaries. The fundamental freedom of movement enjoyed by citizens within the EU has provided a real world motivation for the improvement of policing cooperation (Deflem, 2008; Fijnaut, 2010; Verhage et al, 2010). Major protests in Europe are now often global affairs, attracting pressure groups and "professional agitators" from across the world to

participate. The G20 and Occupy Movement protests in London are recent examples of global events attracting protestors from across Europe and further afield. This policing challenge, grounded in operational reality, strengthens the value in this thesis.

There are numerous differences between Spain and Britain, such as language and culture. Their respective policing systems derive legitimacy from distinctive sources. British police officers swear an oath to protect the Sovereign's Peace on behalf of the Crown. Under the Spanish model it is the Spanish Constitution of 1978 which sets out the responsibilities of the police in relation to their duty to provide internal security. Anglo – Spanish relations are complicated by a complex political and historical heritage. Both were competitive colonial powers administering vast empires, which resulted in several armed conflicts across the ages, and political friction continues to this day in relation to the status of Gibraltar (Chislett, 2013). However there are also areas of commonality relevant to this study:

1. Both countries are members of the EU, the North Atlantic Treaty Organisation and the Organisation for Economic Co-operation and Development. Both countries are also signatories of the ECHR;

2. The capital cities of both countries have suffered recent dramatic attacks carried out by militant Islamist terrorists, which have profoundly scarred the national psyche and fuelled an enduring insecurity amongst the populace;[6]

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[6] The 2004 Madrid train bombing, known in Spain as "11M", an attack on the commuter train system, killed 191 people and wounded 1,800 (Haberfeld & von Hassell, 2009). The July 2005 London bombings, known also as "7/7", were a series of coordinated suicide attacks on the transport network killing 52 people and injuring over 700.

3. Both countries have followed an aggressive austerity package to cut state spending following the global recession of 2008 which has stirred public unrest and violent protests;

4. Both countries have regions actively seeking full independence and recognition of separate nation statehood: Scotland and (to a lesser extent) Wales in Britain; Cataluña and (to a lesser extent) the Basque Country in Spain;

5. Both countries have endured long terrorist campaigns by internally based groups which specifically singled out police officers as legitimate targets, resulting in numerous deaths and serious injuries;[7]

6. Both countries have hosted, and consequently policed, high profile international sporting events: World Cup 1982 and 1992 Olympic Games in Spain, and the 1996 European Cup Finals and 2012 Olympic Games in Britain.

Research Aims and Objectives

The objective of this study is to compare operational public order policing practice in Britain and Spain to construct recommendations for further research. Comparative analysis is a powerful method well suited to achieving this aim (Bulmer, 1987; Coleman,

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[7] It has been estimated that the Irish Republican Army (IRA) killed over 270 Royal Ulster Constabulary (RUC) officers in Northern Ireland between 1969 and 1998, with 9 officers being killed in one mortar attack on the RUC station in Newry in 1985 (Doherty, 2012). IRA activity in England also resulted in the death of 6 police officers, including 3 police officers who died when a car bomb exploded outside the famous Harrods department store in West London in 1983. In Spain Euskadi Ta Askatasuna or ETA (basque for "Basque Homeland and Freedom") an armed Basque nationalist terrorist organisation, killed over 480 members of the police and military including 203 Guardia Civil officers, between 1958 and 2011. A car bomb attack on a convoy in the Plaza República Dominicana in Madrid in 1986 killed 12 Guardia Civil officers.

1991; Hantrais, 2009; Nelson, 1994; Nissenbaum & Price, 2004). As discussed above, this thesis has evolved from the professional experiences and background of the author making it "unique to the researcher. At the heart is the development of a research project exhibiting clearly defined aims, objectives, goals" (Griffith & Watson, 2008, p.183). To support the objectives a suitable methodology, which is explained and defended in the following chapter, was created to provide answers to the following fundamental questions:

- What is the role of the police in the policing of public disorder in the two countries?

- Why do the British and the Spanish police approach disorder in the manner and style in which they do?

- What are the strategic drivers and influences for public order policing in the two countries?

- What are the tactical similarities and differences between operational deployments in the countries?

- How do the British and the Spanish police incorporate the European Convention on Human Rights into their public order operations?

Thesis Structure

This thesis is divided into a total of eight chapters which have been structured to progress from "the aim to the conclusions, via the evidence and arguments in the

clearest possible way" (Evans et al, 2014, p.7).   The chapters which come after this introduction can be summarised as follows:

- Chapter Two details the methodology used in this study. It includes a summary of the origins of the research topic, the background of the author and the issues associated with undertaking this academic study;

- Chapter Three is the literature review. It concentrates on public order policing and includes a critical evaluation of the key British and Spanish academic work within the field.   This includes concepts of governance, globalisation, crowd psychology and key themes from British and Spanish academia;

- Chapter Four provides an overview of public order policing in Britain and Spain;

- Chapter Five provides an analysis of the serious disorder in London in August 2011 following the shooting of Mark Duggan by the MPS;

- Chapter Six analyses the serious public disorder that occurred in Madrid on 22nd March 2014, known as "22M";

- Chapter Seven presents a critical comparative analysis of how public order policing is undertaken in Britain and Spain. It answers the research questions outlined in this chapter, and explains the learning from the Duggan Riots in London and 22M in Madrid;

- Chapter Eight contains the conclusion to this thesis, and puts forward four research recommendations identified from the learning taken from this study.

Chapter Two: Methodology and Researching Public Order Policing

"...research on policing remains an emotive subject...the unique culture that exists within the police organisation makes the challenge of research even greater, offering commentators and researchers a rare opportunity to investigate and get in close to this powerful institution".

(Thomas et al, 2014, p.1)

Introduction

This chapter outlines the methodological approach taken in this study. It will also explain the inspiration for this thesis, the background of the author, and how the research progressed in the real world. This study is intuitively ethnological in nature as it researches different national police cultures and behaviours operating within a political environment which promotes increasing levels of European cooperation and integration. It is based upon a comparative analytical review of influential case studies utilising a fusion of two existing academic models ("Flashpoints" and "Normative Orders"), relevant literature and interview data from serving public order practitioners. This is a powerful method as it allows for knowledge to "emerge from real experience" (Nelson, 1994, p.53). Furthermore the study of "individual case studies can contribute to all phases of theory development" (George & Bennett, 2004, p.275).

Public order policing is "concerned with human beings, who attach meaning to events and to the phenomena that surround them in organisations" (Taylor et al, 2006, p.2),

and it has attracted increasing levels of scrutiny, and debate since the 1980s (Blair, 2009; Brain, 2010; O'Byrne, 1981; Reiner, 1991; Reiner, 2000; Waddington, 1991; Waddington, 2007). It is a topic of personal and professional interest to the author. The motivation to write this thesis is therefore to add to the knowledge and understanding of public order policing.

Research Context and Background

As discussed previously, the author was seconded onto an EU research team as part of "Project Colosseum" and he was responsible for reviewing Spanish public order arrangements. The outline brief for the project is attached at Appendix A. The architects of the project designed it to be "strategically important to informing a very necessary debate in Europe, which goes to the heart of the issue of better protecting our citizens". This introduced the author to the formulation of "policy relevant knowledge" which "is concerned not only with understanding social issues but also with providing answers and evidence that can contribute to the improvement of policy formation and delivery" (Hantrais, 2009, p.125). Although the final report, including the findings and recommendations, was restricted to EU Secret Level and therefore not available for attachment to this thesis, the experience left an impression on the author in terms of how different nations faced with a common threat respond and react. During the Duggan Riots of August 2011 as a front line public order commander the author found himself theorising on what the Spanish police would do under the same circumstances and faced with the same scenario. The author's role on Project

Colosseum and his operational experiences during the Duggan Riots provided the inspiration for the research questions in this thesis.

Learning and research are crucial for the advancement, development and improvement of policing in addition to bridging the gap between theory and practice (Alison & Crego, 2008; George & Bennett, 2004). This thesis contributes to knowledge as it represents a relevant study of use to the police community whilst also being of interest to the criminal justice community. This is achieved by providing information to improve institutional capability and decision making processes, develop organisational policies, advance knowledge in relation to problems and solutions, and improve the effectiveness of practitioners (Bulmer, 1987; Coleman, 1991; Nissenbaum & Price, 2004). Therefore this thesis seeks to create "policy relevant knowledge" which is powerful within a public order policing context as such "knowledge enables a practitioner to increase the chances of making the right decision about whether and how to employ a particular strategy" (George & Bennett, 2004, p.272).

An academic study of value and purpose has an inherent responsibility to acknowledge resulting personal, social and institutional implications, particularly if it enters the public domain (Scraton, 2007, p.16). To be of sufficient probative value to justify being a doctoral level study this thesis satisfies the following requirements:

- The subject being studied is of great interest to the author, professionally and academically;

- The research methodology is within the author's competence;

- The study is feasible in terms of time, location and resource available to the author;

- The study can be conducted ethically, legitimately, and using methods which do not require exposure to harm or risk;

- The subject is sufficiently delimited to make the purpose of the research clear;

- The size of the research is manageable with clearly expressed aims and research questions to maintain focus;

- The study has the potential to make a contribution to academic knowledge and operational understanding.

(Bryman, 2012; Silverman 2010; Yin, 2003).

Social research is "done because there is an aspect of our understanding of what goes on in society that is to some extent unresolved" (Bryman, 2012, p.6). This study was influenced by the professional experiences of the author and explained in the previous chapter. These were complemented by the operational experience of the author in the field of European public order policing cooperation at large public order events, such as UEFA Champions League football matches.

European Policing Context

The impact of the European Union (EU) on national policing activity requires mention here. From the 1970s onwards the European Union (EU) has become "an important dynamic that stimulated professional, organisational and operational developments of

the police…the police organisations of the new EU member states had to fulfil European standards before these countries could become a full member of the European Union" (Verhage et al, 2010, p.7).[8] Cooperation has progressed alongside a revolution in human rights legislation (Iriye et al, 2012). As members of the Council of Europe, Britain and Spain are also both signatories of the European Convention on Human Rights (ECHR) which has clear implications on the role and activity of the police.[9]

Within the ECHR "provision is made for the legitimate policing and security needs of states. Powers of arrest, necessary interferences with privacy for investigative purposes, use of force were all expressly recognised in the Convention's drafting" (Duffy, 1997, p.22). However it also guarantees rights and freedoms to citizens and other persons within national jurisdiction which includes a protection of the right to life (Article 2), a prohibition on torture and inhuman or degrading treatment or punishment (Article 3), the right to liberty and security (Article 5), and the right to freedom of assembly and association (Article 11) (Arnull & Chalmers, 2015; Mowbray, 2007; Reid, 2011). These all have a clear impact upon policing and particularly public order duties, which can often require the application of large amounts of force by officers to secure compliance or achieve a specific objective (Waddington, 1999). The police are

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[8] The harmonisation of governmental standards and promotion of human rights, democracy and the rule of law was promoted in earnest following the Second World War and the creation of numerous intergovernmental organisations (Dedman, 2010; Royer, 2010).

[9] Britain was one of the founding members of the Council of Europe which was established in 1949 for "the enhancement and protection of human rights in Europe" (Dedman, 2010, p. 26). Founding members ratified the ECHR in 1953 when it formally came into force (Royer, 2010). Spanish participation commenced in 1977 when it joined the Council of Europe after the death of General Franco and as part of La Transición (the Transition) to democracy (Delmas-Marty, 1991).

expected to protect human rights even when faced with the most extreme threats and circumstances of disorder: "When people rebel, regardless of the causes of their rebellion and justice of those causes, the onus on the police to ensure that human rights are protected by the rule of law is even stronger" (Council of Europe, 1997, p. 16).

The ECHR is administered through applications submitted by aggrieved parties to the European Court of Human Rights (EctHR). It has been argued that the EctHR "works by shaming European nations…it can order a state to pay compensation to an individual [and] it can declare a state to be in violation of the ECHR and require the state to give "effective remedy" [which] often means a change in [domestic] law" (Goldhaber, 2007, p.5). Both Britain and Spain have been taken to the EctHR for breaching the human right of citizens including those citizens engaged in acts of terrorism.[10] This demonstrates that this is a clear expectation from policymakers that the police will act professionally at all times and particularly when faced with challenging and extreme scenarios: "in the event of a serious breakdown of public order, perhaps even involving armed insurgency or acts of terrorism, police and members of other security agencies are faced with great personal danger and formidable challenges to their professional expertise. For these and other reasons they almost invariably feel justified in breaching

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[10] In the case of McCann and Others v. the United Kingdom (Application No 18984/91) the EctHR considered the actions of British special forces in Gibraltar who had shot dead three members of the IRA suspected of planning a terrorist attack. The Court held that there had been a violation of Article 2 (the right to life) of the ECHR, and awarded damages against Britain because it concluded that the operation could have been executed without the need to kill the suspects. In the cases of Etxebarria Caballero v. Spain (no. 74016/12) and Ataun Rojo v. Spain (no. 3344/13) the EctHR awarded damages to the applicants, both suspected of being members of ETA, who had been held incommunicado and claimed to have been mistreated contrary to Article 3 (the prohibition of torture and inhuman or degrading treatment or punishment).

legal and ethical standards which would constrain them under other, less daunting, circumstances. When they do so, they risk undermining the democratic and legal principles on which the legitimacy of the state they are defending, and their own legitimacy, are based" (Council of Europe, 1997, p. 16). This also illustrates the dilemma encountered by states in reconciling two conflicting values in contemporary democratic societies. These are whether the protection of national security may undermine the protection of fundamental human rights, and whether the protection of fundamental human rights may impede the protection of national security. Such considerations also impact upon policing governance, which is discussed in Chapter Three.

The importance of human rights to British policing was cemented by the passing of the Human Rights Act 1998 (HRA), which incorporated the ECHR into domestic law. This approach has not been adopted by Spain, which like many other EU countries relies on a written constitution and existing ECHR provisions as providing sufficient human rights safeguards for citizens. It has been noted that in recent years the HRA has "been under attack, from the government, parts of the media, and the Conservative party [therefore] the case for the HRA has not been made to the British public" (Fenwick, 2007, p.xiii). Notwithstanding such criticism the HRA is of significance to policing because it places a positive legal requirement on the police service, as a public authority, to respect the human rights of individuals. This has arguably bureaucratised police decision making, particularly in public order, where human rights are key considerations in the planning

and execution stages of any major event. Officers are required to justify and document their rationale for any human rights breaches in detail. Therefore the British approach can be seen as stifling dynamism and operational innovation by creating a culture of risk aversion and excessive timidity.

Underpinning the human rights agenda of modern Europe has been the promotion of the doctrine of "Europeanisation", which has been a conscious and deliberate strategy to reconcile the tensions arising from the inherent individuality of member states which entails "absorption, accommodation and transformation" (Featherstone, 2003, p.17). Clearly the author's professional experience of cross border policing operations is evidence of the Europeanisation of law enforcement activities in Europe (Mawby, 2013). Europeanisation consists of processes of construction, diffusion and institutionalisation of formal and informal rules, procedures, policy paradigms, styles, "ways of doing things" and shared beliefs and norms (Radaelli, 2003). These are initially defined and consolidated in the EU policy process and then subsequently incorporated in to the logic of domestic discourse, political structures and public policies (Börzel, 1999; Bulmer & Burch, 2000; Bulmer & Burch, 2001; Glarbo, 1999; Ladrech, 1994). It reflects the "internationalisation of social life, the new world order, the fluidity of boundaries, the permeance of temporal and spatial barriers, and many other aspects of a general globalisation of society" (Deflem, 2004, p.2). Europeanisation operates at a number of different political-geographic levels and within an increasing number of policing areas of operational responsibility. Such cooperation is politically sensitive "because it touches

upon state sovereignty and in particular upon the state's monopoly on the use of force" (Fijnaut, 2010, p.19). In addition Europeanisation is responsive to existing domestic arrangements which are already in operation which demonstrates that the "member states are not simply passive recipients of pressures from the EU; they also try to project national policy preferences upwards" (George, 2001, p.1).

Notwithstanding the political sensitivities of Europeanisation in policing the strategy has been greatly assisted by the existence of supranational institutions (Cini & Pérez-Solórzano Borragán, 2013; Deflem, 2004). The global criminal justice landscape provides evidence that "transnational arrangements exist, which include, for instance Europol [The European Police Office]…and Interpol [International Criminal Police Organization]" (Pakes, 2015, p.4). Traditional EU policing arrangements are limited to intelligence sharing, training initiatives and promoting cooperation between member states.[11] However the European Gendarmerie Force (EGF) was formed in 2006 and is a multinational police force consisting of personnel drawn from the gendarmaries of seven member states (France, Italy, the Netherlands, Poland, Portugal, Romania and Spain) with a particular focus on crisis response (Larivé, 2014; Schroeder, 2011).[12] This

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[11] Europol, established in the late 1990s, has no executive powers, and its officials are not entitled to conduct investigations or to make arrests. Interpol was founded in 1923 and operates as an administrative liaison for the law enforcement agencies of member countries.

[12] The EGF is headquartered in Vicenza in Italy with 800 officers available for deployment and an additional 2,300 officers on "standby" at any given time. The EFG has its own distinctive logo, uniform headwear with cap badge, and Latin motto of "Lex paciferat*" ("the law will bring peace"). As a law enforcement agency the EFG has been deployed operationally on missions in several countries including Bosnia-Herzegovina, Afghanistan, Haiti and the Central African Republic.

initiative by the EU is evidence of an attempt to address the obvious limitations of Europol by creating new policing agencies with operational powers. The EGF also demonstrates that the "local, the national and the international often interpenetrate" (Nelken, 2010, p.14).

Britain lacks both a suitable gendarmerie force to participate in the EGF and the political desire to integrate law enforcement functionality to such an extent at the time of writing this study. However the logistical and tactical challenges presented by the policing of European sporting events, together with the heightened security concerns from the threats posed by international terrorism, immigration and serious organised crime, have supported closer working relationships with the police forces of other European countries and a desire to understand different national policing styles and tactics (Hoggett & Stott, 2012; Waddington, 2007).[13] Policing culture encourages professional cooperation, and both organisations and officers learn from experiences in other countries and may imitate models or practices (Newburn & Sparks, 2004). Furthermore "knowledge of systems in neighbouring countries has been vital in securing basic levels of cooperation" (Pakes, 2015, p.4). In the experience of the author understanding the working policing practices and methods of other member states is necessary to engage in meaningful engagement activity.[14]

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[13] The EU established the European Police College in 2000 tasked with contributing to European police cooperation through learning and development courses.

[14] The author has considerable professional experience of working on European policing operations, particularly with Spanish police officers. This exposure to international policing cooperation and the different approaches to common operational policing issues greatly assisted this study.

The Author [15]

The author is a professional working within law enforcement seeking to expand knowledge in a specialism which has personal, professional and wider academic importance. The undertaking of a professional doctorate, as opposed to a "conventional" PhD (Parry, 2007) has allowed the author to channel his experiences into this study whilst engaging in an academic journey which has moved "from a doctorate dominated in form and structure by the academy, where academic knowledge is privileged over professional knowledge, to one that embraces the complexity and challenge of new knowledge production in partnership with the workplace and which empowers practitioners to develop their professional practice in a mode which may be very different from the traditional thesis" (Scott et al, 2004, p.26).

FIGURE 2: THE AUTHOR, STANDING IN THE FOREGROUND, AS THE PUBLIC ORDER GROUND COMMANDER FOR A DEMONSTRATION IN WHITEHALL, LONDON 2011 (AUTHOR)

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[15] The establishment of professional achievements and experience by practitioners writing on policing matters is standard practice (Blair, 2009; Hellawell, 2003; Moskos, 2008; Paddick, 2008; Stevens, 2006).

The author is a native Spanish speaker, has a Spanish mother and large extended Spanish family, and has spent many formative years living, working, studying and socialising in Spain with family, colleagues and friends. This element of the author's background provides a practical benefit when translating Spanish texts and interviewing Spanish police officers. It also enhances the understanding of the social, political and historical context of policing in Spain and brings a broad appreciation of the nation's cultural background into this analysis.

The author has an extensive professional background as a British police officer working within public order operations. His extensive training in this discipline includes the Level 2 Public Order Course, Advanced Public Order Commander Course, Major Events and Football Match Commander Course, Association of Chief Police Officers of Scotland (ACPOS) Football Match Commander Course, and the National Protest Liaison Course. The author can draw upon a broad range of operational public order experiences. As a Level 3 trained police constable he regularly dealt with violence on high streets across London.[16]As a Level 2 shield trained officer he found himself on the front line of disorder, using shields and batons to clear routes and secure objectives. As a public order trained sergeant and inspector he commanded small units of Level 2 trained police officers. In 2009 the author qualified as an Advanced Public Order Commander, assuming responsibility for writing and commanding complex policing operations, responsible for hundreds of public order officers, police dogs, police horses and

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[16] The definition of "Level 3", "Level 2" and "Level 1" within British public order policing is explained in Chapter 4.

helicopters at major incidents, pre-planned events and outbreaks of spontaneous disorder. The author has been the victim of assault by weapon, missile and fist during incidents, and the author has used force against citizens in the execution of his duty. He has been present at some of the most influential, contentious and violent incidents involving serious public disorder in recent years at the ranks of constable (May Day Protests 2000, Stop the War March, May Day 2001), sergeant (Euro 2004 disorder in Croydon and Bromley), inspector (Climate Camp Heathrow 2007), and chief inspector (2009 Chelsea FC Championship celebrations, Anti-Israeli Disorder 2009, English Defence League/Muslim Against Crusades disorder ("Poppy Burning Trial") 2010, 2011 Student Austerity Riots, August 2011 "Duggan" Riots and Occupy London (St Paul's Cathedral, 2011). The author has also had command roles at large scale events such as state visits, marches and demonstrations and community celebrations (including the 2010 Notting Hill Carnival, 2011 Royal Wedding, 2012 Queen's Diamond Jubilee, and 2012 London Olympic Games) in addition to numerous football matches involving domestic and foreign teams.

FIGURE 3: THE AUTHOR, LOOKING TOWARDS THE BUS, AS GROUND COMMANDER FOR THE 2010 CHELSEA FOOTBALL CLUB CELEBRATIONS POLICING OPERATION, LONDON 2010 (AUTHOR)

The Research

The aim of this research is to analytically compare two distinct policing systems in order to identify and formulate recommendations for further areas of research. The two main challenges for this study were initially identified as the author's ability to access Spanish policing data and the identification of a suitable methodological tool. The first challenge was addressed by the background and experience of the author. Nelken outlined three possible strategies to acquire sufficient knowledge of another culture for comparative purposes: "virtually there" (relying mainly on cooperation with foreign experts), "researching there" (go abroad to interview legal officials) and "living there" (draw on our direct experience of living and working in the country concerned) (Nelken, 2002, p.181). The author was able to utilise his qualifications to access all three strategies which enhanced the authenticity and quality of the data collected.

The second challenge was equally as important as a methodology "must stand a test of time, show itself worthy of the investment of the research act and offer testimony to the credence of research outcomes" (Clough & Nutbrown, 2012, p.ix). This requirement is consistent across all doctoral level studies (Bryman, 2012). The author, in consultation with his supervisors, engaged in a process of reviewing and considering the numerous methodological techniques available within the social sciences to make best use of the rich variety of learning that can be extracted from the operational responses to public order incidents (Silverman, 2010). The methodological process also looked to make best use of the background of the author.

There was an early recognition of the advantages of taking a flexible approach and undertaking an array of complementary research activity, as opposed to relying solely on fieldwork which has been the research method of choice for many recent studies into policing (Herbert, 1997; Moskos, 2008). The social sciences provide the opportunity to diversify methodological approaches, utilising "cross method collaboration and multi method working" (George & Bennett, 2004, p.3). Furthermore a professional doctorate allows the author to challenge academic orthodoxy in critical social research (Scraton, 2007). Qualitative research is "characterised by its opposition to the strict research designs demanded in most quantitative work" (Silverman, 2010, p.84).

It was decided that a multi-method qualitative approach embracing several data collection methods would be beneficial in producing a worthwhile piece of research (Angrosino, 2007; Bryman, 2012; Herbert, 2008; Moskos, 2008). However the use of the most common ethnographic research method, participant observation, was discounted as being unworkable, which is discussed in the ethics section of this chapter. The approach decided upon was a comparative one consisting of analysis of key case studies in public order supported by interviews with practitioners and underpinned by a comprehensive literature review.

It has been noted that a key "benefit of comparative research is simply to learn from the experience of others" (Pakes, 2015, p.5). It has been argued that it "is not just the comparison of 'objects of study' but also the effort to grasp how criminal justice actors –

and ordinary citizens – understand what is being done elsewhere (and how they shape their own practice in its light)" (Nelken, 2010, p.4). Comparative research has a strong historical pedigree in terms of cross border research and academic value: "sociology's founding fathers were all comparative researchers. Karl Marx, Max Weber, Emile Durkheim, and Alexis de Tocqueville, to name just a few, all firmly committed themselves to the comparative method, whether they studied roles, institutions, societies, nations, cultures, groups or organisations" (Lewis-Beck et al, 2004, p.152).

Within the topic of comparative research the analysis of case studies was identified as being a powerful and suitable methodological tool as it "arises out of the desire to understand complex social phenomena" (Yin, 2003, p.2). Case study research has been described as "a heterogeneous activity covering a range of research methods and techniques, a range of coverage (from single case study through carefully matched pairs up to multiple cases), varied levels of analysis (individuals, groups, organisations, organisational fields or social policies), and differing lengths and levels of involvement in organisational functioning" (Hartley, 2004, p.332). Additionally case study analysis was identified as offering the "opportunity for a holistic view of a process" (Patton & Appelbaum, 2003, p.63) and complementing the skills of the author as it typifies the "descriptive qualitative approach, which can be conducted by researchers who are members of the social entities being studied" (Lewis-Beck et al, 2004, p.152). Notwithstanding their clear academic value "case studies should be evaluated in terms of the adequacy of the theoretical inferences that can be generated. The aim is not to

infer findings from a sample to a population, but to engender patterns and linkages of theoretical importance" (Bryman, 1989, p.173).

To be of sufficient academic value the author reviewed recent incidents to identify case studies of the right quality to warrant investigation. Therefore the case studies chosen serve a specific and justifiable purpose (Stake, 1995; Mason, 2014). The case studies are of national (and international) significance, have concluded, and display sufficient value and evidence to justify their inclusion (Yin, 2014). The quality of the event being examined is of clear importance (Gomm et al, 2000; Silverman, 2010). Yin (2014) argued that to be "exemplary" a case study is likely to be one in which:

- the individual case is unusual or of general public interest; [and/or]

- the underlying issues are nationally important – either in theoretical terms or in policy or practical terms.

The history of public order is full of examples which have had national repercussions, changed national policy, and polarised opinion across the world. The case study examples used in this study, the August 2011 "Duggan Riots" in Britain and the political protest held in Madrid on 22nd March 2014 ("22M"), are both "nationally important". Having identified suitable case studies, the role of the author is to properly describe the incidents so that the unique features can be captured and conveyed to others (Gomm et al, 2000; Mason, 2013). The author is also required to produce a suitable and appropriate vehicle for research analysis of the case study.

In keeping with the flexible approach to methodology, this study utilises two existing academic models for event analysis which are mutually complementary (George & Bennett, 2004). The first model is the "Flashpoint Model", which was created to analyse public event disorder (Waddington, 2007). It is built on six integrated and interdependent levels of analysis: structural, political, cultural, contextual, situational and interactional levels. It forms part of training in both the MPS and College of Policing. The appropriateness of the "Flashpoints" model to this study is strengthened by two additional benefits. Firstly it *has* been used successfully on numerous occasions for comparative studies into public order policing arrangements in two countries (Body-Gendrot, 2013; Sheptycki, 2005). Secondly it is flexible enough to allow for bespoke additions, such as police traditions and doctrines, to enhance learning and understanding (Jordan, 2015).

The second model is Herbert's six "Normative Orders" of policing (Herbert, 1997; Herbert, 1998) which are law, bureaucratic control, adventure/machismo, safety, competence, and morality. Herbert formulated this model following his experiences with front line officers in Los Angeles, California and the gritty reality of urban street patrol work translates well to the challenges of public order policing.[17] These normative orders fundamentally structure the social world of the police and provide different sets of rules and practices that officers use to define situations and to determine their response

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[17] Herbert used his model to explain how the police define and control territory (Herbert, 1997). The role of public order commanders is very similar in that their operational objective is often to "hold onto public space, remove people from public space, or stop people from occupying public space" (Chief Inspector "Paul").

(Herbert, 1997). The inclusion of influences on police behaviour, especially when they impact on strategy and tactics, enhance and broaden the application and effectiveness of the whole analytical model (Jordan, 2015; Waddington, 2010).

Researching the Police

Researching the police is problematic as it is not an occupation which readily welcomes outside interest (Reiner, 1991; Thomas et al, 2014; Moskos, 2008). The cultural mind set of police officers is to be suspicious of the motives of outsiders seeking to research what they do and police officers often conclude that researchers "must be examining defects in police organisation and conduct" (Banton, 1964, p.vii). Conventional methods of data capture can be difficult also as "police conversations are far more revealing when the camera isn't rolling" (Moskos, 2008, p.8). It has been argued that a "scholar who studies the police must be willing to do extensive fieldwork in unprepossessing surroundings, to brave bureaucratic intransigence, and to become politically suspect and socially déclassé. Only a handful of scholars have been willing to do this" (Bayley, 1990, p.7).

Brown identified researchers as belonging to one of the following categories: "Insider Insiders" (serving police officers), "Outside Insiders" (former police officers), "Inside Outsiders" (non police academics) and "Outside Outsiders" (external commentators) (Brown, 1996). In Britain the author, as an "Insider Insider" was able to use his personal and professional police networks which conferred both benefits (understanding of

concepts, a level of subject matter expertise, numerous contacts, access to material not openly available to other researchers) and potential problems (bias, subjectivity, closed mind mentality) (Bryman, 2012; Silverman, 2010). However it should be recognised that the Spanish research was also genuinely unrestricted and open. There was no discernible difference in accessibility of material notwithstanding that the author enjoyed the superior "Insider Insider" status in Britain. Furthermore the author's Spanish research was authorised by the CNP's police liaison officer in the London Embassy (a well-connected Comisario Principal), supported by the officer in charge of all CNP public order units in Spain, and personally endorsed by the CNP's most senior officer, the Director Adjunto Operativo (DAO) Eugenio Pino Sánchez.[18]

The British research was built upon the professional experience of the author (an overview of which has been outlined above), supplemented by many hours of theory, instruction, and practice. The author was supported by the Home Office and key individuals within British policing including the officer in charge of the 2011 Duggan Riots investigation. The author visited training facilities belonging to both the MPS and the College of Policing on numerous occasions. These included the MPS Specialist Training Centre in Gravesend (MPSTC) where he participated in and reviewed public order exercises at all levels. The author also took advantage of existing relationships with senior officers and influential operational staff operating within public order in Britain. This included regular discussions with the MPS Public Order Branch command

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[18] The CNP is headed by a civilian Director General, making the DAO the most senior operational police officer in Spanish policing.

team at New Scotland Yard (NSY) and the MPS Central Command and Control (CCC) complex leadership team in central London which is where large scale public order events are supervised. In addition to his continuing professional development in public order the author was able to regularly access specialist research facilities, such as the MPS Library at Hendon and the National Police Library, located at the Police Staff College, Bramshill.

For the Spanish research, the author utilised his operational experience gained from his secondment to Project Colosseum and his command roles at Champions League football matches and major sporting events. Through contacts made through operational work, and an existing excellent working relationship with the Spanish policing liaison unit in the Spanish Embassy in London, he was able to complete several visits to CNP facilities in Spain. These facilities included the CNP Public Order Training Facility in Linares, Andalucía, the CNP headquarters in Madrid and the headquarters of the UIP in Madrid. In Madrid he attended numerous briefings. During his visits to the public order training facility in Linares the author participated in several practical training exercises and attended classroom seminars on Spanish public order law, procedure and tactics. This afforded the opportunity for the author to observe and compare approaches whilst also asking questions to supplement understanding.

The strategy for selecting interviewees was consistent with "purposeful sampling" (Patton, 2002). The author identified the need to interview knowledgeable individuals to

contribute a broad spectrum of views, experience and opinion to this thesis (Silverman, 2010). The author interviewed Spanish police officers in the ranks of inspector, inspector jefe, comisario and comisario principal. The British police officers interviewed ranged from inspector to chief superintendent. This afforded access to officers with operational, tactical and strategic public order experience. The engagement of suitably qualified respondents within such a specialist area of public life is necessary "to invest some faith and certainty in the rigour of [the] enquiry" (Clough & Nutbrown, 2012, p.xi).

The decision to limit interviews to officers in the ranks detailed above requires justification here. The author did have access to the most senior police officers within the MPS (ACPO ranks of commander, deputy assistant commissioner, assistant commissioner, deputy commissioner and commissioner) and the CNP (the "Cargos Superiores" or "Superior Ranks" of jefe superior, comisario general, subdirector general and DAO).[19] Their role is to steer "policing and policing policy" (Charman & Savage, 1998, p.6), and securing the opinions of such important individuals can be of benefit to any study into policing. However the senior leaders in both organisations have been increasingly accused of succumbing to "pressure to be less concerned with policing and more with image" (The Telegraph, 2011b). This was a consideration as this study is based upon the experiences of incidents which were not successful, and called into question the competence and capability of policing institutions. Furthermore the most senior police roles in both the MPS and CNP are political. Both the Commissioner of

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[19] ACPO was replaced by the National Police Chiefs' Council (NPCC) on 1st April 2015.

the MPS and DAO of the CNP are appointed by politicians. They must retain the approval of politicians to remain in post and can find themselves professionally vulnerable following a change of government (Blair, 2009; El Mundo, 2012). The intention of the author was to gather the frank experiences and opinions of the senior operational commanders untouched, as far as practicable, by political considerations to drive the research and identify the areas for improvement.

Interviews were conducted using a semi-structured interview guide based upon an amended public order questionnaire used by Reiner in his interview of chief officers (Reiner, 1991, p.358). It was amended to reflect the international nature of the officers participating in this study as Reiner was only interviewing British officers in his piece of work. The Reiner questionnaire was further adapted to incorporate experiences of the author on Project Colosseum and as a practitioner of British public order policing. An example of the interview guide used by the author is attached at Appendix B. The decision by the author to use a semi-structured interview process afforded the best opportunity of getting the information needed from the interviewees "in order to answer each of the research questions" (Bryman, 2012, p.473). Basing his interview questions on the work of an established authority within police studies was of great assistance to the author. Such an approach is not uncommon. It has been noted that "frequently, researchers use existing questionnaires, rather than designing their own instruments. Thus, they avoid redesigning the wheel" (McBurney & White, 2009, p.46). The "semi-structured" approach taken by the author allow the interviewees to expand their

answers and explore the subject in full (Bryman, 2012). Herbert found that his structured interviews of police officers "taught me little that I had not already learned from my many informal conversations" (Herbert; 1997; p.34). Semi-structured interviews also allowed for new ideas to be raised as they encouraged participants to elaborate and expand their opinions (Becker et al, 2012). The following tables detail the interviewees who participated in this study:

British Officers

Interview Number	Rank of Interviewee	Pseudonym	Length of Service	Location of Interview	Length of Interview	Date of Interview
1	Chief Superintendent	"Simon"	28 Years	NSY, London	2 hours	19.12.11
2	Chief Inspector	"John"	31 Years	NSY, London	2 hours	09.09.12
3	Superintendent	"Martin"	25 Years	NSY, London	3 hours	19.12.11
4	Chief Inspector	"Paul"	29 Years	NSY, London	2 hours	20.12.11
5	Chief Inspector	"Stephen"	32 Years	NSY, London	2 hours	09.08.12
6	Chief Inspector	"Adrian"	22 Years	NSY, London	2 hours	20.10.12
7	Inspector	"Ray"	28 Years	NSY, London	2 hours	20.10.12
8	Superintendent	"Jim"	26 years	NSY, London	2 hours	21.10.12
9	Chief Superintendent	"Ben"	25 Years	NSY, London	3 hours	15.10.12
10	Superintendent	"William"	31 Years	MPSTC	2 hours	16.10.12
11	Inspector	"Andrew"	24 Years	MPSTC	2 hours	17.10.12
12	Inspector	"David"	22 Years	MPSTC	2 hours	18.10.12

FIGURE 4: TABLE OF BRITISH OFFICERS INTERVIEWED

Spanish Officers

Interview Number	Rank of Interviewee[20]	Pseudonym	Length of Service	Location of Interview	Length of Interview	Date of Interview
13	Comisario Principal	"Luis"	28 Years	CNP HQ, Madrid	2 hours	07.11.14
14	Comisario	"Enrique"	32 Years	UIP HQ, Madrid	3 hours	08.11.14
15	Inspector Jefe	"Victor"	26 Years	CNP HQ, Madrid	2 hours	08.11.14
16	Inspector	"Carlos"	21 Years	UIP Training Centre, Linares	2 hours	09.11.14
17	Inspector	"Juan"	9 Years	UIP Training Centre, Linares	3 hours	09.11.14
18	Inspector Jefe	"Pablo"	33 Years	CNP HQ, Madrid	2 hours	25.01.14
19	Comisario Principal	"Felix"	30 Years	CNP HQ, Madrid	3 hours	14.11.14
20	Inspector Jefe	"Domingo"	34 Years	CNP HQ, Madrid	3 hours	15.11.14
21	Inspector	"Jaime"	9 Years	CNP HQ, Madrid	2 hours	14.11.14
22	Inspector	"Javier"	11 Years	UIP HQ, Madrid	2 hours	16.11.14
23	Comisaro	"Alvaro"	29 Years	CNP HQ, Madrid	3 hours	08.12.14

FIGURE 5: TABLE OF SPANISH OFFICERS INTERVIEWED

Trust between subject and researcher is crucial. There is a recognised "problem of whether the researcher has the trust of the subjects of the research, and how their

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[20] The rank of comisario principal equates to the rank of chief superintendent in the British police. The rank of comisario equates to the rank of superintendent in the British police. The rank of inspector jefe equates to chief inspector in the British police and the rank of inspector equates to the rank of inspector in the British police.

behaviour may be modified by the presence of a researcher. Trust is unlikely ever to be complete" (Reiner & Newburn, 2008, p.354). The anonymity of individuals and incidents is common within the field of researching police officers (Graef, 1989, Scraton, 2007). Muir assured his subjects "absolute confidentiality" (Muir, 1977, p.12). Reiner secured cooperation from chief constables by giving them a "pledge of anonymity" (Reiner, 1991, p.44). The cooperation and honesty achieved from interviewing officers would not have been achieved without assurances being given that their identities would not be published, and only made known to academic supervisors during the data research phase of this study. Interview subjects were all given pseudonyms which were used when their quotes were included in this work. This approach was taken to secure the frank opinions and recollections of events to give depth and breadth to this study.

The author did encounter issues in recording data using a tape recorder when interviewing police officers. The presence of a tape recorder proved to be a barrier to the information gathering process, and it drastically impaired the ability to secure open and honest opinion from the interviewees as it was regarded with great suspicion. One senior officer stated the use of a tape recorder during an interview made him "feel like a suspect under caution" (Chief Inspector "Stephen"). This follows the experience of other researchers: "data from recorded interviews was less revealing than what I could gather through casual conversation…I found that when the tape recorder is running, police officers remain on guard, talking in a stilted and formal style" (Moskos, 2008, p.8). Although there is pressure on the researcher to secure evidence and findings as fully as

possible, real world barriers such as these cannot be discounted lightly as "all qualitative research is predicated on establishing personal, moral and political relationships of trust between the researcher and the researched" (Scraton, 2007, p.16).

Notes were made in an ongoing journal, which also contained reference documents, photographs, handouts and presentations. These were completed contemporaneously and supplemented by additional thoughts or trends which informed areas for further research, consideration and analysis (Lincoln & Guba, 1985; Strauss & Corbin, 1998). As soon as practicable after the conclusion of the interview (or activity under observation) the notes were typed up to provide a fully developed set of data.[21] The findings were then identified, considered, and incorporated into the theoretical framework.

Recognising and Negating Bias

The flexible methodological approach adopted in this study was chosen to maximise the potential to produce a powerful study, seeking to facilitate the "interweaving of the 'personal', the 'social' and the 'structural'" (Scraton, 2007, p.9). This required an open approach by the author, notwithstanding his cultural background and professional experience (Silverman, 2010).   This was particularly important in light of the comparative approach decided upon. It has been argued that the "first and absolute

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[21] Consideration was given as to whether the use of Computer Assisted Qualitative Data Analysis (CAQDAS) would be of benefit as part of this process. The author decided not to use it on the grounds that the amount of data gathered from the interviews would be such that a robust and effective paper based analysis would be achievable.

requirement of comparative research is to rid oneself of the notion that one system of criminal justice is better than another, is somehow more legitimate or delivers more desirable results…or fewer mistakes" (Brants, 2011, p.51). Clearly the potential for bias cannot be avoided and requires consideration and discussion here.

It has been noted that the relationship between ethics and knowledge is "one of the most fraught and interesting in human history" (Love, 2012, p.ix). The need to negate subjectivity and bias is crucial as a study which follows a predetermined course is at best evidence of academic sloppiness and, at worst, of no value (Silverman, 2010). Loyalty, institutionalisation, and a desire not to criticise are just some of the factors which can serve to undermine the effectiveness of research (Gray, 2009).

Throughout this study the author retained full independence in terms of content and publication. This thesis was self-funded. Appropriate authority, as mandated by the London Metropolitan University's ethics policy, was sought and given by MPS, the Home Office and the CNP prior to the commencement of the taught elements of the doctorate. Ethical issues and conflicts for the "researcher – practitioner" were discussed, defended and written about within the taught elements of the Professional Doctorate. The use of case study analysis and interviews as opposed to "participant observation" (Becker, 1963; Herbert, 1997; Moskos, 2008) avoided numerous possible ethical issues for the author.[22] Ethical considerations concerning interviews were

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[22] Participant observation is a traditional and popular technique used in ethnographic social science studies (Silverman, 2010). It involves observing and interacting with the subject of interest, actively

discussed within the supervisory process, and addressed through the approach taken in relation to confidentiality and anonymity. Furthermore the author's ability to remain objective as a result of this research resulted in him being invited to submit academic articles on policing for publication in the Police Review (Barham, 2009; Barham, 2011). The author's independence of thought and ability to review policing with an open mind has also been demonstrated by the inclusion of quotes from his published articles in academic texts on the police (Caless, 2011).

Conclusion

Getting the methodological approach right is crucial as it represents "the construction and justification of the enquiry which ultimately gives credence to, or calls into question, the findings" (Clough & Nutbrown, 2012, p.ix). It must be capable of withstanding scrutiny and support the author in making an original contribution to the academic field of policing studies (Silverman, 2010). The methodology also enables the author to demonstrate to readers of this study that the contribution made is reliable, accessible, readable, interesting, robust, informative, defensible and valid (Yin, 2003).

This chapter has discussed the methodological approach taken in this thesis. It has set out the background and context of the subject matter of this study, the background of the author, the interview process, research issues encountered, and ethical

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participating in the setting and getting very close to research participants and gaining an intimate knowledge of their practices through intensive immersion in the field of study. Such an approach presented serious ethical issues for the author as the British police officer is never "off duty".

considerations. It has also explained how a comparative study delivers benefits in relation to identifying similarities and differences at cultural, institutional, strategic, tactical and operational levels (Bennett, 2004; Glaser & Strauss, 1967). The approach adopted in this study consists of comparative case study analysis, using an analytical model which combines the "Flashpoints" and "Normative Orders" models, and interviews with operational practitioners. This methodological approach was decided upon to maximise learning, provide policy informing knowledge and identify areas for further research. However before this thesis can consider the public order policing case studies in detail it is necessary to review the existing literature on the subject.

Chapter Three: Reviewing the Policing of Public Order

"Riot and rebellion would seem to represent a prima facie breakdown of the social order, threatening it, even on those occasions when their participants claimed to be defending it, by enacting, if only temporarily, mob rule, which is the very antithesis of the Great Chain of Being. Mass demonstrations thus threatened the chain by their very existence; riots exposed its tensions; and rebellions broke it"

(Bucholz & Ward, 2012, p.269)

Introduction

This chapter explores the existing body of literature on public order policing. This is considerable as policing attracts the interest of numerous disciplines including law, sociology, criminology, history and psychology. It has been observed that "textbooks and monographs on policing are being published at a pace that is no longer possible for even specialists in the field to keep up with" (Reiner & Newman, 2008, p.347). Research is produced by an array of contributors including government departments, pressure groups, international organisations and professional bodies. Individual police forces now produce their own research, something that would have been unthinkable just a few years ago.

This chapter discusses the key themes relevant to the questions outlined in Chapter One: What is the impact of the individuality of a nation state on public order policing?

What does public order policing look like in the modern age? What are the key influences on the policing of order control? Why is it important to understand the causes of public disorder? Although it is argued that there are some inherent similarities in the operational public order policing requirements in London and Madrid, the literature can assist in understanding the different approaches taken through an appreciation of the societal, historical, and cultural journeys each nation has undertaken. The scope of this review includes the central concepts of governance, globalisation, police culture, the media, developments in policing, public order law and crowd psychology.

Governance

The role of the state in controlling people and the struggle between liberty and authority has been a "conspicuous feature" of history (Mill, 1863, p.8). The imposition of social order by the state demonstrates "an uneasiness with the two basic strands of liberalism – democracy and individual freedom" (Garry, 1992, p.41). The political philosophy of liberalism, which is based upon the concepts of freedom, liberty and equality above all (Kenny, 2004; Rawls, 2005) is traditionally associated with the provision of "protection against the tyranny of the political rulers" (Mill, 1863, p.8). However this has not precluded the freedoms ascribed to liberty being reviewed, criticised and amended during times of crisis (Dash, 2004; Heymann, 2003). The impact of the ECHR (particularly the HRA in Britain), as explained earlier in Chapter Two, continues to test the ability of the nation state to strike an acceptable balance between maintaining

national security and protecting fundamental human rights. This quest is not a new one. Franklin famously proclaimed that "those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety" (Lemay, 2009, p.625).

Power is recognised as being central to the relationship between the government and the governed by defining relationships and societal mechanisms.[23] Foucault defined the concept of "governmentality" as a complex form of "power which has the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential technical instrument" (Foucault, 2009, p.107). The conversion of state power into social control has traditionally been seen as a necessary part of good governance by the state. It has been noted that George Washington "knew that there was no guarantee that the rule of the people would not in its turn be despotic, arbitrary, corrupt, unjust, and unwise. The people, too, had to be restrained. They, too, had to be held to account. They, too, had to be taught. They, too, had to be raised above their habitual conduct. Because their power, when passionately aroused, was overwhelming, it could be fearfully abused" (Lippmann, 1963, p.4).   The sovereign governance techniques utilised in modern liberal democracies, such as Britain and Spain, are subtle yet complex and multifaceted as they involve both "hard and soft powers: warfare and policing, but also education, the mass media, citizen training, and political campaigning" (Stenson, 2008, p.295).

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[23] It has been argued that sociologists generally "identify the family, education, government or polity, and religion as the Big Five of social institutions" (Palmiotto & Unnithan, 2011, p.39).

The study of governance, as well as identifying the inherent complexities and tensions, also explains how state power and influence are exercised. Recent academic debates have focused on identifying the processes, differentiating "governance from above" (administered through traditional top down institutions such as the police) from "governance from below" (supplied by non-state actors, especially in urban areas) (Lea & Stenson, 2007). Stenson identified governance from below as including ethnic minorities, religious groups and other social movements (Stenson, 2008, p.295). The influence and potency of governance from below is not insignificant within the wider context of societal controls as it is capable of imposing through non-legal means "its own ideas and practices as rules of conduct on those who dissent from them; to fetter development and, if possible, to prevent the formation of any individuality not in harmony with its ways and compel all characters to fashion themselves upon the model of its own" (Mill, 1863, p.14).

Understanding governance assists in understanding where the police, as an institution, and policing, as an activity, fit into the wider state machinery. The governance structures of the nation state have clear implications on policing, reflecting the style and extent to which the freedoms of citizens can be interfered with and limited (Blair, 2009; Reiner, 1991). National governance also influences the manner and method in which the police are formally subjected to oversight, review and control. Police governance is ultimately concerned with providing an answer to the key question which arises by virtue of the extraordinary powers afforded to the police: quis custodiet ipsos custodes?

(Loader & Mulcahy, 2003, p.259).[24]   Among the powers of government none is greater than the power to police (Dubber, 2005).   Foucault noted that the exercise of power is "conduire des conduites" (Foucault, 1984, p.312).   In his analysis of capitalism Wolf defined four "different modes of power" which have been translated into public order policing behaviours:

1. **The power of the person, as potency or capability.**   This includes size, strength or availability of specialist weapons, training and tactics (Loader & Mulcahy, 2003; Waddington, 1999).   It also extends to internal police interaction as "officers seek to show their capabilities to their peers" (Herbert, 2006, p.102);

2. **The power to impose will in social action and interpersonal relations.**   The police will define what constitutes acceptable behaviour in public spaces (Mathers, 1959; Waddington 1997).   They will influence partnership actors to support and influence their world view: "in the advanced liberal democracies, privileged elites and state servants do not always impose sovereign rule, coercively, from above without enrolling groups from below" (Stenson, 2008, p.295);

3. **Power to control settings in which people exhibit their capabilities and interact with others.**   This is demonstrated by the use of cordons, prohibition

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[24] The literal translation from the Latin is "who will guard the guards themselves?" (Heimbach, 2008, p.56).

notices, or providing escorts to groups so they remain subject to police control and direction (HMIC, 2009; Stott, 2014; Waddington, 1999a);

4. **Structural power.** The "power manifest in relationships that not only operates within settings and domains but also organizes and orchestrates the settings themselves, and that specifies the direction and distribution of energy flows" (Wolf, 1999, p.5). This includes police accountability and engagement groups, the role of central and local government, police and crime commissioners and other empowered bodies.

(Wolf, 1999; Wolf, 2001)

British policing is portrayed as being of the people, for the people, by the people, regulated by the laws of the land and judicial oversight but given wide discretion as to how, why and when powers are utilised, as well as being imbued with a strong heritage of operational independence from the state (Blair, 2009; Emsley, 2009). British policing governance is dominated by the philosophy of "policing by consent", which calls for public co-operation with the police, and is enshrined within Sir Robert Peel's Nine Principles of Policing (Blair, 2009; Reith, 1956). These principles were set out in the 'General Instructions' for the MPS that were issued to every new police officer from 1829 (Appendix C). The Spanish approach is different as the police is identifiable as an agency of the state, established as a constitutional creation and directly overseen by the Executive in the name of the Spanish people.

The operational governance of policing in both countries is distinctive and reflective of individual nation state cultures and societal expectations. In Britain policing governance is complex and confusing (Richards et al, 2014). Numerous powerful individuals (Chief Constables (Commissioner in MPS and City of London Police), Police and Crime Commissioners (Mayor of London for the MPS) and the Home Secretary) and organisations such as the Crown Prosecution Service (as the final arbiter on whether to put cases referred by the police before the courts) and the Independent Police Complaints Commission (which is responsible for complaints against police in England and Wales) all have responsibilities, influence and governance responsibilities.[25] The British approach has been described as "a network of competing and interdependent sources of authority with a series of inbuilt checks and balances" (HMIC, 2010, p.11).

British policing is also built upon the concepts of discretion of action and operational independence (Blair, 2010; HMIC, 2010). Discretion has been described as the "freedom of the individual officer to act according to his or her own judgement in particular situations" (Newburn & Neyroud, 2008, p.82). Lord Scarman argued that the exercise of discretion is at "the heart of the policing function" (Scarman, 1981, para 4.58). Although there is no statutory definition of operational independence the judgment of Lord Denning in the Court of Appeal in R v Metropolitan Commissioner, ex parte Blackburn [1968] 2 QB 118 is cited as the principal authority on providing

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[25] The introduction of police and crime commissioners in England and Wales, through the enactment of The Police Reform and Social Responsibility Act of 2011, abolished police authorities and replaced them with an elected official responsible for the police budget in their force area and the efficient running of the force through management of the chief constable. Their impact and effectiveness is subject to ongoing debate within politics and academia (Loveday, 2013; Mawby & Smith, 2013; Williams, 2015).

workable guidance: "No Minister of the Crown can tell him that he must, or must not, keep observation on this place or that; or that he must, or must not, prosecute this man or that one. Nor can any police authority tell him so. The responsibility for law enforcement lies on him. He is answerable to the law and to the law alone". Several Commissioners of the Metropolis have sacrificed their careers on the altar of the principle of independence including Sir Charles Warren in 1888, who had written a magazine article without seeking permission from the Home Secretary, and Sir Ian Blair in 2008, who had lost the confidence of the Mayor of London (Blair, 2009).[26] It is relevant to note that over recent years British policing has been accused of moving ever closer to the Executive with chief officers "even lobbying MPs to support draconian attacks on civil liberties" (Jones, 2014, p.126).

The Spanish approach to governance of the CNP and Guardia Civil since 1978 is based upon Spanish constitutional law, judicial guidance and political accountability. Even complaints against police are investigated by the police themselves, without any external organisational oversight (Amnesty International, 2007, p.17). The senior command position in both national forces is a directly elected member of the political class, so there can be no confusion in terms of political involvement. This development reflects that in the past police and Guardia Civil generals were overtly political with disastrous consequences for wider social order. The strength of investment in a constitutional document demonstrates the importance placed in the power of legal

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[26] Warren's view, in the letter written by Home Secretary Henry Matthews to Queen Victoria detailing the resignation, was that the Commissioner had been "in a position of independence which was wholly inconsistent with the authority and responsibility of the Secretary of State" (Buckle, 1930, p.448).

legitimacy. The Constitution itself represents "the best imaginable use of the political elements which the great majority of States in modern Europe inherited from the medieval period" (Bagehot, 2009, p.6). Faith and confidence in the Constitution of 1978 is logical as it healed the fractures in the political and societal landscape left after the death of General Franco: "Constitutions do matter, but whether they matter as individual structures or because they have co-evolved with supportive partner institutions, such as political parties and exceptional leaders, still remains a crucial, unexplored question in political science and constitutional law" (Skatch, 2005, p.128).

Faith in a governance system based upon adherence to laws alone can be problematic, and does not guarantee an effective safeguard against abuses of power by agencies of the state. Throughout history there are numerous examples of where the law has been suborned, manipulated, altered and abused by the Executive, within democratic frameworks of governance. The violent activities of the National Socialist Party in 1930s Germany were often legal as the Party had successfully exploited the Weimar Constitution (Emsley & Knafla, 1996; Fest, 1974). Laws can be subjectively interpreted or enforced by the police (Graef, 1989). Furthermore the nature of laws does change in line with wider societal developments, which can see the police enforcing laws which are subsequently amended, repealed or withdrawn from use. Therefore a reliance on legal legitimacy is an issue as "the mandate which the police enjoy to preserve order through force often comes into conflict with the rule of law. This is particularly the case when the norms of the black-letter law contradict social norms" (Williams, 2011, p.50).

Globalisation

Globalisation refers to "the consequence of greater mobility of capital…and new forms of international interconnections that have grown at the expense of national ones as nation states are incorporated into the world economical and informational cyberspace" (Nelken, 2013, p.14). Policing is traditionally articulated as a state centred activity, closely aligned to the political institutions of the state and the use of state sanctioned force to exercise control (Blair, 2009; Reiner, 1991; Waddington, 1999). The impact of globalisation cannot be underestimated. Although tight national controls can be effective in containing globalisation they require the deployment of methods unacceptable in modern liberal western demonstrations. Football hooliganism occurred significantly later in Spain than other European nations because the controls of the Franco regime succeeded in keeping Spain isolated, restricted media coverage and "delayed the diffusion of foreign youth subcultural styles" (Spaaij, 2006, p.105). However once those controls were removed in the democracy, Spanish hooliganism flourished as participants began to travel and communicate with other groups in England, Germany and Holland.

Globalisation has increased the complexity and the threats to the nation state (Hoogenboom, 2010). The late 1960s saw large scale violent demonstrations against the Vietnam War around the world in countries which had no interest or involvement in the US led conflict. The subsequent rise in Western Europe of large scale, internationally coordinated, widely publicised global demonstrations, which are often

violent and complex require a new approach to public order policing (Brain, 2010, Channing, 2015, HMIC, 2009). Globalisation has created challenges in both Spain and Britain, attracting activists to travel throughout Europe to participate in well organised, politically motivated, and internationally coordinated protests; the "Occupy Movement" activities in London were influenced by the Indignados Movement in Spain seeking to challenge established order from within existing systems of governance (Mason, 2013).

Police Culture

Police culture provides moral, organisational and ethical guidance consisting of "a series of processes that construct, reconstruct, and dismantle" (Wolf & Eriksen, 2010, p.387). The drivers of police culture include citizens and criminals, the courts, police administration, and the media (Crank, 2015, p.4). It is the interaction between the police and these groups which establishes and maintains culture going forward and "in the rough and tumble of social interaction, groups are known to exploit the ambiguities of inherited forms more expressive of their interests, or create wholly new forms to answer to changed circumstances" (Wolf & Eriksen, 2010, p.387).

The culture of the police is the lens through which they see their world, their role in society, and the primary actors they interact with professionally and socially (Herbert, 1998). Ahern wrote that the ''the day the new recruit walks through the door of the police academy, he leaves society behind to enter a profession that does more than give him a job, it defines who he is. He will always be a cop" (Ahern, 1972, p.3).

Moskos noted that "I do miss working with people willing to risk their life for me…as a police officer, I would risk my life for others, even for those I didn't know, and even those I knew I didn't like. That's part of the job" (Moskos, 2008, p.1). This study identified that despite the obvious differences between British and Spanish policing, associated with language and national custom, the role of the police and the culture of the police was in many ways very similar. This was explained by one officer as evidence of how "the job is the job regardless of where it is done. Cops are cops, regardless of where they walk their beat" (Inspector "Ray").

Terms such as "Cop Culture" or "Canteen Culture" have been used to broadly describe an occupational stereotype of the police as a conservative, isolated, suspicious, prejudiced, cynical and masculine group bound together through a common mission which consists of dealing with the problems of society (Beckett & Herbert, 2009; Chan, 1997; Graef, 1989; Herbert, 1997; Holdaway, 1983; Reiner, 2000; Skolnick, 1966; Wilson, 1969). Moskos argued that police culture "is actually less mysterious and exotic than outsiders believe…Social isolation comes not from corruption or brutality but from the grind of daily shift work combined with doses of unfiltered and politically incorrect reality" (Moskos, 2008, p.2). Police culture also incorporates smaller subcultures, such as detectives versus uniformed officers (Cockcroft, 2013) and "management cops" versus "street cops" (Reuss-Ianni, 1993; Reuss-Ianni & Ianni, 2005).[27] Despite the negativity which surrounds police culture, it has been described as "a culture of

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[27] The former are characterised by their allegiance to formal bureaucratic structures and rigid lines of authority, whilst the latter treasure the freedom to improvise responses to events based upon their unique characteristics (Herbert, 1998).

determination, courage, hard work and achievement, of facing any challenge or danger and confronting it in full measure. There is a considerable degree of goodwill in the police, in making sacrifices – personal and otherwise – to protect the public" (HMIC, 2014, p.38). This wide variance is indicative of "the complexity of a fractured police culture" (McLauglin, 2007, p.144).

The relationship between police culture and ethnic minorities in Britain is well documented and remains "a highly emotive issue" (Paddick, 2008, p.112). It has been argued that police prejudice extends beyond race to include age, gender, sexuality, politics, social standing, addictions, and employment choices (Graef, 1989, Stangor & Crandall, 2013; Reiner, 1991). However it is the inability of officers to connect with ethnic minority communities which has become "an integral component of police culture" (Schneider, 2014, p.201). In Britain black residents have long complained of being "over policed and under protected" (Blair, 2009; Bowling & Phillips, 2002; Loftus, 2009; Reiner, 2000). The 1980s witnessed the strained relationship between black communities and the police explode into violent confrontations in Bristol, Manchester, Liverpool, Birmingham and London (Bowling & Phillips, 2003; Brain, 2010). This demonstrated that the "history of police race relations in Britain has a strong strand of conflict running through it" (Holdaway, 2003, p.64). The police, as visible agents and representatives of the state, are frequently seen as a legitimate target by those unhappy with the realities of modern life. It has been argued that police-black conflict in England has become built into the institutional fabric of contemporary police work, becoming a

part of the daily practice of policing and the daily experiences of black communities (Keith, 1993). Furthermore the behaviour of the police towards black communities can compound and exacerbate the existing grievances of "unemployment, discrimination and the general social, economic and cultural misery of the inner cities" (van Dijk, 1992, p.259).

The Scarman Report, written following the 1981 Brixton Riots, and the Macpherson Inquiry, established following the racially motivated murder of Stephen Lawrence in 1993, "were key moments in the development of police race relations in the United Kingdom. They were litmus tests of policing" (Holdaway, 2003, p.71). The central thrust of the Scarman Report was the need for police consultation with communities and police accountability in the wake of the riots which were described as "essentially an outburst of anger and resentment of young black people against the police" (Alderson, 1998, p. 128). The Macpherson Report of 1999 concluded that British policing was "institutionally racist", a term used to describe the "collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin" (Macpherson Report cited in Rowe, 2007, p.70).

Macpherson highlighted "how officers' failure to consider the pertinence of race to policing can create calamitous relationships with ethnic minorities" (Holdaway, 2003, p.51). It called into question the structure of operational policing and the relationship between police and minority communities (Lea, 2000). The findings had a profound

impact upon the police and signalled the beginning of "one of the most painful chapters in the long history of Scotland Yard" (Blair, 2009, p.96). Some officers understood the findings of the Report to mean "that all individuals are racists" (Newburn & Neyroud, 2008, p. 144). Although this may not have been the intention of Macpherson British policing has been labelled as institutionally racist ever since (McLaughlin, 2007; The Guardian, 2013b).   As will be discussed later race was a consideration for public order commanders on the ground during the Duggan Riots. It was also repeatedly referred to by rioters, with many referring to specific incidences of black people dying in custody or during police raids while stop and search was singled out as a real and ongoing cause of tension (The Guardian/LSE. 2011, p.19).

The issue of race has also gathered pace considerably in post Franco Spain, with commentators noting that there is ready evidence of "widespread discrimination and prejudice, including frequent racist slurs and other discriminatory discourse" (van Dijk, 2005, p.81). Racist and xenophobic behaviour at Spanish football remains a real issue on a scale not seen in other Western EU countries (Llopis-Goig, 2015). Critics have argued that discriminatory and derogative language is present in both public and private circles (Teresa Turell, 2001). Following on from the most recent economic crisis and mass migration from Latin America and Eastern Europe it has been noted that there "is a strong perception in Spain, partly justified, partly exaggerated, that there is a direct relationship between immigration and crime" (Ross et al, 2008, p.181). This has created a "new climate of concern about the relationship between the

Spanish and immigrant groups" (Meira Cartea & Caride Gómez, 1997, p.75). As a result Spain has engaged in attempts at a national level to deal with racism in society by establishing an advisory council in 2006 to work on questions of immigrant integration (Cesari, 2010). In recent years Spanish policing has been accused of failing ethnic minority communities (Inspector Jefe "Pablo"). Allegations of racism, profiling, discriminatory behaviour, stereotyping, and the abuse of migrants have all been highlighted as areas of concern (Amnesty International, 2002; Llopis-Goig, 2015; Medina Ariza & Blay, 2013; Palidda, 2011). An extensive academic research report published in 2013 highlighted that racial and ethnic discrimination by the police in Spain is concentrated against "mainly gypsies, North Africans and Sub-Saharan (Black) Africans" (García Añón et al, 2013, p.217). This study demonstrated by using officially supplied data that these groups were all far more likely to be stopped by the police on Spanish streets, with male gypsies being ten times more likely to be stopped and asked to produce documentation, a process known as being "parado e identificado" (stopped and identified), than a white male. The conclusion of this report was that the Spanish police are "institutionally racist" (20minutos, 2013).

In both Britain and Spain public order policing has developed a distinct culture from mainstream uniformed police, based upon a "hierarchical structure and quasi-military bureaucracy that emphasizes command, discipline and following orders (Marsh et al, 2011, p.387). It is also attuned to dealing with the challenges associated with exercising lawful authority over large numbers of citizens in crowds, demonstrations

and protests. Public order officers distinguish between compliant, well organised demonstrators seeking rational ends and problematic demonstrators with mixed and confused objectives and violent methods (della Porta and Reiter, 1998). The latter are labelled as being "Spiky", "Bolshie" or "Anti" (a term which denotes a person or groups as being "anti-police") (Inspector "David"). The historical reality of the baton being "the symbol of police public order might" (Baker, 2014, p.4) has created a culture, in the operational experience of the author, which is built upon machismo, "brawn over brains" (the nickname of the Territorial Support Group in the wider MPS is the "Thick Stupid Group" (Chief Inspector "John")), resilience, and a desire to engage in confrontational scenarios. In Spain the public order units are unashamedly macho in outlook and behaviour (Inspector "Carlos"). Within public order policing units certain attributes, such as loyalty, aggression, resilience and resourceful, are also revered and admired (Superintendent "Jim").

<u>Understanding the Mob</u>

The power of the "Mob" to effect massive social and regime change is a well-documented historical fact.[28] Crowds have the potential to disrupt the status quo and challenge the very concepts of freedom and equality (Aradau, 2015). In Culture and Anarchy (1869) Arnold argued that even legitimate protest should be avoided because it could end in riot: "monster processions in the streets and forcible irruptions into the parks…ought to be unflinchingly forbidden or repressed…Because a State in which law

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[28] The British word "Mob" is derived from a shortened version of the Latin mobile vulgus which means "excitable, fickle crowd".

is authoritative an sovereign, a firm and settled course of public order, is requisite if man is to bring to maturity anything precious and lasting now" (Keller, 2013, p.114). Crowd driven disorder can be an effective vehicle of communication as "many riots and demonstrations were meant to grab the attention of the ruling elite, whether informing them of a grievance, reminding them of their paternalistic duties, or intimidating them with sheer numbers" (Bucholz & Ward, 2012, p.273). Therefore the mob can be a beast to the ruling elite and a hero to the revolutionary classes (Ben-Israel, 1968); the French Revolution had a particularly profound effect on the British as the mob "reigned as sovereign" (Thiers, 1854, p.60).

There has been a marked increase over recent years in trying to understand how and why a crowd can move from being a peaceful mass to a violent mob (Reicher, 2001; Reicher et al, 2004; Stott & Pearson, 2007; Waddington, 2007). Crowd psychology seeks to understand the levers and drivers that can transform a peaceful crowd into a destructive mob, an entity which is dangerous because it "can be used, manipulated by ideologues [and] can become political" (McClelland, 1989, p.24). Crowds can be dangerously unpredictable as they have the capacity to contaminate individuals by removing them from the constraints of the rules, policies, and pressures which serve as effective forms of social control (Zimbardo, 2011, p.6).

The science of crowd psychology recognises that public disorder is rarely isolated, but takes place "within complex contexts of factors, some long – standing…some

immediate" (Bucholz & Ward, 2012, p.273). Crowd psychology is not new a new concept within the policing context. It has been noted that since the nineteenth century the MPS has been experimenting with methods and tactics which remain current in modern public order operations: placing key members of crowds under observation, intelligence gathering, and keeping resources hidden so as not to antagonise protestors (Mathers, 1959). However from the 1980s onwards the practical experience of public order police commander was supplemented by academic research and theory into human psychology.

The relationship between the attitudes, preconceptions, stereotypes and behaviours of the police and the policed on each other has been efficiently captured in a model known within British policing as the "Conflict Cycle" or "Betari's Box". This has become the foundation of crowd management theory within public order police courses (Blagden, 2012; Chalmers & Frosdick, 2011). It is a popular model as it underscores "the positive and negative impacts that police tactics can have upon crowd dynamics" (HMIC, 2009, p.80). However although it is a key component of British public order training for constables and commanders the Betari Box model has been criticised for being an overly simplistic and unsophisticated approach to public disorder which is an inherently complex activity (Superintendent "Martin"). Although the model does reflects upon the interplay between police and crowd members it arguably ignores the importance of group level interactions which feature heavily in recent academic studies into crowd psychology and dynamics (Stott, 2014).

The Betari Box

My Attitude

affects

affects

Your Behaviour

My Behaviour

affects

affects

Your Attitude
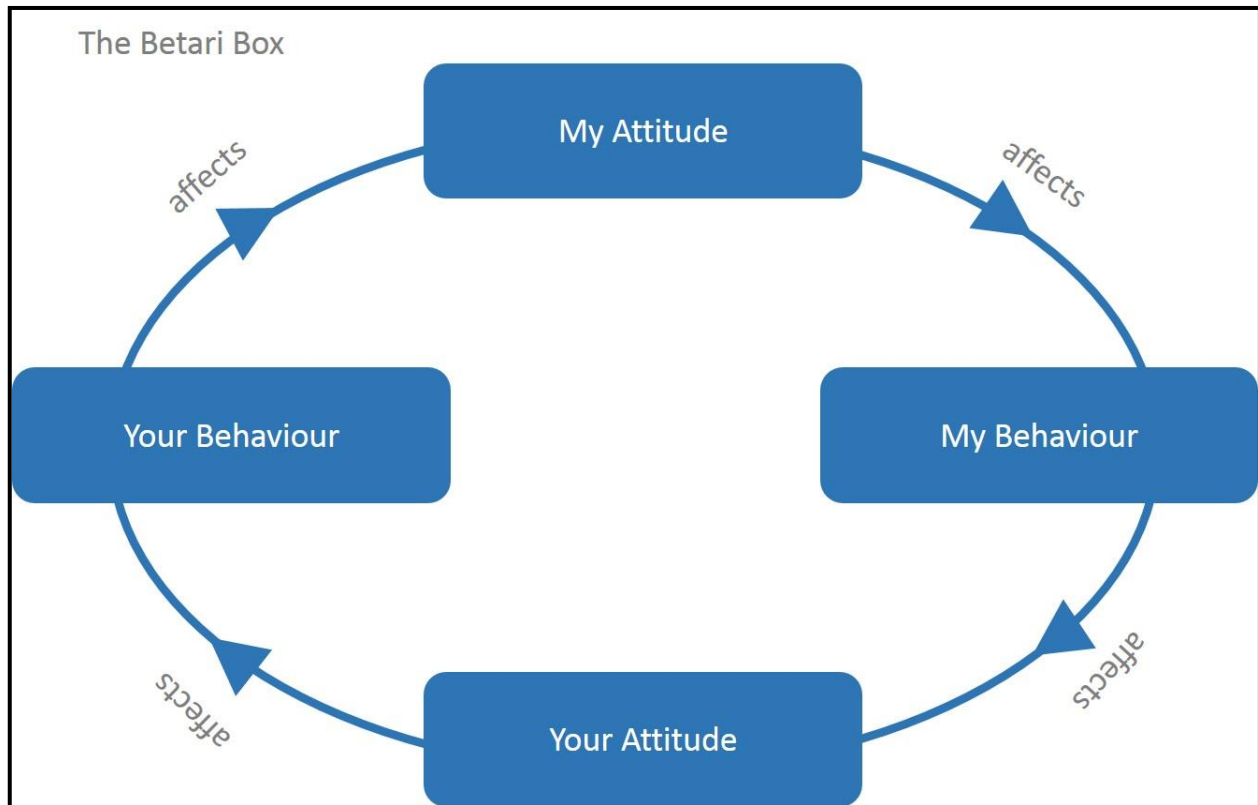
FIGURE 6: THE BETARI BOX MODEL, WHICH FORMS A KEY PART OF BRITISH PUBLIC ORDER TRAINING AT ALL LEVELS (MPS)

Approaches to crowds have adapted in response to the wider changes in the sociological understanding of modern societies: "Functionalists focused on the importance of the police in ensuring public order; conflict theorists on how the institutions controlled by the elite used the police to keep themselves in power; and interactionists who are interested in the meanings associated with police-institution exchanges" (Palmiotto & Unnithan, 2011, p.55). The origins and early development of the sociology of the crowd were formalized in the influential late nineteenth century work of Gustave Le Bon (1895), who argued that the crowd is a homogenous mass made of individuals who have lost their sense of individual self and personal responsibility. This

approach informed his "Law of the Mental Unity of Crowds" in which the crowd "has a group mind, whose workings did not follow the same laws as the workings of an individual's mind because it was unconscious" (McClelland, 1989, p.8). Le Bon's view was evident in other psychosocial models proposed by other influential theorists of the late nineteenth and early twentieth century such as Freud, Tarde and Sighele (McPhail, 1991; van Ginneken, 1992). From the late 1980s his view was increasingly challenged as being unsatisfactory and sociological studies of collective behaviour began to focus on understanding the drivers of group behaviour, the impact of policing activity on individuals and the complexity of collective identity (Armstrong & Harris, 1991; King, 2000; Stott & Reicher, 1998). The renewed academic study had a particularly profound influence upon policing in Britain which moved from the Le Bonian "classical" perspective to the Elaborated Social Identity Model (ESIM) to understand crowds (Reicher et al, 2004).

The ESIM is based on the application of an intelligence led approach to understanding the identity of the individuals making up a crowd which draws on the theory that the individuality of mind, purpose and desire remains within a crowd scenario; in effect a crowd retains "rationality" (Borch, 2013). It attempts to address the key challenge faced by public order commanders in modern democracies which is "to make negotiation and other violence minimization strategies effective when dealing with diffuse, disorganized and violence-prone protestors" (Baker, 2002, p.50). The ESIM sets out to deconstruct the assumptions of crowd irrationality. By virtue of widespread application and

acceptance it has become the dominant psychological model in explaining crowd disorder in Britain (Aradau, 2015; HMIC, 2009; Reicher, 2001; Stott, 2014).[29] This has given rise to the operational deployment of "Protest Liaison Teams" in Britain, which are groups of police officers tasked to infiltrate crowds to facilitate engagement and gather intelligence on component groups (della Porta et al, 2006).

ESIM views a crowd as a collection of different groups with different identities, drivers, beliefs and influences. Failure to recognise these differences can result in serious issues. The dangers and counter productiveness of deploying an indiscriminate policing approach to a crowd based on the classical theory of an irrational crowd were highlighted in an HMIC report into the London G20 protests; during these protests an uninvolved member of the public, Ian Tomlinson, received fatal injuries sustained after being pushed to the ground by a police officer, PC Simon Harwood, who was refusing him access through a police containment cordon. The ESIM argues that the "indiscriminate use of force can…somewhat ironically contribute to a widespread escalation in the levels of public disorder" (Stott, 2009, p.10).

The ESIM has not been immune to academic criticism (Bagguley & Hussein, 2008), and the Le Bonian crowd theory does retain currency in many other jurisdictions, including Spain, and amongst senior officers in Britain (Stevens, 2006). The Spanish view on crowd behaviour has remained broadly consistent with the earlier academic works

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[29] Proponents of ESIM, such as Stott and Reicher, have effectively and repeatedly argued that the classical Le Bonian theory should be eradicated from British police training programmes (Stott & Reicher, 1998). This approach and argument has been witnessed in person by the author.

which concluded that crowds afford individuals the opportunity to engage in collective acts by "externalizing" their violence (Olea Pimentel, 1912). The work of Ortega Y Gasset continues to form a key part of the modern syllabus for public order commanders in Spain even though his most influential work, the Revolt of the Masses, was published in 1930 during a time of great political and social upheaval. Ortega Y Gasset used the term "mass" to "indicate a mob mentality that can easily be molded for any suitable end" (Blas Gonzalez, 2007, p.20). More recent studies, such as the Stanford Prison Experiment of 1971, also highlighted the ability of group dynamics and situational pressures to transform human behaviour (Haney et al, 1973; Zimbardo, 2011).

In a democracy there is a need for police action to be justifiable and to retain legitimacy with protestors, the wider audience, and the law (Bartolome Cezano, 2000; HMIC, 2009; Newburn, 2003). Police legitimacy "is entwined with the broader legitimacy and acceptance of the state. The hegemony of the state is entrusted to the police force which possesses the monopoly to use coercion" (Baker, 2014, p.2). Legitimacy in the eyes of the policed shapes public support and reaction to the police and policing activities. Furthermore the key antecedent of legitimacy, which can be seen in all models used to understand crowd behaviour including the "Conflict Cycle", is the fairness of the procedures deployed (Sunshine & Tyler, 2003); the police must be seen first to typify group morals and values and second to treat the public with dignity and fairness (Jackson & Sunshine, 2007). Therefore police legitimacy "depends on their

capacity to maintain public order without losing the consent and compliance of the people" (Barker, 2014, p.3). This political and operational dilemma has not only driven the study of crowd psychology but also poses new questions of how the police can articulate their plans and communicate effectively within the wider public order arena.

The Media

The impact of the media on policing in modern age cannot be underestimated. It has been noted that the "majority of public knowledge about crime and justice is derived from media consumption" (Dowler & Zawilski, 2007, p.193).   Media sources, from fictional representations in cinema to live reporting on 24 hour news channels, are powerful. They convey cultural messages, reinforce stereotypes and ideologies, and influence wider concepts of legitimacy. The wide range of available media sources, coupled with technological advances, now allow the public to experience disorder and riot from the comfort of their homes.

A free press has long been recognised as "one of the securities against corrupt or tyrannical government" (Mill, 1863, p.33), with the provision of information it supplies representing "the oxygen of accountability" (HMIC, 2014, p.53).   The traditional relationship between the police and traditional forms of media has been fundamentally and irrevocably altered in the modern age (Jewkes, 2011; HMIC, 2011; Newburn, 2003). One of the key tensions, of deciding when the press cross the line between reporting on protest and sponsoring it, has been radically complicated as many forms of

media communications no longer come from the traditional mediums of print, radio or television (see Milne, 2005). The fusion of private individuals utilising "technology, behaviour and popular culture" (Mason, 2013, p.65) has seen the creation of the "Citizen Journalist". Citizen journalism, a type of first person reportage in which ordinary individuals temporarily adopt the role of a journalist in order to participate in news making, often spontaneously during a crisis, accident, tragedy or disaster when they happen to be present on the scene, has fundamentally changed the relationship between the public and the state (Allan, 2013). The citizen journalist, although at times inconsistent or biased, does allow the modern researcher access to unprecedented amounts of footage and documentation taken "in the field" in a manner never previously possible.

The influence and impact of this technological revolution cannot be overstated. The mobile phone video recording of Ian Tomlinson being struck down by a police officer, during G20 demonstrations in London in 2009 altered the official narrative of the incident and transformed the story into a "critique of the police and their methods, and the footage created an inversion of public understanding of the London police" (Blaagaard, 2012, p.75). Therefore the impact of technological advances can be understood in terms of three key issues: the capacity of technologically empowered citizen journalists to produce information that challenges the 'official' version of events; the inclination of professional and citizen journalists to actively seek out and use that information; and the existence of an information-communications marketplace that

sustains the commodification and mass consumption of adversarial, anti-establishment news (Greer & McLaughlin, 2010).

The use of the internet and social media "enables individuals to connect to a vastly wider array of communication flows that serve as alternative sources of information, organisation, and value structures than are otherwise available" (Jensen & Anduiza, 2014, p.38). Clearly technology allowed for the rapid transmission of information, increased individual proximity and connectivity to events and allowed events to be tracked as they happened in real time. In addition to empowering citizen journalism, communication technology also transformed the ability of street gangs to communicative and get organised (Baker, 2011). The use of instant SMS, texting, tweeting and Blackberry Messenger (BBM) by gangs to provide "minute by minute exposition on the movements of the police" allowed them to maximise opportunities to commit crime (Harding, 2012, p.22). It also demonstrated their effective use of readily available technology. By comparison the MPS resembled "middle-aged professionals grappling with social media and the digital age" (The Guardian, 2012e).

The BBM network in particular, a free and secure mobile phone messaging service open to anyone with a BlackBerry smartphone, was arguably the key tool for rioters enabling them to share information on where other looters were, safe routes home, and what the police were doing: "broadcasting on BBM was particularly effective in organising people on the streets and identifying targets with – as one rioter put it –

"military precision"" (The Guardian, 2011e). Contrary to widespread speculation at the time, the social media sites Facebook and Twitter were not used in any significant way by rioters whereas it was BBM which was "used extensively to communicate, share information and plan in advance of riots" (The Guardian/LSE, 2011, p.4). The role played by BBM was such that the disorder has been described as "The Blackberry Riots" (The Economist, 2011).

The inability of the authorities to access the secure BBM network was of particular concern to police commanders: "primacy of communications is something the police could always rely on to stay one step ahead of the baddies. But BBM especially, which we could not crack or track, turned the tables drastically and put us on the back foot. Officers were so desperate for intelligence that they were checking the mobile telephones of the people we did manage to arrest or search" (Superintendent "William"). The use of social media undermined traditional British police public order tactics which are slow and ponderous: it takes time to mobilise officers, transport them to the scene of disorder (which may be continuously shifting) and deploy them on the streets (Waddington, P. A. J., 2012). Traditional British policing tactics consist of sending forward police formations, in sufficient numbers, "to isolate, contain, arrest or disperse the crowd" (MPS, 2012, p.118). However the Duggan Riots demonstrated that in the new technological age and when faced with highly mobile and multi-seated threats British police tactics were ineffective and unsuitable. A review by the Home Affairs Committee recognised that the "use of social media, both as a source of intelligence

and as a way to reassure and inform the public, is also an emerging area of public order policing that requires urgent attention" (Home Office, 2012a, p.14).

The use of the internet use by citizens, parties and organisations in Spain has been particularly powerful and has facilitated the spread of political information, fueled debate, modified political attitudes and encouraged political involvement by driving both online and offline political participation (Anduiza et al, 2010). As a political protest movement Los Indignados in particular made particularly effective use of social media to "create openings for rapid, highly flexible, and scalable political mobilisation online" (Jensen & Anduiza, 2014, p.38). It has been noted that "one striking feature of Spain's 15M (or Indignados) movement has been the pervasive, sophisticated, and distributed use of social media by hackers, bloggers, lawyers, students, grassroots activists, and countless ordinary citizens" (Postill, 2013). During 22M officers were informed that activists were setting up new Twitter accounts as they attempted to set up camps in strategic locations requesting support and supplies whilst giving live updates on police behaviour (Comisario "Enrique"). Research has shown a statistically significant relationship between social media activity and physical participation of Indignados on-site activity with Twitter playing a "pivotal" role in the local co-ordination of logistics (Bastos et al, 2015).

It has been recognised that although the use of social media by the police is not without risk it is preferable to confront these pro-actively and directly, rather than reactively

(Deloitte, 2013; Herring, 2015). The effective use of social media by the police can be utilised to shape, frame and influence public understanding of law and order issues (Lee & McGovern, 2014). However the relation between social media and the British police is complicated, partly because there is no one unified police but a collection of individual territorial forces each taking an individual approach to social media engagement activity. By comparison the CNP, as a national police, has invested heavily in social media in response to the success of Los Indignados in framing public narrative about the policing of their activities. This investment has resulted in recognition that the official CNP Twitter account has been hugely successful in communicating and responding to citizens in a colloquial and close way (Bloomberg, 2013).

Public Order

The police are responsible for interpreting public order law, which includes establishing the boundaries of acceptable conduct in public spaces, using force where necessary and justifying decision-making before the courts. Civil policing has proved to be a conservative, as opposed to revolutionary, development (Baker, 2014; Cooper, 2014, Dunham & Alpert, 2014; Emsley, 2009; Morton, 1994; Reiner, 2010, Waddington, 1999). It is ideologically, theoretically and culturally comfortable with the hierarchical composition of the Great Chain of Being, the Platonic philosophical thesis which articulates the "conception of the world as a continuous and logical plenum" (Schochet, 1988, p.86) in which people have "a very specific, predetermined place in the great scheme of things" (Morris, 2003, p.2). The police are concerned with maintaining the

status quo and "prefer order and predictability on the streets and they expect to win all public disorder confrontations" (Baker, 2014, p.2).

Public order policing not only raises cultural challenges but calls for intelligence, resilience, skill, fortitude, diplomacy, restraint, bravery and sacrifice. Furthermore the police are called upon to make difficult and, at times contradictory decisions, facing the "perennial dilemma of how to reconcile people's right to express grievance while maintaining the policing mandate of order and security" (Baker, 2014, p.2). The mechanics of disorder policing is at the heart of good governance and the internal security of the nation state. The ability of the state to maintain order is fundamental as when "social order is absent and chaos exists, society cannot move forward; it will not even be able to maintain the status quo" (Palmiotto & Unnithan, 2011, p.122).

How police respond to disorder is just as important as why the disorder has occurred in the first place. The issue faced by modern liberal western democracies is a complex one, as the state seeks to avoid being repressive without limiting the effectiveness of efforts to respond, contain and disperse seats of conflict. Therefore "governments in any democratic society face a difficult trade-off between maintaining public order and protecting individual citizen rights" (Fuentes, 2005, p.6). The state seeks to maintain legitimacy, safeguard against the use of unreasonable force, and maintain public support for their actions (which underpins the concept of "policing by consent") without compromising civic rights freedoms. The objective of the British police was neatly

summed up by MPS Commissioner Sir Robert Mark as "winning by appearing to lose" (Tupman & Tupman, 1999, p.56), with the police using not water cannon, tear gas or rubber bullets as their secret weapons, but "public sympathy" (Reiner, 2010, p.72). This uniquely British approach to public order policing has driven a healthy academic interest in debating the use of force by police officers to keep the peace and maintain order. In particular it has influenced numerous articles on the "paramilitarisation" or "militarisation" of the police in their response to public disorder incidents.

Paramilitarisation – The British Obsession

Academics writing about public order policing in Britain have identified, and long debated, the introduction of "paramilitary" style methods. This interest has been driven by the fact that public order policing "is the example par excellence, where even in liberal democracies 'hard' paramilitary tactics are often adopted and the police come to symbolize the power of the state and governmental interests" (Bowling & Foster, 2002, p.992). The distinct development of Spanish policing systems, which have always been armed, and the continued existence of the Guardia Civil, a military organisation tasked with civil policing duties within the modern framework of policing, have meant that the "militarisation" debate has not gained traction in Spain. Within the British context paramilitary policing is described as the police on mainland Britain "tooling up with the trappings and techniques more usually associated with the troubles in Northern Ireland or a continental *force de frappe*: riot gear, shields, water cannon, CS gas and plastic bullets" (Leishman & Mason, 2011, p.39). The use of the military to provide a policing

response, or the adoption of military style methods by the police, have consistently proved to be sensitive and controversial. The use of military resources to target harden specific high profile sites, such as the deployment of armoured personnel carriers around Heathrow Airport during time of heightened terrorist threat, provoked criticism of "police military" rule as seen in many autocratic dictatorships (Oates et al, 2010; Stevens, 2006).

The doctrine of policing by consent and the use of minimal force, of which British policing is immensely proud has confused the wider picture of public disorder (Blair, 2009; Reiner, 1991). Many aspects of a public order policing response require a military style approach in terms of tactics and command protocols, underpinned by "professional efficiency and unity of control" (Mathers, 1959, p.96). The British academic discourse around paramilitary policing is formed around the debate between two criminologists, Waddington and Jefferson. Essentially their positions can be distilled into two distinct concepts. Waddington sees the rise of paramilitary policing, typified by the use of specialist equipment and strict command and control, as ensuring that the policing response to disorder is measured, lawful, controlled and ultimately justifiable (Waddington, 1987; Waddington, 1991; Waddington, 2006). Other benefits are "the unlikelihood that ad hoc actions undertaken by officers, individually or in groups, will cause panic and anger among civilians and the fact that senior officers in charge of paramilitary units will be held directly accountable for the actions of their subordinates" (Waddington, 2007, p.28). Jefferson's position is that paramilitary

policing is essentially confrontational and has an inherent capacity to exacerbate violence (Jefferson, 1987). He argues that throughout the four distinct phases of a "paramilitary" scenario (preparation, controlling space, controlling the crowd and clearance) a militarised policing mind set and deployment fuels anger, dissent, violence and a likelihood of protestors returning on a subsequent occasion "more determined and better prepared" (Jefferson, 1987, p.53).

The militarisation of public order policing in Britain is either indicative of the emergence of a repressive state or a necessary response to the modern operational environment. The reality is that when faced with new methods of attack and extreme violence, the police has to be equipped appropriately to respond; this is something British policing has been engaged in since the creation of the MPS in 1829 (Emsley, 2009; Mathers, 1959). The adoption of paramilitary technologies (which includes public order vans and protective equipment) provides the police with protection and simultaneously recognises that society requires protection from violent and disorderly elements (Loader & Mulcahy, 2003).

The development of new tactics and weapons is not limited to public order policing. Patrolling officers in Britain are now routinely equipped with stab proof ballistic jackets, body worn cameras and "TASER" electrical weapon systems (Siegel & Worrall, 2014). However within the dangerous environment of serious public disorder specialised equipment is often required to maintain police efficiency and capability. On numerous

occasions during violent demonstrations the author was subjected to sustained missile attack (ranging from condoms filled with urine and used sanitary towels to pieces of masonry and glass bottles) and a militarised approach (typified by a chain of command, unit tactics, solid communications network to facilitate movements, units of appropriately trained and equipped officers (shield, NATO helmet, body armour) which included the use of specialist resources (dogs, mounted officers, helicopters, a system of reserves) was crucial to prevent serious injury to officers, arrest offenders and neutralise the threat. Furthermore the experiences of operational practitioners can create tensions within the British consensual policing model. During several disturbances, in particular the disorders of 2011, the author would have used baton rounds without hesitation in light of the extreme violence used against officers. Accordingly the argument and counter argument around the use of helmets and shields by police officers in demonstrations and protests can appear to operational practitioners to be an academic indulgence far removed from the violent and dangerous realities of the operational arena.

The Spanish academic perspective on Public Order

The Spanish academic narrative on public order is formulaic, and rooted firmly in the doctrines of law and constitutional governance (Acedo Penco, 1997; de Bartolomé Cenzano, 2000; de Bartolomé Cezano, 2002; Carro Fernández-Valmayor, 1990; Elvira, 2008). Spanish literature on public order has traditionally concentrated on the inability of the state to provide stability and order during the Second Republic, although the

Spanish Civil War continues to dominate "Spanish publishing like no other topic" (Treglown, 2014, p.119). Following the death of General Franco, Spain looked to a democratically created and constitutionally mandated legal framework as the basis for maintaining order and respecting human rights within society (Chislett, 2013; Del Mar & Bankowski, 2013; Kelsen, 2009).

The concept of public order in Spain is defined by the prevailing "social, political and economic principles in any given historical period" (Pérez – Conejo, 1996, p.178). Within such a legally dominated subject the use of terminology and language is important. The Spanish constitutional system provides a clear distinction between "public order", which is concerned with the protection and exercising of fundamental human rights, and "public security", which is concerned with the protection of people and property from assault, violence or dangerous situations (López-Nieto y Mallo, 1992, p.19). This is an important ideological distinction as it identifies public order as an enabling concept for the good of society, legitimised by legal statute and not the subjectivity of "social conscience" (Carro Fernández-Valmayor, 1990).

Public order is therefore used to describe "legal order" which provides "the protection of the free exercise of fundamental rights" (Elvira, 2008, p.5). As a result public *disorder* occurs when there is "a violation of legal rights or the freedoms of individuals" by the state (Carro Fernández-Valmayor, 1990, p.17). In Spain it is public safety that arises from the threat posed by violent protest and riot. Spanish police public order units are

referred to as "anti-disturbance" units and not "public order" units as is the norm in Britain.

The legacy of the dictatorship of Franco, where the use of public order policing units was a form of overt social control and a tool of repression against popular protest, has informed subsequent debates concerning the rights and entitlements of citizens under the Spanish Constitution of 1978 (de Bartolomé Cezano, 2000). The repressive excesses of the dictatorship served to influence the Spanish Constitution which provides strong protections for public freedoms and safeguards against abuses of state power. This approach, which largely follows historical precedent, is seen as the keystone of restraint against the arbitrary use of the police for repressive purposes (Elvira, 2008). Spanish political ideology in the post Franco era has traditionally been to consciously facilitate public protest wherever possible but for the police to be on hand in force to respond to problems. Indeed the right to protest in Spain is so well protected that mass protest, occupations and civil disobedience during the most recent economic crisis became the *modus operandi* for protestors.

Conclusion

A comparative study requires an understanding of the existing body of study, comment and debate. In relation to the subject of this thesis, it is evident from the literature available that the governance, culture, the use of force, crowd psychology and the media all feature as core themes. A literature review should demonstrate the following:

what is already known about the topic; what concepts and theories have been applied to the topic; what research methods have been applied to the topic; what controversies surround the topic and how it is studied; what clashes of evidence (if any) exist and who the key contributors to research on the topic are (Bryman, 2012). This chapter has been structured accordingly. The literature on public order policing has been subject to very different approaches from British and Spanish commentators, concentrating on issues which reflect the national cultural and social diversity. Having reviewed the existing literature, it is now appropriate to provide an overview of public order policing in Britain and Spain and this forms the basis of the following chapter.

Chapter Four: An overview of British and Spanish Policing

"Law enforcement agencies reflect the cultures which have produced them and, in turn, play a part in maintaining their social fabrics and preserving their value systems. When change occurs in society new pressures and demands are generated for police; in a period of rapid social change they become confused and confounded by both the pace of change and by the apparent contradictory nature of the demands placed upon them."

(Pope and Weiner, 1981, p.7)

Introduction

This chapter provides an overview of the public order policing arrangements in Britain and Spain, specifically their respective structures, doctrines and methods. It has been argued that the "primary reason for establishing policing in society is to maintain order" (Palmiotto & Unnithan, 2011, p.122). However, the approaches taken to this by Britain and Spain are reflective of different historical experiences, legal systems, political development and psychological models which have helped to shape the contemporary policing landscapes (Emsley, 2009; Greener & Fish, 2015; Morton, 1994). British policing is built upon the concept of policing by consent, community representation and using force only when absolutely necessary. The Spanish police represent the internal power of the state which influences how they maintain law and order. These approaches to policing also translate across into the respective national public order policing models.

The British Historical Policing Context

Policing is not a modern concept.[30] However it was the British who successfully

implemented a professional system of policing with the creation of the MPS in London in

1829. This was the result of a period of innovation and experimentation to replace the

existing inefficient and unsatisfactory parish constable or town watch arrangements

which could be traced back to the Normans.[31] The creation of the MPS was a response

to the behaviour and conduct of "Dangerous Classes" which was fuelling growing public

and political concerns at levels of crime and disorder in towns and cities (Shelden,

2001; Thurman & Giacomazzi, 2015).[32] According to one commentator London in the

early nineteenth century was "utterly unable to contend with the evils of accumulated

population [and] found municipal machinery utterly inadequate for the security of life or

property in her streets" (Phillips, 1863, p.495). The police provided the state with an

effective, predictable, dependable, bureaucratic and legal means of maintaining order

(Silver, 1967). The poorer sections of society, the "Dangerous Classes", now became

"Police Property" and were regularly subjected to abuse and mistreatment by police

officers (Emsley, 2009; Lee, 1981; Loftus, 2009; Morton, 1994; Reiner, 2000). This

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[30] Both the Greeks and Romans had police units in their towns and cities. The city states of Ancient Greece deployed guards to enforce laws and maintain order. Athens employed a body of publically owned slaves to enforce the law, carry out capital punishment sentences, and restore order after rioting (Wilson, 2006).

[31] The Office of Constable was used to describe the individual appointed to maintain order and was established in England following the Norman Conquest after 1066. The Assize of Arms of 1252 allowed for the appointment of constables to summon men to arms, quell breaches of the peace, and to deliver offenders to the sheriff or other court officials. The Statute of Winchester of 1285 directed the authorities of every town to keep a town watch at the city gates.

[32] The term "Dangerous Classes" is originally attributed to the US social reformer Charles Loring Brace, and used to describe the poor underclass enduring the problems of crime, prostitution, alcoholism, overcrowding and homelessness in late nineteenth-century New York (Mink & O'Connor, 2004).

would support the contention that "law enforcement agencies act in the interests of the dominant groups and classes of a society" (Marenin, 1982, p.241).

The enactment of the Metropolitan Police Act of 1829 represented a watershed in the formal transition from unregulated and amateur arrangements to a professional policing structure built upon a uniformed, disciplined body of men housed in stations and allocated specific patrol areas to prevent crime and disorder (Blair, 2009; Emsley, 2009; Morton, 1994). Mindful of the distrust, hostility and suspicion of many sections of society towards the police, the architects of the MPS ensured their officers adhered to the Peelian Principles (Blair, 2009). British policing continues to be dominated by the doctrine of "Policing by Consent", with officers swearing an oath to uphold the Sovereign's Peace whilst exercising the very minimum of force, to secure wider public trust and confidence (Blair, 2009; Emsley, 2009; HMIC, 2009; MPS, 2012). By comparison many European police forces founded before and after the creation of this "New Police" were essentially military bodies tasked with policing the civilian population (Emsley, 2009; Lopez Corral, 2009).

Public Order Policing in Britain

Prior to the establishment of the MPS there was no way for the civil authority to respond to serious disorder without recourse to the military. The patchwork of constables, sheriffs, bailiffs and night watchmen across the country were wholly unsuitable for such a role. The tolerance of the ruling class to rioting, increasingly instigated by militant and organised urban poor seeking political reforms and unionised labour protection, was

diminishing by the latter part of the eighteenth century. As fears about social disorder increased "so too did the value attached to the concept of order" (Taylor, 1997, p.17). This was compounded by the experience of the French Revolution, which had demonstrated the dangers to the ruling elite of uncontrolled rioting (McClelland, 1996). The British practice of the local Magistrate directing private citizens or the military to maintain order proved unworkable in the rapidly changing dynamics of a fast changing industrialised society.[33] Society now looked towards the New Police, as a disciplined uniformed body of men housed in stations and allocated specific patrol areas, to prevent crime and disorder (Blair, 2009; Emsley, 2009; Morton, 1994).

For the majority of the twentieth century public order policing remained just another function to be undertaken by uniformed officers when the need arose. It was neither a specialism nor a niche role. This approach was taken notwithstanding a continuous and growing body of disorderly incidents encompassing everything from trade union militancy and general strikes to violent political confrontations and race riots. The British approach to disorder was to use the avuncular truncheon wielding British Bobby, in standard uniform with no enhancements in terms of weaponry, training or support. An additional peculiarity of the British system was to empower civilians as volunteer police officers or "Special Constables", equipped with even less training than the full time professional police officers, during times of extreme duress.[34] This approach was

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[33] The use of the military to resolve internal political conflict was ultimately discredited following the Peterloo Massacre (Appendix D).

[34] During the General Strike of 1926 tens of thousands of Special Constables were sworn in to assist overstretched constabularies (Potts, 1996, Symons, 1957).

very different to the European practice of relying on a "standing army" of public order officers. The French established the Compagnies Républicaines de Sécurité (CRS) (translated as the "Republican Security Companies") in the mid-1940s as a full time specialist arm of the police tasked with public order and riot control (Brain, 2010).

During the 1960s Britain experienced societal change as the state "liberalised social restraints allowing more freedoms" (Jarvis, 2005, p.9). Protest became vocal and confrontational after several decades of relative tranquillity in public spaces. The police were forced to respond to the challenges of industrial disputes, demonstrations and counter demonstrations, recreational meetings and spontaneous attacks in inner city areas (O'Byrne, 1981). British policing now found itself at the forefront of street politics, further complicated by a post-colonial legacy and unresolved issues associated with multi-culturalism. These issues were not limited to London where there is a long history of poor relations between ethnic minorities, particularly black, youth and the police (Bowling & Phillips, 2003; Chisholm et al, 1990; Rowe, 2012).[35] It has been noted that the vast majority of public order operations are characterised by a lack of disorder (della Porta and Reiter, 1998; HMIC, 2009; Waddington, 1994). However from the late 1970s

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[35] In the spring and early summer of 2001 in Oldham, Burnley and Bradford the police found themselves being attacked by large groups of young people from different cultural and ethnic backgrounds. The resulting review made several recommendations for British policing, which included the establishment of protocols to tackle inter community tensions (Cantle, 2001). Such development has served to fuel the wider confusion over exactly what is the mission and purpose of the British police in the modern age (Blair, 2009; The Telegraph, 2012).

onwards "for the first time in decades, mainland Britain witnessed full-scale riots" (Faulks, 1998, p.146).

The Peelian policing model was "designed to be adaptable to ensure the safety of the public and preservation of the peace within a tolerant, plural society" (HMIC, 2009, p.5). However the violent behaviour of football hooligans, urban inner city gangs, and demonstrators presents a powerful visual representation of the consequences of the withdrawal of public consent to being policed. The drivers for this are varied but it has been argued that the loss of trust in the police "is corrosive to the heart of the British model of policing by consent" (HMIC, 2014, p.59). Community disorders, compounded by social deprivation, racial tensions, high levels of unemployment and political marginalisation, have repeatedly seen the police viewed as a legitimate target for pre-planned or opportunistic assault. The mere presence of police officers is often cited as the primary catalyst for disorder (The Guardian/LSE, 2011). The probing of policing legitimacy through direct action and acts of violent disobedience led to a recognition that public order policing was a specialist activity. This resulted in the rapid introduction of new techniques and technologies which have been described as "paramilitary" (Jefferson, 1987; Waddington, 1991; Waddington, 1999).

British Public Order Units

The MPS was the first force to establish a full time reserve of public order units due to the large number of incidents they were required to police in the capital. The Special

Patrol Group (SPG) was formed in 1965 to "provide a centrally based mobile squad for combating serious crime and other policing issues that could not be dealt with by local police" (IPCC, 2012, p.3). According to a former chief constable although the SPG was trained in public order and other specialist techniques they "wore uniform or carried equipment no different to other officers, and did not constitute specialist 'riot' police, such as the French CRS, but they were good at their job, had a high esprit de corps…their critics viewed them with suspicion as a force within a force" (Brain, 2010, p. 13). They were organised into units, consisting of a supervisor and several constables in a van and they acquired a reputation for toughness and for using extremely violent tactics (Bennet, 2014; Morton, 1994).[36]   The SPG was replaced by the Territorial Support Group (TSG) in January 1987.

In addition to the creation of full time public order units, British policing also recognised that disorder was such that all officers deployed into a public order incident required additional training and equipment. The vast majority of public order was still being policed by "ordinary" police officers. PC Keith Blakelock, who was murdered during the Broadwater Farm Riots in Tottenham, North London on 6th October 1985, was a local community officer deployed on public order duties due to the circumstances. Violent confrontations often resulted in numerous police injuries and called into question the

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[36] During an anti-fascist demonstration in Southall in 1979 a special needs teacher, Blair Peach, died from a single blow to the head from a truncheon attributed to an SPG officer who was never identified (The Guardian, 2010a). In 1983 a SPG unit assaulted a group of five teenaged boys so badly that they all required hospital treatment. Four constables and their sergeant were subsequently convicted of assault and sentenced to custodial sentences ranging from eighteen months to four years (Morton, 1994).

practice of public order duties being undertaken by officers "dressed in nothing more sinister than helmets of a nineteenth century style, greatcoats if it was cold, or mackintoshes if it was raining" (Brain, 2010, p.11). Although the Peelian Principle of "the police are the public and the public are the police" remained subject to interpretation the reality was that to protestors, disaffected youths or militant pickets the police represented the state and the civilian roots of the British police offered no protection from violent action. The police response was to adapt rapidly, introducing new protective clothing, shields, unit tactics, vehicles, and command protocols as experience served to drive learning and necessity. The violence of confrontations in the 1970s and 1980s further highlighted the indulgent nature of the academic arguments of the rights and wrongs of police "Militarisation" (Chapter 3). Simply put, operational necessity and the organisational duty to equip officers to protect them meant that a "low key" approach to public order had to be revisited and reinforced with new methods and tactics. It is recognised that premature displays of formidable public order protective uniform and equipment can undermine the concept of consent policing (HMIC, 2009). However the police are in need of such options to discharge their duties at times of serious disorder.

The TSG is the only Level 1 (discussed below) full time public order unit within the MPS. It has an establishment of 793 officers, headed by a Chief Superintendent, and is based across five geographical bases in London (Home Affairs Committee, 2012). Their primary function is to provide an immediate response to spontaneous disorder anywhere in London, and a Police Support Unit (explained below) of TSG is always

available for immediate call out (known as the "Commissioner's Reserve") between the hours of 0600 and 0200.[37] As a unit primarily involved in confrontational policing operations the TSG has found itself involved in high profile incidents and subject to criticism similar to that encountered by the SPG.[38] This indicates the strength of feeling felt about public order policing in modern society, especially due to the perception that the role of the public order police is to repress dissent and deny freedoms.

FIGURE 7: A MIXED GROUP OF LEVEL 1 AND LEVEL 2 OFFICERS DURING STUDENT DEMONSTRATIONS IN PARLIAMENT SQUARE, LONDON 2010 (MPS)

Public order in modern Britain is not policed in isolation; the practice of forces supporting each other through the deployment of "Mutual Aid" support goes back to the nineteenth century when the MPS would provide assistance to other parts of the country (Geary, 1985). During the Duggan Riots of August 2011 the author was given

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[37] TSG also has additional responsibilities to provide an anti-terrorism and domestic extremism capability and to assist borough and specialist units in reducing priority crime such as knife crime.

[38] The officer responsible for the death of Ian Tomlinson at the G20 demonstrations was a TSG officer. Critics have called for the TSG to be disbanded on the grounds that it lacks public confidence and acts like a paramilitary body (The BBC, 2013).

command of units from Northumbria Police, South Wales Police, Thames Valley Police, Hampshire Constabulary, Kent Police and Strathclyde Police.[39] Mutual aid of this nature requires resources from different forces being able to work together, using common tactics, organisation, deployment and language. This gave rise to the Common Minimum Standards which refers to the teaching of standard tactics and training for all Level 2 and Level 1 trained police officers (Harfield, 2009; HMIC, 2011; Stott & Reicher, 2008).

FIGURE 8: PUBLIC ORDER TRAINING AT THE METROPOLITAN POLICE SPECIALIST TRAINING CENTRE IN GRAVESEND, KENT (MPS)

In England and Wales a Police Support Unit (PSU) consists of 1 inspector, 3 sergeants and 21 constables (3 of the constables are drivers for the protected personnel carriers which carry long and round shields for use by the PSU, and the drivers remain with the

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[39] Mutual aid is overseen by the National Police Coordination Centre (NPoCC) which is responsible for the mobilisation and coordination of police assets to support forces during large scale events and operations and in times of civil emergency. NPoCC was launched in April 2013 replacing the Police National Information and Co-ordination Centre (PNICC), which handled mutual aid at the time of the Duggan Riots.

vehicles at all times) (College of Policing, 2014).[40] There are three levels of training for public order trained officers in Britain: Level 1, Level 2, and Level 3 (College of Policing, 2014; Harfield, 2009; MPS, 2014). Only Level 1 and Level 2 resources are ever deployed in PSU formations:

- Level 1: Trained in Common Minimum Standard Tactics, but undertake training more frequently than Level 2 officers and will also receive additional specialist tactical training. These officers receive regular specialist training (one day of training every five weeks) which includes the most challenging public order tactical deployments. In the MPS all full time public order officers, attached to the TSG, are trained to this level (Joint Committee on Human Rights, 2009, p.174; MPS, 2014);[41]

- Level 2: Trained in the use of Common Minimum Standard Tactics, and these officers will be deployed in full personal protective equipment and their tactical training means they can be deployed to any type of public order incident. They receive two days specialist training every year (MPS, 2014) but these officers will have "other full time roles" (Winsor, 2011, p.61) so only use their public order skills when required;

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[40] A PSU in Northern Ireland consists of 1 inspector, 4 sergeants, 20 constables and 5 ballistically protected vehicles.

[41] Public order training for MPS officers is undertaken at a specialist training facility in Gravesend, Kent (Stevens, 2005).

- Level 3: the basic level of public order training, given to all police constables as part of their initial recruit training. They are trained in basic foot cordon work, and do not wear personal protective equipment so are only deployed where the threat of violence is low. According to the MPS these officers are not trained "to deal with disorder" (MPS, 2014).

The deployment of Level 3 officers is generally restricted to crowd control at large scale events which are not expected to attract protestors or disorder, such as parades, state occasions and ceremonial events.[42] Whenever the possibility of disorder (spontaneous or pre-planned) is identified then the police will allocate Level 2 and Level 1 resources as required (College of Policing, 2014).

FIGURE 9: LEVEL 2 PSU DEPLOYED OUTSIDE OF UPTON PARK STADIUM, HOME TO WEST HAM UNITED FOOTBALL CLUB, 2011 (AUTHOR)

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[42] Policing is an inherently unpredictable line of work. The initial police response to spontaneous outbreaks of disorder will often be Level 3 officers who are tasked to "hold the line" and await reinforcements. However it can take time for experienced Level 2 or Level 1 resources to mobilise and arrive on scene.

Historical Background of Spanish Policing

The development of professional policing in Spain evolved against a unique backdrop. The nineteenth century witnessed unprecedented levels of violence, instability, social change, political upheaval and war resulted in the spectacular decline of Spain as an imperial world power. The comparison with Britain during this period is stark as Britain was enjoying a long period of domestic political stability, societal enlightenment, a successful Industrial Revolution and establishment of a vast and prosperous Empire. Speaking in February 1842 Sir Robert Peel recognised how destabilised Spain had become when he stated that "it is an object of the greatest importance to Europe to see that country restored to a position of peace and prosperity, and filling that station of independence which it used to fill among the great European states. I earnestly hope to see that great object effected, and no exertion on the part of England shall be wanting to secure it" (Peel, 1850, p.240).

The law and order agencies which were created in the nineteenth century established two enduring national characteristics of Spanish policing. The first is the use of distinctive and separate policing systems for urban and rural environments. The second is the reliance upon militarised police units to deliver civilian policing services. Policing in Spain has a long standing historical association with the military. Police militias were established in Spain from the Middle Ages onwards to curb rural criminality, the activities of bandits and Moorish raiding parties (Laqueur, 2009; Lioe, 2011; Payne, 1999; Rial, 1986; Yáñez Romero, 1999).
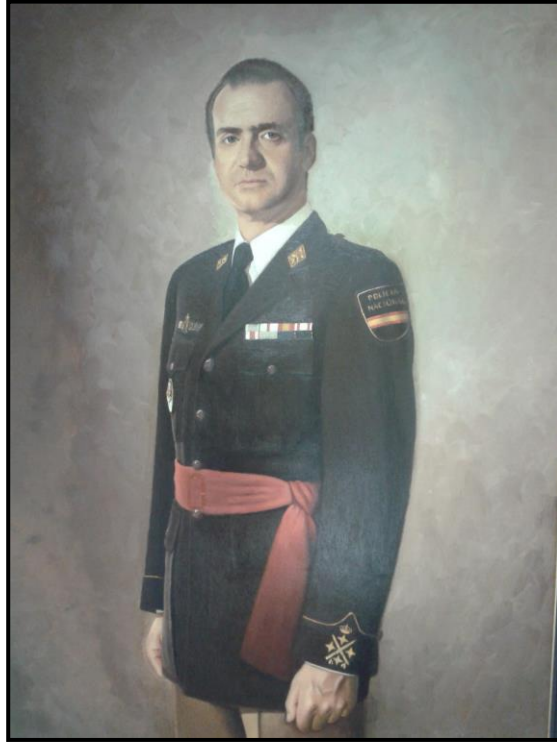
FIGURE 10: PORTRAIT OF KING JUAN CARLOS I OF SPAIN IN THE DRESS UNIFORM OF A CAPITÁN GENERAL OF THE CUERPO DE POLICÍA NACIONAL (1978 – 1986) (AUTHOR).

The topography of Spain, with vast stretches of highway linking few major cities, and large agricultural areas housing small villages, required a policing solution which was mobile, flexible and recognised the distinct needs of the rural and urban environments. In 1844 the Guardia Civil (Civil Guard), a rural paramilitary force modelled on the French Gendarmerie, was established to police rural Spain and highways as "Soldier Police" (Lopez Corral, 2009); the Civil Guard retains responsibility for Spanish rural policing affairs to this day.[43] Spain also experimented with urban police forces although they were military organisations and directed towards suppressing dissent rather than

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[43] The Guardia Civil has numerous national policing responsibilities in modern Spain which includes roads policing and the provision of policing services (patrol and criminal investigations) in towns with less than 20,000 inhabitants.

delivering a police service.[44]   A recognisably civilian urban police force was not established until the formation of the CNP in 1986.

"La Autoridad": Public Order Arrangements in Spain [45]

The policing of protest has defined the relationship between the Spanish State and the Spanish citizen as it has proved to be an effective vehicle for conducting political dialogue and effecting change.   Spanish politics has a long history of being played out on the streets, which places the Spanish police at the forefront of the national political narrative.   Violence is a common feature of Spanish political protest, and it has been noted that neither "liberal nor conservative leaders [in Spain] seemed to have the ability to pull together and maintain public order that might be remotely similar to that of England" (Wilson et al, 2004, p. 101).   However the influence of Spanish protest cannot be underestimated.[46]   In the immediate aftermath of the Madrid train bombings on 11th March 2004, millions of Spaniards took to the streets to demonstrate against the ruling conservative Partido Popular (Popular Party).   At the general elections held on the 14th

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[44] A Watch was established in major towns and cities during the reign of King Carlos III (1759 – 1788) (Blaquiere, 1822).   The Policía General de Vigilancia y Seguridad Publica del Reino (General Surveillance and Public Safety Police of the Kingdom) was formed in Madrid in 1824.   It was responsible for urban policing across the whole of Spain, although it was seen as a repressive tool of the monarchy as it gathered intelligence on citizens and repressed protest activity.

[45] The term "La Autoridad" translates as "The Authority", meaning the authority of the state and is often how Spanish police officers will refer to themselves.   During a heated conversation between a Spanish officer and a boisterous football supporter witnessed by the author in 2013 the officer said "you show some respect when you speak to me – I am La Autoridad".   Spanish officers will also refer to themselves as a "funcionario", which translates as "civil servant".

[46] Examples include the growth of the Indignados movement which has altered the balance of power in Spain (Rodríguez Páez, 2014; Žižek, 2011).   Public disapproval of the hunting activity of King Juan Carlos I during an African safari resulted in his abdication in favour of his son Felipe in June 2014 (Joyce & Wain, 2014).

March 2004 the centre left Partido Socialista Obrero Español (Spanish Socialist Workers Party), which promised to pursue very different national and international policies, won a sizeable majority. This can be compared to the "Stop the War Coalition" March held in London on 15th February 2003. This event was attended by over two million people, and policed by a massive operation (which included the author) drawing on resources from several forces and remains the biggest demonstration ever held in Britain (Ewing, 2010). However it failed to influence the position of British government policy or the result of the general elections.

In recognition of this raw power Spain has elected to develop full time national public order units although the overlap between the military and police in maintaining public order is "reflected by the prevalence of militarist and authoritarian attitudes throughout [the UIP] with the result that, in some ways, vestiges of that Francoist past remain even to this day" (Ross et al, 2008, p. 248). The Franco regime had recognised by the 1960s that it needed specialist public order units to deal with a rise of large demonstrations from an emerging trade union movement in Spain. The Compañías de Reserva General (General Reserve Companies) were established in 1969 (della Porta, 2013). They were organised nationally, with each region of Spain having a CRG unit available for rapid deployment, and provided a blueprint for the modern day UIP.

Spanish public order policing doctrine is based upon certain fundamental tenets: policing is an activity to be undertaken by internal security forces and not the army,

political protest is to be tolerated wherever possible and the use of force against citizens by the state must always be proportionate and justifiable. History proves numerous examples of the dire consequences of getting public order policing wrong in Spain, demonstrating the disproportionate costs in terms of lives and impact on the stability of government (Appendix E).[47] In recognition of the impact and dangers associated with public order policing it has evolved into a highly specialised role within the wider Spanish policing system governed by strict rules concerning operational "competencia" (competence). Public order competencia is divided between the two national forces of the CNP and the Guardia Civil, numerous local police forces and the regional forces operating in several autonomous regions under devolved powers. Only the CNP and Guardia Civil have legal and operational competencia to undertake national public order operations.

Public order policing for the CNP is undertaken by the Unidades de Intervención Policial (Police Intervention Units or UIP). The UIP is part of the Brigada de Seguridad Ciudadana (Public Safety Brigade) within the CNP and has responsibility for public disorder in urban Spain. It was established in 1989 by Royal Decree 1668/1989 of 29th December, making it the only police unit in the CNP created by a royal decree (Comisario Principal "Felix"). The UIP is directed to undertake very specific policing roles and responsibilities which are defined by Spanish law (Appendix F).

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[47] The history of public order in Spain, with emphasis on major incidence over recent years, is an important part of the public order commander syllabus delivered by the CNP (Inspector Jefe "Domingo).

The UIP has an established strength of 2855 officers (Inspector Jefe "Domingo").[48] In an emergency the CNP can also request additional assistance from the full time public order units belonging to the Guardia Civil.[49] Therefore Spain has a centrally organised, nationally deployable asset of full time public order specialists capable of responding to large scale disorder, or national emergencies. Their training is rigorous, continuous, standardised and officers are deployed operationally on a regular basis.

FIGURE 11: THE AUTHOR FIRING A UIP 40MM GRENADE LAUNCHER DISCHARGING CS GAS PROJECTILES - UIP TRAINING CENTRE, LINARES 2014 (AUTHOR)

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[48] The CNP has additional public order reserves in the Unidad de Prevención y Reacción (Prevention and Reaction Unit or UPR), which has 2190 officers in total (Inspector "Jaime"). The UPR is a national support unit and one of their key roles is to support UIP deployments.

[49] The Grupos de Reserva y Seguridad (Security and Reserve Group or GRS) consists of 1600 Guardia Civil officers stationed across Spain and operating out of eight separate bases: Group 1 (Madrid), Group 2 (Sevilla), Group 3 (Valencia), Group 4 (Barcelona), Group 5 (Zaragoza), Group 6 (Leon), Group 7 (Pontevedra) and Group 8 (Tenerife). Created by the Orden General of the Guardia Civil of 21st June 1988 the GRS is capable of operating independently or in cooperation with the CNP as they use compatible weapons, tactics and training.

The UIP is stationed across Spain with the headquarters unit, the Jefatura de Unidades de Intervención Policial or JUIP, located in Madrid. It consists of 11 Unidades (Units) which provide public order response across the whole of Spain, the Canary Islands, the Balearic Islands, Ceuta and Melilla. JUIP also has an additional unit, known as the Unidad Central de Intervención (Central Intervention Unit) or UCI, based in Madrid which has a national remit.[50] The following table details the deployment locations and call signs of the UIP:

UIP Unit Number	Location of Base	Area of Operational Deployment	Unit Call Sign
UCI	Madrid	National	"CAMEL" (Camel)
I	Madrid	Albacete, Ciudad Real, Cuenca, Guadalajara, Madrid & Toledo)	"PUMA" (Puma)
II	Barcelona	Barcelona, Gerona, Lérida y Tarragona	"JAGUAR" (Jaguar)
III	Valencia	Alicante, Castellón, Balearic Islands, Murcia y Valencia	"ORCA" (Killer Whale)
IV	Sevilla	Badajoz, Cáceres, Cádiz, Ceuta, Córdoba, Huelva & Sevilla	"LOBO" (Wolf)
V	Granada - Málaga	Almería, Granada, Jaén, Málaga & Melilla	"GAMO" (Fallow Deer)
VI	Bilbao - Pamplona	Álava, Guipúzcoa, Navarra & Vizcaya	"LEON" (Lion)
VII	Valladolid	Ávila, Burgos, León, Palencia, Salamanca, Segovia, Soria, Valladolid & Zamora	"RENO" (Reindeer)
VIII	La Coruña/Vigo	La Coruña, Lugo, Orense & Pontevedra	"RAYA" (Ray)

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[50] It should be noted that due to the centralised organisation of the UIP, units can be deployed to wherever they are required, including outside of their normal area of operations.

IX	Oviedo	Asturias, Cantabria	"COBRA" (Cobra)
X	Las Palmas & Santa Cruz de Tenerife	Las Palmas & Santa Cruz de Tenerife	"DRAGON" (Dragon)
XI	Zaragoza	Huesca, La Rioja, Teruel & Zaragoza	"AGUILA" (Eagle)

FIGURE 12: TABLE CONTAINING THE DETAILS OF UIP UNITS IN SPAIN

The unit call signs were selected to depict a suitably fierce or violent animal native to the region of Spain housing the UIP unit (Inspector Jefe "Victor").[51]   Each Unidad is headed by an inspector jefe responsible for two or more UIP Groupos (Groups).   A Groupo consists of 50 police officers under the command of an inspector.   Each Groupo is made up of three Sub-Groupos (Sub-Group) consisting of 15 police officers under the command of a Sub-Inspector.   A Sub Groupo is made up of two basic UIP units, known as Equipos (Teams).   An Equipo is made up of an Oficial (Senior Police Officer) and six officers.

Each Equipo is allocated a marked police van, which serves numerous purposes such as deployment, transport and tactical application.   A Groupo uses seven vehicles in total, as the inspector is also allocated a van as a command vehicle.   The UIP also has access to other specialist vehicles, such as armoured vehicles, armoured personnel carriers and vehicle mounted water cannon.

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[51] The call sign Dragon was chosen for the Canary Islands due to the presence of an active volcano on Tenerife, Pico del Teide (Mount Teide).

FIGURE 13: A UIP GRUPO (CNP)

In keeping with all officers within the CNP, UIP officers are armed with their standard issue 9mm pistol side arm. In addition they are equipped, as standard, with a broad range of defensive and offensive tactical options including batons, shields, NATO helmets, body armour, rubber balls, smoke and tear gas grenades and assault rifles.

FIGURE 14: THREE UIP UNIT BADGES – UNIT III BASED IN VALENCIA, CALL SIGN "ORCA" (KILLER WHALE), UNIT VII BASED IN VALLADOLID, CALL SIGN "RENO" (REINDEER) AND THE UCI BASED IN MADRID, CALL SIGN "CAMEL". EVEN ANIMALS WHICH ARE NOT TRADITIONALLY CONSIDERED DANGEROUS, SUCH AS A REINDEERS AND CAMELS, ARE GIVEN MACHO APPEARANCES BY THE UIP. THIS ENSURES THAT ALL UNITS HAVE A MASCOT WHICH IS SUITABLY AGGRESSIVE (CNP)

The UIP works to an established public order protocol based around the concepts of "intervención mínima de la fuerza y de menor lesividad" (Minimum and least harmful

use of force) and "uso progresivo de la fuerza" (progressive use of force) (Alonso Pérez et al, 2004). The progressive use of force concept covers the graded scope of UIP response, which ranges from verbal reasoning to the use of rubber balls (fired from shotguns) and tear gas (fired from grenade launchers). Batons and shields are also used by the UIP for dispersal purposes. Officers have access to both leather bound plastic cored batons and larger wooden batons. They are taught to strike protestors on the legs and buttocks as a form of chastisement to encourage them to leave the area, and not to cause them serious injury other than bruising. The use of conventional firearms – 9mm issue pistols or heavier assault rifles – is not permissible in public order situations. The police commander has the authority to select the appropriate course of action based on the facts at hand, however the established tactical doctrine of choice is the use of force to disperse crowds as opposed to detain people and make mass arrests. The UIP operates under established protocols when intervening with the public, which is based upon a doctrine of escalating the application of the use of force.

FIGURE 15: RUBBER BALLS USED BY UIP OFFICERS – THESE ARE FIRED FROM MODIFIED SHOTGUNS FROM A DISTANCE OF APPROXIMATELY 80 METRES (AUTHOR)

In recognition of the huge numbers of citizens which are mobilised by protest movements in Spain, a bespoke model has been fashioned to set out responsibilities and resolve disputes between organisers and the police; the 1988 general strike, which took place on 14th December, was supported by between six to eight million people, completely paralysing the country (Bailey, 2009; New York Times, 1988; Randlesome, 1993). Those proposing to hold a public procession are required to notify the local authority which may decide to prohibit or impose conditions on the public procession if there is a risk of disorder, after first holding a meeting between the organisers of the procession and the police before publishing a decision. This introduces the organisers to the police 'negotiator' who will be on the ground on the day of the event. The local authority acts as an independent mediator, ensuring that the intentions and wishes of the organisers are communicated to the police and that the organisers are warned of possible police action if those taking part in the event become disorderly or violent. On the day of the procession itself, the police negotiator maintains contact with the organisers before, during and after the procession (HMIC, 2009, p.47).

FIGURE 16: UIP OFFICERS UNDERGOING CROWD DISPERSAL TRAINING AT CNP PUBLIC ORDER TRAINING CENTRE, LINARES (AUTHOR)

The use of physical force, such as the firing of rubber balls and tear gas grenades is seen as being infinitely preferable to the use of baton charges, mounted police charges or even the use of police dogs, which are all common British tactical considerations. This is further evidence of how different policing cultures and traditions view the use of state administered force against citizens. A comparison between the harm caused by firing tennis ball sized rubber spheres (UIP officers are trained to aim at the waist and below of protestors, with the ideal target area being the thigh) or even tear gas canisters into a crowd as opposed to a charge by several mounted officers or baton strikes by police officers does arguably support the Spanish position.

Conclusion

The policing of public disorder places the police on the front line between the state and the public. Public order policing defines the limits of permissible behaviour and conduct in public spaces, questions the legitimacy of state power, and demands the highest levels of scrutiny and accountability. It is a physically dangerous and politically toxic activity. The police are often "damned if they do, damned if they don't" in relation to how, and when, and in what manner they decide to act. In modern society the challenge for the public order officer is "not the elimination of violence but its control and restraint" (Lord Scarman in Moonman, 1987, p.vii).

The differences between British and Spanish policing extend further than the fact that all Spanish officers are armed. The policing ethos of the two countries is very distinct.

Spanish police officers are state employees (effectively civil servants) and not independent "Crown Servants", as is the case with British police officers (Moran, 2011). British policing is built upon the concept of policing by consent which was introduced to narrow the gap between the police and the public. The CNP has adopted an organisational attitude towards the public which does not seek legitimacy from those they police, which is traditionally associated with gendarmeries (Greener & Fish, 2015). The CNP is "La Authoridad", they are a manifestation of the power of the Spanish state and as such upholding the law legitimises and justifies their actions.

In many respects as an organisation the CNP is insulated "from the pressures of local people" (Nelken, 2002, p.77). This ethos is reflective of the historical focus of Spanish law enforcement on the strengthening of central rule and responding to internal unrest. The CNP has traditionally combined a strong physical response to protest and disorder with comprehensive surveillance against agitators, a "High Policing" tactic. The preferred British approach is to control public spaces through the application of visible state presence, supported by additional tactical options as required. By comparison the CNP has a clear understanding with wider society around the use of force, deployment of specialist public order tactics and a wide array of weapons in public order situations which the British police lacks (MPS, 2012).

The Spanish police is comfortable in allowing their public order units to develop a military look, ethos and identity whereas British policing is ideologically committed to

resisting paramilitary developments (Blair, 2009; Brain, 2010; Jefferson, 1987; Stott & Reicher, 1998; Waddington, 1999). The centralised control model of the CNP allows for an effective model of centrally allocated and commanded resources being deployed across the whole of the country whereas British policing relies on mutual aid arrangements for support and assistance. Finally the Spanish model of public order policing is based on a response being delivered by a standing army of full time public order specialists, whereas the vast majority of public order incidents in Britain are policed by officers drafted in from response or community policing teams.

FIGURE 17: A CARTOON TAKEN FROM AN ANTI-AUSTERITY EVENT IN BARCELONA. THE CAPTION READS "NO VIOLENCE, REAL DEMOCRACY NOW!" (CNP)

Chapter Five: Case Study: The Duggan Riots – "Simply not Acceptable"[52]

"Riots erupted in thirty English towns and cities. Despite the relatively small-scale participation in the uprisings, they were concentrated and devastating, leading to widespread looting and arson. In the first two days, in most places, police lost control of the streets. In some areas, where rioting overlapped with ethnic tensions between black youths and Asian and Turkish small businessmen, the latter formed protection squads, which found themselves also in tension with law enforcement"

(Mason, 2013, p.62)

Introduction

This chapter discusses the disorder that took place in London between the 6th and 9th August 2011, the worst period of sustained civil unrest for a generation (Banakar & Phillips, 2014; BBC, 2014a; Edwards & Prins, 2014; The Guardian/LSE, 2011; Lammy, 2011; Morgner, 2014; Pickard, 2014). They have also become "the most commented upon riots of recent decades" (Murji & Neal, 2011). In his address to the House of Commons the Prime Minister, David Cameron, recalled how the country had "seen houses, offices and shops raided and torched, police officers assaulted and fire crews attacked as they try to put out fires, people robbing others while they lie injured and

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[52] This was the term used by Home Secretary Teresa May to describe her opinion of the MPS response to the first three days of disorder in London in her address to Parliament on 11th August 2011 (UK Government, 2011).

bleeding in the street, and even three innocent people being deliberately run over and killed in Birmingham" (BBC, 2011b). The MPS response to the disorder, Operation Kirkin (MPS, 2012), went from small ad hoc deployments on the 6th August 2011 to over 16,000 thousand public order trained officers on the streets of London on the 9th August 2011. By December 2011 the post-riot investigation, Operation Withern, had made over four thousand arrests and charged over three thousand people with offences ranging from theft to attempted murder (The Guardian, 2011d).

The riots had a huge influence on public order policing doctrine and policy development, in addition to energising a wider political debate on the state of the nation.[53] The riots that started on the night of the 6th August came as a total surprise to the police, the media and the political establishment (Reicher & Stott, 2011). This chapter examines this period of disorder using the adapted Flashpoints and Normative Orders Model, discussed in Chapter Two, as an analytical framework supported by a wide array of official publications, media sources and academic studies. It also incorporates the comments of police officers present and involved in all aspects of the policing response, using their own words taken from the interviews conducted during the data gathering phase of this study. The riots had a profound impact on the police officers on duty during this period of British social history, including the author who was an Advanced Public Order Commander with the MPS and on duty throughout the disturbances. This

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[53] In the words of Sir Bernard Hogan Howe: "I cannot conceive that there is a single person in this country who was not affected in some way by the events…the Duggan family, those whose lives and livelihoods were damaged or destroyed by the violence that spread across London, those who chose to engage in criminal acts, those who watched, heard or read events unfolding on the media or the many police officers and staff who worked tirelessly to deal with the violent scenes" (MPS, 2012, p.3).

highlights the benefit of being an "Insider" to this case study. Before completing an analysis of the disorder this chapter will provide an overview of the riots to provide context to the subsequent enquiry.

Setting the Scene

It is generally accepted by commentators, academics and the police that it was the killing of Mark Duggan, a young mixed race male and a Tottenham resident, that triggered the 2011 riots (Briggs, 2012; MPS, 2012). He was an active target of Operation Dibri, an investigation that had been running since November 2008 focusing on dismantling an organised criminal network known as the "Tottenham Man Dem" believed to be involved in the supply of guns and Class A drugs (IRR, 2014).[54] At approximately 6.13pm on Thursday 4th August 2011 armed police stopped a minicab on Ferry Lane in Tottenham, North London in which Duggan was travelling as a passenger (IPCC, 2015). Portrayed as both a "gangsta badboy" and a "family man" in the media, Duggan had taken possession of a firearm shortly before being confronted, shot and killed by armed MPS officers after they stopped the vehicle (IPCC, 2015; MPS, 2012). Although an inquest jury subsequently decided, by a majority of 8 to 2, that Duggan was lawfully killed by police (BBC, 2014), in the immediate aftermath of his death stories about a dramatic 'shootout', a 'violent gangster', and gangland 'revenge killings' began to circulate (IRR, 2014). According to the local MP, David Lammy, the "police's unwillingness to divulge any more details and the IPCC's absence from the TV and

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[54] Operation Dibri was overseen by Trident, the Metropolitan Police's specialist unit dealing with gun crime and homicides in the black community.

radio meant there was little information to counter…the intrigue, the anger, the suspicion…spreading through Tottenham like wildfire" (Lammy, 2011, p.9).

FIGURE 18: A PSU HOLDING A JUNCTION AS A SUPERMARKET BURNS FIERCELY IN THE BACKGROUND **(MPS)**

On the evening of 6th August 2011, a group of local residents, including several of Duggan's relatives, marched to Tottenham Police Station, demanding explanations from the police about the circumstances of Duggan's death (Briggs, 2012). This in itself was not unexpected as "Tottenham is no stranger to marches on the police station. These are quasi-scripted exchanges between the community and those that police them. The protestors will stand outside demanding answers, and a high ranking police official will invite the most immediately aggrieved inside, defusing the anger in the crowd. Except that on this occasion, that didn't occur" (Lammy, 2011, p.10). The family decided that the senior officer available to speak to them, a chief inspector, was not senior enough to answer their concerns. Before an officer of higher rank could be sourced tensions rose between the police and protestors and escalated into serious disorder with rioting, arson and looting beyond the scope, capability or capacity of the police resources available (The Guardian/LSE, 2011; MPS, 2012; Reicher & Stott, 2011); unconfirmed reports

claimed the incident was sparked by a confrontation between a teenage female protester and a police officer which enraged the crowd to the point of violence (BBC, 2014a).

What followed from the protest outside of Tottenham Police Station was a sustained period of disorder, which spread across London and onto many other cities in England including Liverpool and Manchester. In the words of Home Secretary Teresa May "In London, the first disturbances began in Tottenham on Saturday night. The police operation began with the originally peaceful protest about the death of Mark Duggan. Officers were understandably cautious about how they policed the protest, but as the violence began, the police lost control and a fully-fledged riot followed. Unprepared to meet the ferocity of the attack, Tottenham officers were overwhelmed. A desperate mobilisation of any available resources from any part of London followed although the reserves that attended were also unable to contain the violent or defend themselves in the face of sustained attacks delivered with real purpose. One supervisor recalled that there "were officers shouting for medics and officers required urgent assistance...I think every one of the officers that attended from Sutton [a London Borough 16 miles away from Tottenham] received an injury of some sort" (The Guardian, 2011b).

On Sunday night additional resources managed to maintain calm in Tottenham but the violence spread to Enfield and Brixton. On Monday night "the number of officers deployed in London increased to 6,000 - two or three times more than a normal

evening. But still, that wasn't enough and with the violence reaching Hackney, Peckham, Croydon, Ealing, Lewisham and Clapham, officers were overwhelmed. In Clapham, the mob ran amok for more than two hours before the police regained control" (UK Government, 2011). Tim Godwin, the Acting Commissioner, was subsequently criticised for not mobilising more officers on the Tuesday as disorder and rioting broke out in 22 London Boroughs including Croydon, Clapham, Hackney, Camden, Lewisham, Peckham, Newham, East Ham, Enfield, Woolwich, Ealing and Merton. Two fatalities were reported, and unrest spread to other English cities with Birmingham, Liverpool, Nottingham and Bristol also experiencing violence (BBC, 2014a).

The scale and viciousness of the violence was unprecedented with many parts of London resembling a "war zone" (Huq, 2013b). Throughout the disturbances reports were regularly received that groups of youths were seeking to entrap groups of officers on estates before attacking them with bricks, stones, masonry and glass bottles (The Guardian, 2011b; The Telegraph, 2011c). Many rioters recounted "how they sought revenge by wanting to hurt, intimidate, target and indiscriminately attack officers. Others described how they threw stones and bottles...rammed police with wheelie bins...targeted police property: setting fire to and vandalising cars, vans and police stations, or deliberately tried to inflict injury on officers" (The Guardian/LSE. 2011, p.20). The disorder accounted for hundreds of civilian casualties and five deaths (The BBC, 2011c). According to the MPS "318 officers were injured during the [Duggan Riots] policing operation, 17 received hospital treatment of which nine sustained major injuries.

The remaining injuries were largely the result of being hit by missiles or being exposed to fire" (MPS, 2012, p.115). Godwin subsequently argued that the MPS response "filled prison places, rather than hospital beds" (Home Office, 2012a, p. 13). This recognised the extreme violence officers faced when confronting disorderly groups across London.

Groups of rioters alternated between confronting the police with extreme violence and engaging in mass looting. According to one experienced public order commander "it was real Gravesend [the location of the MPS specialist public order training facility] stuff. Petrol bombs, incoming missiles, cars on fire, fireworks, looting. Anarchy. Total anarchy. And there was nothing we could do. In many respects we, the police, were powerless to intervene and incapable of protecting ourselves let alone members of the public and their property" (Inspector "Ray"). According to another officer "they [the rioters] had control. They could decide whether they wanted to fight us or steal from shops. There was nothing we could do…By not getting a grip early on we lost the streets. We should have activated every plan in CCC [Central Communication Command, the location of the Gold Commander for the policing operation] and flooded the streets with cops. The only thing that could have stopped the riots was force in numbers, which we didn't have for far too long" (Chief Inspector "Adrian").

There were simply not enough police officers on the streets and not enough officers available for meaningful operational deployment. A review into the policing operation by the UK Parliament concluded that there were too few officers to make an effective

difference in responding to disorder or preventing acts of violence, which fuelled anarchy: "the single most important reason why the disorder spread was the perception, relayed by television as well as new social media, that in some areas the police had lost control of the streets" (Home Office, 2012a, p. 9).

On Tuesday 9th August 2011 the Prime Minister, who had returned early from his summer holiday and had recalled Parliament, chaired a meeting of COBR attended by senior police officers including the Acting Commissioner of the MPS, Tim Godwin, and the chair of the Association of Chief Police Officers, Sir Hugh Orde.[55] This meeting received intense interest from the media who were keen to report on the decisions taken: "There will not be water cannon - they don't want to bring the policing methods of Belfast or the Continent to England. There will, however, be lots and lots of men and women in blue - 16,000 police are expected to be on the streets of the capital (up from 6,000) and they will be told to be more robust" (Robinson, 2011). Control was only fully regained by the end of the following week, and a large scale national mobilisation of mutual aid and assistance remained in place for several weeks after the first confrontation.

The riots were a national emergency, and in many areas there was a total breakdown of law and order. The "shock and confusion stemmed not only from the apparent lack of any social justification for the riots, but also because of the speed with which they

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[55] COBR is an acronym for Cabinet Office Briefing Rooms, a crisis response facility in Whitehall which is convened during times of crisis.

spread to other parts of the country, their unpredictability and the ways in which familiar and well-loved streets were turned, for a time, into alien, frightening battle zones" (Rumford, 2013, p.6). Furthermore it was not a disturbance, serious incident or breach of the peace. It was a riot in the traditional, cultural, historical and legal sense of the word. During the disturbances a large distribution warehouse in North London was attacked, looted and set on fire. In the case of Mitsui Sumitomo Insurance v Mayor's Office for Policing and Crime [2014] EWCA Civ 682 the Court of Appeal confirmed that the looters in Enfield were "persons riotously and tumultuously assembled" for the purposes of Section 2 of the Riot (Damages) Act 1886, the legislation introduced after a Commissioner of the MPS in the nineteenth century, Sir Edmund Henderson, had failed to protect the West End of London (Appendix D). As a result insurers, and the owners of uninsured property in London, were entitled to compensation from the mayor running into the tens of millions of pounds. This was a very public and high profile acknowledgement of the severity of the incident, and the failures of the police to maintain public order.

Analysis of the Riots using the "Flashpoints Model" and "Normative Orders"

Having provided an overview the Riots will now be reviewed using the Flashpoints and Normative Orders model. The review uses sub headings in accordance with the six levels which make up the traditional "Flashpoints" model (Waddington, 2007), and is followed by Herbert's "Normative Orders" which allow for consideration of policing

policies, methods and doctrine when controlling space (Herbert, 1998), a crucial function in any public order scenario.

FIGURE 19: A PSU OF TSG WATCH A BUS BURN DURING THE SECOND NIGHT OF RIOTING IN LONDON (MPS)

"Flashpoints Model"

- **Structural**

Due to the national and international significance of the capital city status, London has a long and established history of being a focal point for protest and demonstrations: "Eruptions of street violence have always followed periods when London's population has felt frustrated through disengagement with the political processes, disinherited of its perceived rights, disenchanted with its rulers or dispossessed of its economic security" (Bloom, 2012, p.15). Although a full discussion of "macro-sociological factors, such as material inequalities, political impotence and inferior life chances" (Waddington, 2007, p.49) is beyond the scope of this study in broad socio-economical terms London is a city of contrasts, containing some of the wealthiest and the most deprived areas in the UK, such as Haringey, Lambeth, Newham, and Tower Hamlets (The Guardian, 2015a). The

sense of marginalisation and living within poor communities, whilst London generates such wealth, was raised repeatedly when researchers spoke to rioters in subsequent studies (The Guardian/LSE, 2011). London is also hugely diverse, with Londoners classified as White British making up only 44.9% of the population. Other major groups include those classified as Asian and mixed Asian (20.9%) and Black and mixed Black (15.6%) (ONS, 2012).

Like all large cosmopolitan cities London has areas which are considered especially challenging for policing, attracting labels of being either "pro-police" or "anti-police"; the former contain residents who are supportive of the police and unlikely to pose any threat and the latter house those who resist police authority, sometimes with violence (Herbert, 1998). Newburn argued that "beyond the shooting [of Duggan] itself, significant alienation among young people and deep distrust of, and hostility towards, the police were key factors in the rioting in all the cities in which disorder occurred" (The Guardian, 2014c). Tottenham, the location for the initial confrontation which sparked the riots, has witnessed some of the most violent confrontations between police and the local community in the twentieth century, including the disturbances on the Broadwater Farm Estate during which PC Blakelock was murdered. As such it has a reputation for being a challenging (or "anti-police") place to police (Chief Inspector "Stephen").[56] It could be argued that the riots were an expression by those in society who felt that the status quo left them without a voice and without a say in modern society, lacking the opportunities

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[56] Many of the other boroughs which witnessed serious rioting and looting, such as Croydon, Lambeth, Lewisham, Hackney and Peckham, are also challenging environments for the MPS to police.

for advancement or success. One officer noted that "for kids from the tower blocks of Peckham or Brixton, who felt they had no future other than a life of crime, this was their chance to make a noise and be heard" (Inspector "Ray"). It has been noted that disorder did expand when groups realised that "the principal authority (police) had retreated from the streets in several areas, were reluctant to engage and were significantly understaffed" (Harding, 2012, p.22). The MPS maintained that the riots represented a protest that had expanded into violence, with one police commander stating that a peaceful protest had been "hijacked by mindless thugs" (Reicher & Stott, 2011). The opinion of the Prime Minister was less forgiving: "The young people stealing flat screen televisions and burning shops that was not about politics or protest, it was about theft" (BBC, 2011b).

- **Political/Ideological**

The riots were attributed to numerous and varied causes including spending cuts, educational policies, rap music, black culture, single parent families, lack of respect, and liberal education policies (Reicher & Stott, 2011). The BBC political editor, Nick Robinson, observed that "pressure will come from the left - who will claim that lack of opportunities and cuts to youth services and Educational Maintenance Allowances played their part - and the right who will insist that Britain has just seen the consequences of what David Cameron used to call the Broken Society and the failure to match rights with responsibilities" (Robinson, 2011). According to Boris Johnson, the Mayor of London, "it's time we stopped hearing all this...nonsense about how there are

deep sociological justifications for wanton criminality and destruction of people's property" (Huq, 2013a, p.99).

From a policing perspective the disturbances highlighted the existing fissures between the police and young people, especially black youth. Operational policing, the day to day delivery of policing, requires a balance between community policing and public protection activity such as suppressing street robbery, burglaries and drug dealing. There was also a London wide concern about the danger posed by "street gangs" and the need to suppress their activities. Certainly many London gangs exploited the lawlessness to accumulate "Street Capital" consisting of "an amalgam of cultural, social and symbolic capital…acquired by building reputations and status and by maintaining respect" (Harding, 2012, p.22).

In her speech to Parliament on 11th August 2011 Home Secretary May stated that "six per cent of young people are thought to belong to a gang of one kind or another. Gangs are inherently…violent: gangs across the country are involved with the use and supply of drugs, firearms and knives. Talking to chief constables who have dealt with the violence of the last few days, it is clear that many of the perpetrators - but by no means all of them - are known gang members" (UK Government, 2011). The approach to effectively dismiss any legitimate grievances held by rioters through processes of "vilification and denunciation" (Waddington, 2007) served to fuel resentment and

encourage a repressive "total war" response using whatever means possible to regain control, including a review of the ideological notion of consensual policing.

This was evidenced by the increasingly severe measures being contemplated as large parts of London spiralled out of control and arson was becoming the weapon of choice for rioters. According to the Prime Minister "nothing should be off the table…The police are already authorised to use baton rounds…we do have in place contingency plans for water cannon to be available at 24 hours' notice. Some people have raised the issue of the Army…it is my responsibility to make sure that every contingency is looked at - including whether there are tasks that the army could undertake that would free up more police for the front line (BBC, 2011b). The resultant policy response to the riots has been described as "tough policing, custodial sentencing, and gang suppression" (Stenson, 2012, p.12).

FIGURE 20: A MIXED UNIT OF LEVEL 1 CITY OF LONDON POLICE AND LEVEL 2 METROPOLITAN POLICE GOING FORWARD TO DISPERSE A GROUP OF RIOTERS IN HACKNEY, LONDON (MPS)

A study of the riots by The Guardian and LSE revealed a deep antipathy towards the police, the manner in which people were policed and anger over the police shooting of Mark Duggan. Rioters also identified a range of political grievances, but at the heart of their complaints was a pervasive sense of injustice: "For some this was economic: the lack of money, jobs or opportunity. For others it was more broadly social: how they felt they were treated compared with others. Many mentioned the increase in student tuition fees and the scrapping of the education maintenance allowance" (The Guardian/LSE, 2011). There were therefore some similarities with other urban disturbances: "racial inequality is still as big a problem now as it was in the early '80s. We are still looking at a 20% gap in terms of educational achievement, and we are still looking at stop and search being seven times more likely if you are black than if you are white" (Home Affairs Select Committee, 2012, p.120). To the angry and alienated youth, the riots offered a unique opportunity to exercise power and control, an expansion of the "power of the individual" (Mason, 2013).

Rather than making a political statement the riots demonstrated "far more emphasis on the way in which the lawbreakers…were only too keen to get into shops…to steal items that they clearly could not afford" (Home Affairs Select Committee, 2012, p.120). The lack of attacks on the structures of authority, as rioters systematically looted clothing and electrical stores, led some to view the riots as opportunistic theft rather than a protest. Starkey referred to the riots as "shopping with violence, it's merely extended commercialism" (Atkins et al, 2014, p.136). Rather than representing a physical

uprising against the existing societal status quo the riots were seen by many as a "zero-degree protest, a violent action demanding nothing" (Žižek, 2011). Many rioters did concede that their involvement in looting was simply down to opportunism, saying that a perceived suspension of normal rules presented them with an opportunity to acquire goods and luxury items they could not ordinarily afford. Many described the riots as a chance to obtain "free stuff" (The Guardian/LSE, 2011).

- **Cultural**

The cultural level concerns the relevance of encounters between police officers and youths "who perceive themselves in terms of fundamentally negative stereotypes" (Waddington, 2007, p.50). The tempestuous relationship between the police and ethnic minorities, especially the black communities, has been mentioned previously and forms the foundation of many policing studies and academic publications (Bowling, 1998; Bowling & Foster, 2002; Brain, 2009). The strength of feeling has led to outbreaks of disorder in the past and indeed "the philosophy and techniques of policing multi-racial neighbourhoods came under official scrutiny in the aftermath of the 1981 inner city riots" (McLaughlin, 2007, p.144). The ideological tensions that exist within the British style of policing, which advocates policing by consent while also deploying officers in protective equipment to maintain order, can be further complicated by compromised community relations. Getting the balance, tone and direction right is therefore crucial and this posed an issue for the MPS in 2011. The death of Duggan, a young mixed race male with strong ties to the black community in Tottenham, operationalised the legacy of

Macpherson in such a way that commentators began to openly question whether the police had become so sensitive to the issue of race that it was impairing their ability to do the job of the police. Critics of the police response suggested that officers had handled the rioters with kid gloves because they were paralysed by the fear of being called racist (The Telegraph, 2011e). It could be argued that police officers are increasingly sensitive in their approach to policing ethnic minority communities due to the possibility of receiving a complaint (Rowe, 2004). It has been observed that in cities with large ethnic minority populations "the police are more sensitive to black complaints" (Short & Wolfgang, 2009, p. 305). All 12 of the British police respondents mentioned that race was a consideration when authorising deployments of officers, particularly in boroughs with large numbers of young black residents.

The tensions with minority communities were also compounded by wider police issues in relation to dealing with protest. Following criticism of the police approach to the G20 Protests of 2009, which resulted in the unlawful killing of a citizen, and a series of violent student protests in late 2010 there was a lack of confidence and morale within public order policing (Bloom, 2012).[57] In the words of one experienced chief inspector: "We were not in a good place when the Duggan protests in Tottenham escalated. Cops were hesitant to use force. We had been beaten up at Millbank, heavily criticised for being heavy handed, and a lot more than our organisational pride had been damaged. Officers were not going to risk their careers if they were not going to be backed by the

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[57] The disorder in 2010 included a violent occupation of Millbank Tower (the headquarters of the Conservative Party) and an attack on the Prince of Wales' convoy in central London.

leadership" (Chief Inspector "Paul"). The Home Secretary observed that "after criticism of previous public order operations for excessive force, some officers appeared reluctant to be sufficiently robust in breaking up groups" (UK Government, 2011). In the MPS strategic review it was recognised that the police needed to empower operational commanders by ensuring that their "fast time, dynamic decisions" were supported (MPS, 2012, p.9). The HMIC report also noted that some police officers and their commanders "were uncertain about the level of force and tactics that can be used lawfully during disorder…some suggest this uncertainty increased after criticism following the 2009 G20 protests" (HMIC, 2011, p.8).

- **Contextual**

The contextual level includes "the transmission of rumour, a history of negative relations and/or recent incidents between police and civilians, contentious statements by the parties involved, and media sensitisation (Waddington, 2007, p.50). The manner in which Duggan was killed, and the rumours about his death being an assassination or that the police had something to hide, clearly served as incendiary fuel when placed alongside the grief of his family, the angst of local young people, and the inability of the authorities, be they police or the IPCC, to provide answers or reassurance (Lammy, 2012). Furthermore the traditional police view on "relationship between race and criminality…advocated a tough policing response to what was perceived as the increasing lawlessness of black neighbourhoods" (McLaughlin, 2007, p.146). The difficult relationship between the police and ethnic minorities in London is a matter of

record, with the black community in particular expressing concerns over police behaviour towards them, including victimisation, discrimination, harassment, excessive use of force, incivility, and the disproportionate use of stop and search (Brain, 2010; Emsley, 2009; Graef, 1989). In recent years it has not just been the quantity of stop and searches that became the issue, but the manner in which these searches have been conducted. There was a strong and shared sense of being treated unfairly and without due respect which generated a sense of grievance and of anger (Reicher and Stott, 2011). The perception of many in the black community was that the police seemed "drawn to humiliating a particular race in a particular place" (Bunce & Field, 2014, p.259). Notwithstanding the sizeable investment by the police in reforming race relations and the internal training over recent years and in the wake of the Lawrence enquiry, it is telling that many of the districts of London which witnessed the most violent disorder, such as Haringey and Croydon, have large black populations. The anger felt in these communities was not to be underestimated. As one officer noted "the Secretary General of the UN wouldn't have been able to calm the crowd. They were out for blood. Our [police] blood" (Superintendent "Jim").

- **Situational**

The situational level refers to "spatial or social determinants of order or disorder" (Waddington, 2007, p.50). The two key considerations for the MPS were that the rioting was breaking out across the UK's capital city and it was hosting the Olympic Games in 2012. The riots had severely damaged the reputation and standing of "UK PLC"

(Superintendent "Jim") with the Home Secretary describing them as "a dark time for everybody who cares about their community and their country. Violence, arson and looting in several of our towns and cities - often openly in front of television cameras - has destroyed homes, ruined livelihoods and taken lives. As long as we wish to call ourselves a civilised society, such disorder has no place in Britain" (UK Government, 2011). As such, containment and a return to normality were the strategic objectives, which were considerably complicated by the fact that rioters were looting commercial premises as opposed to venting their anger on high profile government or institutional buildings; the "overwhelming response to the riots was shock and anger, as it was not easy for people to understand the motives of the rioters, who were compared unfavourably with rioters from previous decades who were thought to have been motivated by understandable political concerns" (Rumford, 2013, p.5).

The obvious lack of a visible or effective police presence on the streets of London meant that "the secondary authority of the neighbourhood (the street gang) seized the opportunity to take control" (Harding, 2012, p.22). The panic caused by the lack of the ability of the state to protect people and their property led to spontaneous yet organised examples of "governance from below" evidenced by "young Sikh men defending their Gurdwara, Irish men defending their pubs…men patrolling their social housing estates" (Stenson, 2012, p.13). This behaviour has also been referred to as the "tribal" activity of the local communities which quickly mobilised their own vigilante units to protect their property (Žižek, 2011).

- **Interactional**

There was a distinct difference in how the police interacted with the rioters, the wider public and the political class. Broadly speaking the police proved to be ineffective in the majority of their violent confrontations with rioters. The interaction with the wider public was driven by 24 hour media, which was beaming live images of the weaknesses in the police response. The political class was supportive but critical, and publically so, of the inability of the police to prevent disorder and regain control. The key issues at the height of the rioting was that the police intervention was largely ineffective, with police officers being targets for group violence and units being incapable of preventing looting occurring within their line of sight; "allowing violence to erupt on a second consecutive night was the force's crucial failure because it demonstrated to anyone thinking of joining in that the police were not on the ball" (The Telegraph, 2011d).

The interaction for the police was challenging on two levels. Faced with classic Le Bonian mobs, the recent investment in crowd psychology failed to give the police any edge: "I have done the training, we all have. But believe me there was no negotiating with that crowd, fact. They were as one. Fighting us, and stealing anything that wasn't nailed down. If we had sent a protest liaison team out they would have been murdered" (Chief Inspector "Adrian"). Another officer observed that "it was a mob mentality full of anger and hate. They hated us. They wanted to hurt us" (Inspector "Ray"). Interestingly the proponents of ESIM observed that during the riots their research and

academic advancements were being either ignored or actively rubbished (Reicher & Stott, 2011).

On an institutional level the MPS media response was also criticised as it seemed to underscore the issues faced and the inability of the police to get control. In the words of one senior officer: "I had time for Tim Godwin. But when he went on the news and started to tell parents to keep their kids at home it hit me how out of touch the senior leadership were with the realities of life on the street. I also knew that as soon as he said that he would never be Commissioner… I personally think our media response was poor. With anarchy on the streets we were putting out press statements which nobody would read and nobody would listen to and nobody would believe" (Chief Superintendent "Ben").[58] None of the British officers interviewed believed that the MPS media policy was successful during the Duggan Riots. Furthermore the MPS proved incapable of interacting effectively with social media in marked contrast to the ability of many rioters who used technology to devastating effect: "social networking sites like Facebook and Twitter and messaging services like Blackberry Messenger have been used to coordinate criminality, and stay one step ahead of the police" (UK Government, 2011). Certainly BBM was used extensively to communicate, share information and plan in advance of riots as it could not be intercepted by the police (The Guardian/LSE, 2011).

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[58] Godwin did apply for the vacant Commissioner's post, but was unsuccessful. Bernard Hogan-Howe was appointed Commissioner of the Metropolis in September 2011 and Godwin retired. His handling of the Duggan riots was seen by many officers as the reason why he was unsuccessful in his application (Superintendent "Jim").

"Normative Orders"

Herbert's six normative orders (law, bureaucratic control, adventure/machismo, safety, competence, and morality) serve to structure policing by providing different sets of rules and practices that officers use to define situations and to determine their response. When used to analyse the Riots they are an effective method of highlighting the cognitive and reflexive activities of human agents in defining situations (Herbert, 1998).

- ## Law

The relationship between the police and the law is obvious, the enforcement of the latter being a driving force for the foundation of the former (Blair, 2009; Emsley, 2009; Hellawell, 2003; Marsh, 2011). However given that the law is ambiguous, sometimes contradictory, and difficult to apply to complicated social situations, it can rarely be invoked without causing problems (Herbert, 1998). The police will use the power of the law to engage, detain and control citizens whilst enjoying discretion to interpret which laws to apply, and why, to any given scenario. However the police also require the law to provide guidance when they do exercise force. The political narrative as discussed above was very much around the police responding "robustly" although this is not defined in British law, and is an unhelpful reference point against the background of legal obligations. There were concerns about defining the use of force more generally: "What is reasonable force in a riot? How can we legally define what is robust policing? It is all very well telling officers to act robustly, but who would be there to defend them from the criticism that follows if rioters are killed or seriously hurt? Officers on the front

line knew that the command should have opened up the toolbox and thrown back the rioters with baton rounds. That would have been robust and justifiable in the circumstances. Instead officers on shield line had to take hours of punishment from bricks, petrol bombs and fireworks" (Superintendent "William").

The police are equipped with a broad range of legislative tools. The behaviour of many during the Duggan Riots required a show of force by the MPS in sufficient numbers to enable commander to enforce the law and restore order to the streets. However it was clear that the police were unable to enforce the law as they lacked sufficient numbers of officers on the ground: "where were the reserves? I was calling for more units, all the ground commanders were. We were told that the cupboard was bare. We just didn't have enough cops to take the ground or make the arrests we needed to make. It was frustrating and it was dangerous" (Chief Inspector "Stephen"). According to another officer the inability to enforce the law was "a real issue for many officers. We were letting the public down by our inability to get a grip and deal with the people committing offences" (Inspector "Andrew"). Public order policing is resource intensive, and requires sufficient investment in numbers of officers to ensure the law can be enforced and those breaking it arrested: "if you want to go forward and arrest people, the calculation is that you need between three and five people in order not to deplete your front end to the point where you protect the public and you are still able to go forward" (Sir Denis O'Connor, Home Affairs Select Committee, 2010, p.125). The MPS, by failing to

mobilise sufficient resources, undermined not only their tactical options but also their ability to uphold the law.

- **Bureaucratic control**

Bureaucratic stipulations principally define the social and spatial world of concern for officers, determine the type and location of incidents for which officers will assume responsibility and determine the range of tactics the officers are likely to employ (Herbert, 1998). This also encompasses the internal structuring of the police, the difference between "Street Cops" and "Management Cops" (Reuss-Ianni, 1983; Reuss-Ianni & Ianni, 2005). Public order policing is certainly the most militarised element of British policing, with officers organised in units with strict chains of command (Waddington, 1991). The lack of resources and confusion during the initial stages of the riots led to chronic command issues which necessitated tactical decisions "being taken at street level by squad commanders" (Kleinig, 1996, p.40). One experienced PSU commander recalled that "in places a brave sergeant or inspector would urge a forward movement but the large scale unit coordination went out of the window. In places the police response had disintegrated into small pockets of independent officers trying to hold the line… there were intense outbreaks of aggression with police and rioters trading blows but our response was uncoordinated and unit tactics very poor" (Inspector "Ray"). The Duggan Riots asked real questions of the ability of the police to maintain control during serious disorder. There was surprise and incomprehension at the speed and violence of the disorder which was reinforced by unpreparedness demonstrated by

"senior government figures having abruptly to return from their holidays and an outnumbered police force caught on the back foot" (Murji & Neal, 2011).

The wider issues of senior command in the MPS at the time did translate down to the front line: "I was waiting for a leader to take charge. All the Bronze Commanders on the ground were" (Chief Inspector "Stephen"). The MPS was led by an Acting Commissioner, Tim Godwin, after the resignation of Commissioner Sir Paul Stephenson and Assistant Commissioner John Yates following their involvement in a scandal involving the relationship between the press and senior police officers: "the phone hacking scandal would end the careers of London's two top policemen, and the Met would stumble into the 2011 summer riots seemingly directionless" (Mason, 2013, p.61).

- **Adventure/machismo**

To adhere to the standards of the adventure/machismo normative order officers must demonstrate their courage and bravery by willingly placing themselves in potentially dangerous or otherwise uncomfortable situations (Herbert, 1998). This can engender the "can do" attitude of which police officers are so proud, and this mentality was evidenced during the riots as all available officers placed themselves on duty to assist. In the words of one chief inspector "my initial resources were a mixture of local response teams, safer neighbourhoods officers and pretty much anyone we could round up including CID officers…only a very small proportion of these officers were public

order trained, most were wearing regular uniform and for the CID officers it was a question of grabbing whatever was available" (MPS, 2012, p.12).

Undoubtedly the riots placed officers in both dangerous and uncomfortable situations, but also in scenarios and situations that were often beyond their control or capability. Public order policing is certainly perceived as a specialism, where physical prowess and professional competence are valued qualities. The decidedly amateur initial approach and the ineffectiveness of police tactics undermined legitimacy: "It did not look professional. Police retreating in the face of rioters always looks awful. Police not arresting looters. Police letting buildings burn. I kept thinking "We are the Metropolitan Police. We are better than this", and I was not alone in thinking this way. We should have done better. Those riots were not our finest hour. Not by any measure" (Chief Inspector "Paul"). One assessment was more brutal: "How would I assess our performance? Unacceptably poor, at best" (Superintendent "William").

FIGURE 21: DAMAGE SUSTAINED DURING A MISSILE ATTACK TO A PROTECTED POLICE CARRIER BEING USED BY A PSU UNDER THE AUTHOR'S COMMAND DURING THE FIRST NIGHT OF RIOTING (AUTHOR)

- **Safety**

The normative order of safety, organised around the value of preserving officers' lives, thus shapes how officers define and respond to situations (Herbert, 1998). Policing is bound by regulation in terms of how officers approach and behave in compliance of Health and Safety regulations. This is taken seriously as evidenced by prosecution of Commissioner Sir Paul Condon in 2002 by the Health and Safety Executive after the death of a police officer who fell through a skylight whilst chasing suspected burglars across a roof (Blair, 2009). Danger and involvement in dangerous activity are seen as intrinsic parts of police culture (Graef, 1989), although officers will ascertain as much information as possible before attending an incident (Herbert, 1998). During the riots the bravery of the police was clear, notwithstanding they were poorly serviced by intelligence on threats (MPS, 2012). However the dangers the officers faced were keenly felt: "Did I think we would lose a cop in the riots? Yes. Is that an over exaggeration? Absolutely not" (Superintendent "Jim"). According to another officer "People wanted to hurt us. Every time an officer went down injured on the ground there was a cheer from the crowds and they looked to hurt more of us…I heard Uniform [call sign designation for the Territorial Support Group] units calling up for urgent assistance. When the TSG need assistance you know it is bad. There were rumours of ARVs [Armed Response Vehicles] being deployed to provide protection from gangs known to have access to firearms" (Inspector "Ray"). The operational reality of the police relationship between safety and riot control was summed up neatly by one experienced officer: "policing is about putting yourself in between the good and the bad, and

compromising your own personal safety to make a difference. But you don't like to think about it too much which is difficult when you are standing behind a plastic shield having fireworks and petrol bombs thrown at you" (Inspector "Andrew").

- **Competence**

The normative order of competence demands an ongoing sense of police capability to hold effective sway over the streets (Herbert, 1998). Within public order this equates to the police being able to "decisively dominate the situation" (Home Affairs Committee, 2012, p.125). Considerations of competence work to provide officers with a sense of what constitutes doing a good job and what outcomes will provide them with approbation from their peers. However the police claim of competence was severely undermined by the chaotic organisation and deployments during the first 48 hours of Operation Kirkin (The Telegraph, 2011d). Recalling a confused withdrawal in North London one experienced inspector said "when we withdrew, that was it. The mob knew it had defeated the Old Bill. I saw sections of Level 2s running for their lives, backs to the hostiles who were throwing whatever they could at police lines. No discipline. No order. No plan. It was unbelievable. Thank God the crowds were too busy stealing to get their act together otherwise we would have been in real trouble" (Inspector "Ray"). Another officer observed that "at one point we were throwing everyone we could find in a uniform out to confront the rioters. I ended up commanding a mix of MPS officers, BTP [British Transport Police] who were cut off from their own inspector and two county

police officers who were stuck in London after dropping a prisoner off to our custody suite" (Inspector "David").

The apparent lack of a plan and the insufficient number of available trained reserves compounded the strongly held view by many officers that the police response was professionally incompetent: "It was bedlam. Units calling up for help. Units taking incoming missiles. Units in danger of being surrounded. Chaos on the radios. PSU commanders calling up for reserves we didn't have. I vividly recall the constant calls for medics as the injuries piled up" (Superintendent "Jim"). Another officer concluded: "I am still confused as to what the plan was and I am not sure we had one. We couldn't engage in sufficient numbers, and every tactic in the rule book ended up in more injuries" (Chief Inspector "Stephen"). All of the British officers interviewed as part of this study confirmed that the operational performance of the MPS during the Duggan Riots was poor and not at the required standard.

FIGURE 22: A PSU MOVING FORWARD, SUPPORTED BY A DOG UNIT, TO CONFRONT RIOTERS DURING THE DUGGAN RIOTS (BBC MUNDO, 2011)

The Prime Minister, David Cameron, in his address to a recalled parliament on 11th August 2011 conceded that the police response was unacceptable: "what became increasingly clear earlier this week was that there were simply far too few police deployed onto the streets. And the tactics they were using weren't working" (BBC, 2011b). This questioning of police expertise and competence within a field in which they dominate caused considerable professional angst within the service: "of course it hurt. Having journalists, politicians, and every other commentator questioning our ability to maintain law and order was painful. But they had a point, didn't they? Burning buildings, looted shops, dead civilians, injured cops. A bad day at the office all round" (Superintendent "William").

- **Morality**

Police work is not only defined by officers as an opportunity to uphold the law or to demonstrate bravery, but as part of a wider struggle between good and evil (Herbert, 1998). The British police officer, upon being attested into the service, swears an oath to preserve life and limb of the citizen. It is interesting to note, therefore, that the experience of the Duggan riots reinforced the political conclusion of many rioters that "property comes before people, the rights of the former supersede the latter" (Mason, 2013, p.48). Within policing the riots heightened the strong sense that they were the "Thin Blue Line", although the resulting sustained periods of disorder indicated that at times the blue line had snapped creating an "abrupt realisation by many families that the

police were failing to protect their property, their homes and even their lives" (The Telegraph, 2011b).

This inability by the police to protect the good from the bad was keenly felt by many officers who often took the looting personally. In the words of one chief inspector "I could most certainly not think of a plan on the night…that would have preserved life and property at the same time with the resources I had available" (MPS, 2012). Other officers forwarded even harsher assessments: "We lost it. Plain and simple. The Metropolitan Police was being kicked off the streets by hoodlums, kids and criminals" (Inspector "Ray"). In many respects for the police the Duggan riots were "nothing less than a humiliation" (The Telegraph, 2011d)

Conclusion

The response to the Duggan riots was not a successful policing operation. In essence it was a badly handled protest, which required a better understanding and improved handling of community tensions and fears. It escalated into disorder and mayhem which extended across London and into many other towns and cities. Social commentators suggested that "the seeds of the unrest had been clear for some time. The failure of the political class to anticipate the disturbances was rooted in the profound disconnection between Britain's politicians and young people black and white" (Bunce & Field, 2014, p.259).

The role of the authorities when faced with such unrest, according to Mayor Johnson's predecessor Ken Livingstone, was to "restore calm and establish security...It must be the immediate priority of the police...to deal with this by whatever means are required to restore calm" (New Statesman, 2011). In 2009 the MPS's public order branch had predicted a 'summer of rage' which "raised the spectre of a return of the riots of the 1980s, with people who have lost their jobs, homes or savings becoming "foot soldiers" in a wave of potentially violent mass protests" (The Guardian, 2009a). However the initial police response and subsequent efforts to contain the rioting showed a force in crisis and wholly incapable of taking control and delivering an effective response and timely resolution. The riots operationalised the tensions which exist between the doctrine of policing by consent and public order due to "the need to comply with the law, be accountable and respect human rights" (Wright, 2002, p.56). The riots called for an experienced, mature and skilful response from the point of the initial violent confrontation between protestors and the police outside of Tottenham Police Station on the 6th August 2011. This could have contained the issues and arguably prevented a wider escalation: "on reflection we have to accept that if we had gripped Tottenham properly, and taken a different approach, then the riots could have been contained or perhaps not happened at all. It is one of those things we shall never know" (Chief Superintendent "Ben").

The Duggan Riots clearly asked serious questions of the capacity and capabilities of the police, their training, and their preparedness. British policing does not rely on a

standing army of public order specialists; instead it prefers to use Level 2 trained officers extracted from their regular roles to undertake public order policing duties, supported by a small body of Level 1 trained Territorial Support Group officers. However the riots exposed flaws in this operating procedure. There were concerns over the fitness of Level 2 officers and their familiarity with public order tactics (Superintendent "William"), although this was to be expected from a regime which only required these officers to undertake two days of training every year. Furthermore many of the policing commanders were not experienced in responding to mass public disorder outside of the controlled environment of the specialist training facility in Gravesend (Superintendent "Jim").

Having discussed in depth the Duggan Riots, it is now timely to review a comparable incident within recent Spanish public order operational history. The following chapter does this by analysing the serious disorder witnessed on the streets of Madrid on 22nd March 2014. This incident had huge ramifications for Spain politically, in addition to asking serious questions of Spanish public order policing.

Chapter Six: Case Study: 22M – "¡No es tiempo de lamentos, es tiempo de lucha!"[59]

"The 15M movement has become part of the Spanish political arena. Supported by 80% of the Spanish population, 15M is a political force, an organisation that conveys protest and leads political initiatives. It is not a political group, nor an established lobby, but a network of multiple rationalities, conflictive logics, and very heterogeneous actors in ongoing struggle and contestation that connects physically but mainly through social media networks. Radical leftish, anarchist, squatters, animal rights activists, pensioners, university students and professors, lawyers, the unemployed…people with very different interests have been swelling the ranks of 15M."

(Castello & Barbera, 2015, p.45)

Introduction

The Spanish police has been placed squarely in the midst of increasingly radical ideological and political struggles being played out in the wider socio-political space. On 15th March 2011 tens of thousands of protestors occupied the Puerta del Sol Square in Madrid and set up a camp which lasted a month. It was part of a national protest which encompassed over sixty Spanish towns and cities (Velasco Acedo, 2012), and

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[59] This was the key social media message communicated by the organisers of the protest of 22nd March 2014, which translates as "This is not a time for regrets, it is a time to fight!"

inspired a series of global Occupy movements. It has fallen to the police to enforce

public order legislation efficiently and lawfully against a backdrop of dissent, resistance

and confrontation. Protest in Spain is a viable and successful method of

communication, mobilising huge numbers of people and often driving forward real

change. Over six million people took to the streets to protest during the General Strike

of 1988 and over eleven million people took part in marches and demonstrations

following terrorist attacks on commuter trains in Madrid in 2004 (Encarnación, 2008;

Thompson, 2014).[60]

This chapter analyses the policing operation in central Madrid on 22nd May 2014, known

as "22M" (OSCE, 2014). Considering the number of protestors present at 22M it could

be categorised as a peaceful congregation, marred only by sporadic incidents of

extreme violence. However it was the most serious and influential disorder since the

death of Franco, and seen as a failure of police planning and tactics. The learning from

22M was clear for the police: mistakes were made, officers were seriously injured, and

more injuries could have occurred if the crowds had pressed home their attacks. There

were command and control issues, and senior officers were removed from their posts.

The CNP recognised the need to invest in better protective equipment, and to revisit

their tactics. 22M is reviewed here using the same analytical model (Flashpoints and

Normative Orders) applied in the previous chapter. Additionally it draws upon the

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[60] By comparison the largest protest in British history was the Stop the War protest held on 15th February 2003 which attracted between 750,000 and 1,000,000 protestors who marched through central London (German & Rees, 2012). The author was present as a newly promoted sergeant on a Level 2 PSU. Interestingly the march did not alter government policy or lead to a withdrawal of military forces from Iraq which was a stated aim.

interview data discussed in Chapter 2. It is supported by a wide range of existing published academic study and the extensive media sources created before, during and after the event.

Explaining the 15M Movement

22M formed part of a wider series of protest movements which have altered Spain's socio-economic, cultural and political stability over recent years (Navarréte-Moreno et al, 2012). On the 15th March 2011 a group calling themselves ¡Democracia Real YA! (Real Democracy Now!) organised a protest in Madrid calling for social and political change, a rejection of neo-liberalism and an end to the government's austerity measures (Roitman Rosenmann, 2012). The route taken by the protestors, through the centre of Madrid included regular sit down protests in large thoroughfares and concluded with a mass occupation of the capital city's iconic Puerta del Sol Square.

Although largely peaceful, several shop fronts, cars and financial institutions were targeted and damaged. Over 24 protestors were arrested for public order and criminal damage offences, and five police officers were injured (El Mundo, 2011). This event was the first of a series of occupations of squares and public spaces in Madrid, Barcelona and across Spain by protest camps and static demonstrations. Known as the 15M Movement, although referred to in popular culture as the "Indignados" (the "indignants"), the Madrid demonstration gave rise to a new cause which was committed to motivating people to engage in political action to construct new political order (Cossarini, 2014).

15M was seen as an example of Spain's "vibrant democracy" and able to mobilise large numbers of the working and middle classes whilst transcending traditional left wing political allegiances (Chislett, 2013; Mason, 2013). 15M is one of the most remarkable political occurrences in recent years, and the most interesting political development since La Transición, filling city squares, co-ordinating online actions and targeting political reform (Cossarini, 2014). It experimented with bottom-up networked approaches to challenge the rigid, top-down, party driven system which had dominated Spanish political life since 1978 (Beas, 2011). 15M "marked the beginning of a new era of social protest and political activism in Spain, protesting against the political capture of democracy by the markets, the social consequences of the austerity policy executed during the period of crisis and widespread political corruption and calling for a deep revitalisation of the Spanish democracy in terms of more transparency and participation" (Rodríguez Páez, 2014, p.29).

The Indignados represented a broad church of beliefs and motivations: "Some of us consider ourselves progressive, others conservative. Some of us are believers, some not. Some of us have clearly defined ideologies, others are apolitical, but we are all concerned and angry about the political, economic and social outlook that we see around us: corruption among politicians, businessmen, bankers, leaving us helpless, without a voice" (Žižek, 2011). The scale and scope of protest activity was beyond anything seen in modern Spanish history. It was hugely successful in maintaining a presence "online", via social media and "offline" through the physical occupation of

symbolic public spaces (Castells, 2012). Protestors were legally astute, making full use of the Spanish legal protections around assembly and protest while also defying legal bans on protests and surrounding parliaments.

According to official figures in Madrid there were 3,419 demonstrations during 2012 and in 2013 the figure stood at 4,354 (Amnesty International, 2014). This had a profound impact on urban centres across Spain and provoked strong opinions from all of the Spanish police officers interviewed in this study. In the words of one officer "we are talking about thousands of protests and marches. Thousands.   How is normal life supposed to go on with such disruption? It is impossible" (Inspector Jefe "Victor"). Furthermore 15M changed the established bipartisan political landscape of the post Franco era, which had been dominated by the socialist Partido Socialista Obrero Español (Spanish Socialist Workers' Party) or PSOE and the conservative Partido Popular (People's Party) or PP, practically overnight by inspiring the creation of the left wing Podemos ("We can") political party (Cabal, 2011). The task of Podemos has been described as challenging and "transforming the already existing social majority mobilised by the 15M in 2011, into a political majority" (Rodríguez Páez, 2014, p.102). However the real power of 15M remains the ability to put out mass demonstrations on the streets of Spanish cities and towns. This often involved attempted to occupy Madrid or Barcelona to maximise impact. It is worth noting that 22M, the event which is the focus of this chapter, was just one event in a large number of scheduled protest activity in 2014 for the Movement.

22 M

On 22nd March 2014 the 15M movement executed a huge pre-planned social protest in Madrid attracting tens of thousands of people (ABC, 2014; OSCE, 2014). The protest was aimed at the government's austerity measures, high unemployment and corruption. It was well organised, with participants drawn from all corners of society, including youth groups, professional associations, the unemployed, trade unions and civil servants. The organisers also invited observers from the Office for Security and Co-operation in Europe (OSCE) to monitor the behaviour of the police. The protestors called their protest the Marchas de la Dignidad ("March for Dignity") because they contended that the conservative government of Prime Minister Mariano Rajoy was stripping Spaniards of just that (BBC, 2014a).

The police planning for 22M was extensive, personally overseen by Comisario José Miguel Ruiz Igusquiza, the officer in charge of the UIP, who also was in overall command of the operation. He commanded the largest deployment of public order

police in Spain since the death of Franco. The operational plan had mobilised over 1512 UIP officers from all over Spain, organised into thirty UIP groupos. They were supported by six grupos of the CNP's UPR totalling 167 officers.[61] In addition the CNP was supported by Unidades Centrales de Seguridad (Central Security Units) or UCS from the Policía Municipal de Madrid, Madrid's local police force. The UCS were equipped with riot police equipment, and allowed to support the CNP operation by virtue of legal dispensation. The Guardia Civil was responsible for facilitating the movement of the vehicles being used by protestors as they had responsibility for intercity roads policing. The strategic intention of the plan was to facilitate the demonstration, minimise disruption to the wider community, prevent occupation of government buildings or establishment of camps and provide a reaction capability to respond to the police intelligence which indicated that the protest would be infiltrated by radical and violent youth elements (Comisario Principal "Felix"). There was also a wider awareness that the Spanish government and local authority for Madrid had a low tolerance for protests and public displays of civil disobedience, which influenced the tone during operational briefings to unit commanders (Inspector Jefe "Pablo").

Protestors started gathering in Madrid from 0800 hours on the 22nd March 2014 (El Pais, 2014a). Over seven hundred buses travelled to Madrid carrying protestors, overseen by the local police and Guardia Civil. There had been prior arrangements with

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[61] The UPR is a highly trained nationally deployable tactical police reserve unit, which consists of 2190 officers. They are tasked with providing specialist public order support and take responsibility for policing low risk events which do not justify the deployment of the UIP. They undertake regular training with UIP units to ensure a commonality of approach and interoperability (Comisario Jefe "Felix").

organisers to ensure that the travel routes were established and suitable rendezvous points allocated. On the day organisers complained to the press that the Guardia Civil was deliberately stopping, inspecting and fining buses to prevent people making their way to the rally points (El Periódico de Catalunya, 2014). Six columns of protesters, each from a different region of Spain, had arrived at the outskirts of the city before heading for Colon Square, carrying banners bearing the slogan "Marching for Dignity" (The Guardian, 2014a). Many had set off on foot from their towns and villages. The police presence was concentrated at certain key points, including the assembly point, the Bank of Spain, the Parliament and the headquarters of the ruling conservative PP. The roads to these buildings were blocked by fencing and police minivans (OSCE, 2014).

After a largely peaceful march and rally, which had attracted over 50,000 protesters, a small group attempted to break through a police barrier and make their way towards the headquarters of the PP during the final speech of the event (El Pais, 2014a). The police commanders, anticipating trouble around this location, had deployed additional resources to deal with any problems. At 19.31 hours a group of approximately 200 protestors confronted a small group of police officers blocking their way in Calle de Génova. The protestors starting throwing missiles at the police lines (El Pais, 2014a). This provoked a response as the police went forward in a series of baton charges to disperse the group. What followed constituted the worst public disorder in the history of post Franco Spain.

In the words of one unit commander "things deteriorated rapidly, so very quickly. One minute it was a loud but largely ordinary protest. The next thing we knew officers were fighting with protestors, missiles were being thrown at us, officers were calling for assistance. Bins were set alight and being used as weapons. Barriers were thrown at vehicles. The radio went crazy with orders and movements to respond to fighting and disorder" (Inspector "Javier"). As riot police units went forward they met solid resistance from violent groups of protesters, who hurled stones, bottles, flares, firecrackers and other objects, and fought back with makeshift weapons. Experienced UIP officers subsequently conceded that they had never before faced such levels of violence and aggression (Marlasca, 2014). Protestors also used barricades to limit the progress of police vehicles, trap units or delay officer movements.

UIP units were initially forced to withdraw to the edges of the event footprint due to weight of numbers they faced, and protestors were able to freely attack banks, shops, and vehicles. Several police vehicles full of officers unable to safety exit and engage the hostile crowds, including a whole unit of UCS, were surrounded and attacked as crowds surged forward (Inspector Jefe "Pablo"). Spanish public order tactics, which consisted of small teams of officers either firing rubber balls to ensure violent groups maintained a distance or engaging protestors with batons to encourage dispersal, were not effective. The small units came under sustained missile attack and the short shields carried by officers offered insufficient protection from the constant stream of heavy projectiles (Inspector "Carlos"). Injured officers who fell to the ground were instantly

targeted by groups seeking to assault police lines. According to one officer "there was panic. I was worried every time an officer fell to the ground as the crowd would surge forward. They were throwing everything they could including rocks, bottles, sticks, and fireworks. Protecting officers on the ground meant that more officers would get hurt as they tried to protect their colleagues" (Inspector Jefe "Domingo"). One UIP unit, call sign Puma 70, was surrounded and isolated for a prolonged period of time; many of the officers were seriously injured and one officer was repeatedly stabbed, saved only by his body armour (ABC, 2014).

The CNP senior command team realised that they had to revisit their tactical response or there was a real risk of high profile parts of Madrid being seriously damaged. A rapid reorganisation of police units resulted in a coordinated response which saw police units advancing in support of each other and firing rubber balls, smoke grenades and tear gas canisters to disperse the more violent demonstrators from the area (Comisario Principal "Felix"). This was seen as "classic UIP tactics which are more effective than the passive stance we had taken earlier in the day. Public order is about domination and aggression. The police have to set the boundaries and enforce the law. When the rioters saw that we meant business, the violence immediately stopped and people ran away" (Comisario "Enrique").   Faced with new police tactical deployments the violence stopped as protestors withdrew and disappeared back into the main body of the demonstration (Inspector "Jaime"). Despite the violence only thirty arrests were made by the police.

The 22M police operation resulted in 101 injuries, which included 67 police officers. The injured officers included the commanding officer of the Policía Municipal de Madrid, Inspector Jefe Emilio Monteagudo, who had left his command post to personally lead a baton charge into a crowd trying to set up a static camp in the Paseo de la Castellana (Tu Policia, 2014). Faced with widespread criticism, from both the political left and right, the institutional response was comprehensive, swift and severe. The CNP Director General, Ignacio Cosidó, immediately commissioned a review of the police operation by the most senior operational police officer in the CNP, the Director Adjunto Operativo (DAO) Eugenio Pino Sánchez. On the 25th March 2014 the local government of Madrid confirmed that it would be prosecuting and fining the organisers and promoters of the protest rallies in the wake of the damage caused as they were responsible in law (El Pais, 2014b). On the 26th March 2014 the policing unions convened a march and rally in Madrid which attracted over seven hundred people, including many UIP officers, in support of the injured officers in the 22M incident (ABC, 2014). During this rally speakers criticised the high number of casualties and blamed the senior officers for not equipping officers to defend and protect themselves.

The results of the review commissioned by the Director General were delivered to the Internal Affairs Committee of the Spanish Parliament on 23rd April 2014 (El Diario, 2014b). His official assessment was that the planning was sound, but there were communication and coordination issues once the police faced several seats of serious violence. The review found the professional competence of two officers, including the

ground commander, unacceptable and both were relieved of command on the orders of the DAO. The head of the UIP, Comisario Ruiz Igusquiza, received the backing of the DAO and was not relieved of his command.

FIGURE 24: A UIP GRUPO MOVING FORWARD IN CLOSE ORDER UNDER ATTACK FROM FIREWORKS DURING 22M (CNP)

The CNP review identified that the disorder was pre-planned, and coordinated by several radical groups, including football fans and radical left wing youth organisations, using social media networks. It also found that many of the radical groups had access to manuals on urban guerrilla tactics to undermine police operations. The review concluded that communication and coordination mistakes stemmed from independent action, not authorised by the senior command, from several individual units which refused to hold their positions when calls for assistance started being received on the police radio network (El Diario, 2014). Although the natural inclination of officers is to assist colleagues calling for assistance "public order is about command. If the order is to "hold" then you "hold". It was a disgrace that so many UIP officers forgot their training" (Comisario Principal "Felix").

The most serious operational failure identified was when Puma 70 was surrounded in the Paseo de Recoletos and attacked by over 1000 protestors for approximately 30 minutes before being reinforced. The Director General concluded that sending in reinforcements earlier would have inflamed the crowds but his critics claimed that senior commanders held back as international observers from the OSCE were reviewing the policing operation (Inspector "Jaime"). To many officers on duty on the day, the fate of Puma 70 was a real concern: "They could have all been killed. Easily. They attacked those officers like animals" (Inspector "Carlos"). All of the Spanish officers interviewed mentioned Puma 70 and felt that the CNP was fortunate not to have suffered fatalities such was the violence suffered by that unit. The decision to leave Puma 70 without reinforcements for such a long period was viewed by some officers as a cynical attempt by senior command to secure public sympathy: "After the event many officers saw the attack on Puma 70 as a sacrifice the bosses were willing to make for political reasons. However it could have gone wrong very easily" (Inspector Jefe "Pablo").Director General Cosidó concluded that after 22M the CNP would be reviewing training and tactics, reorganising the UIP deployment strengths, investing in new protective officer safety equipment and improving police capabilities for monitoring activist groups. In the aftermath of the violence the police set up "Operación Puma 70", tasked with identifying troublemakers and arresting them. The choice of name was deliberate. As one officer observed "the name was provocative but we were angry. Our colleagues had been hurt. The CNP was hurt. We wanted to let these people know, these anarchists and thugs, that the police was coming to get them" (Inspector "Carlos").

FIGURE 25: A UIP GRUPO CLEARING THE ROAD OF BARRIERS WHICH HAVE BEEN PLACED BY PROTESTORS TO PREVENT VEHICLES WITH TACTICAL RESERVES BEING DEPLOYED TO SITES OF DISORDER (CNP)

Analysis of the Riot using the "Flashpoints Model" and "Normative Orders"

Having provided an overview of the incident it is now appropriate to undertake an analysis using the same model as in the previous chapter.

"Flashpoints Model"

- **Structural**

Following the emergence of 15M, protest activity in Madrid became symbolically important. It influenced "Occupy" protests in numerous other major cities and demonstrated the power of non-conventional protest within modern democratic systems. The key institutions of government attracted the interest of those keen to display their outrage against "the rate of unemployment, austerity measures, the collapse of savings banks" (Chislett, 2013, p.179). The dramatic interplay between

society and economy in Spain was "at the root of collective grievances and resentments in society" (Waddington, 2007, p.49). 15M represents the struggle against the wider establishment which heightens the likelihood of violent confrontation with the police. The re-engagement of the Spanish youth, the section of society most likely to suffer "material inequalities, political impotence and inferior life chances" (Waddington, 2007, p.49) has been referred to as the "revolución de los jóvenes" (revolution of the young) and the biggest development in Spanish social history in the twenty first century (Natanson, 2012). From the perspective of the police it is youth groups which are the most likely to engage in "clashes with the police, when protestors interact violently with the police" (della Porta, 1995, p.4). One officer observed "the young in Spain have suffered during the economic crisis, and they are angry. They see the police as a legitimate target for their anger" (Inspector "Javier").

- **Political/Ideological**

15M has given a voice to a grassroots desire for change in the Spanish political system. It calls for social justice and "real democracy", and contends that the distance which exists "between citizens and government keeps growing" (Álvarez et al, 2011, p.7). Although social movements are often "expressions of grievance" (Zirakzadeh, 1989, p.220) Spain has witnessed over recent years the physical signifiers of potential political crisis: "acute class divisions, regional politics, street violence, outright civil disobedience…and unaddressed corruption" (Mason, 2013, p.224). This has influenced how the government and the police have responded to "the politically or culturally

dissenting group (or groups) in question" (Waddington, 2007, p.49). The approach has altered in response to the growth of the popularity of the movement, and the increasing levels of direct action and violent disorder.

It has served the interests of the government, faced with unprecedented levels of protest, to engage in a process of "demonising" and "delegitimising" 15M by dismissing supporters as being anarchists, radicals or "dangerous" (Rodríguez Páez, 2014). Over recent years the government has demonstrated diminishing levels of tolerance for protest activity which has influenced the wider police opinion: "these protests have tested the patience of the government, the police, and many members of the public. Everyone has had enough. Spain cannot operate when everywhere there are strikes and protests and demonstrations" (Inspector "Paco").

- **Cultural**

The police was seen as taking the lead on the government attempt to "delegitimise" 15M (Rodríguez Páez, 2014). Dialogue between the police and the protestors was tainted by the view the protestors had of the wider state and associated agencies, with their rejection and contempt succinctly articulated in the slogan of "no nos representan" (they don't represent us) (Waddington, 2007). The police was seen as supporting an increasingly unpopular government and employing increasingly repressive methods and tactics against protestors. There had been numerous confrontations between the CNP and the 15M activists before 22M which had crystalised the respective views and positions.

As the police moved in to disperse the crowds at 22M, which had become agitated and violent, the more moderate sections of the crowd used their loudhailers to say "We would remind the police that they are interfering with a legal activity" (El Diario, 2014a). One inspector noted "rather than tell the radical elements to stop attacking the police, burning things, throwing missiles and smashing up buildings the organisers were reminding the police about the human rights of protestors! It was a little bit surreal" (Inspector "Javier"). In the words of another officer "in many respects the whole indignados movement view the police as the enemy…The easiest insult in the world to throw at a Spanish policeman is to call him a fascist" (Inspector "Juan"). According to another officer "We represent a system they no longer trust, respect and want to destroy. So why should they [protestors] interact with us at all?" (Comisario "Enrique").

FIGURE 26: A POLICE VAN, BELONGING TO THE POLICÍA MUNICIPAL DE MADRID, COMES UNDER ATTACK FROM A CROWD USING IMPROVISED BATONS AND MISSILES (CNP)

- **Contextual**

It has been noted that "communication processes leading up to an event…may enhance its potential for disorder" (Waddington, 2007, p.50). Equally engagement and

communication by the police with protestors can help facilitate the enjoyment of the freedom of peaceful assembly and the work of the police, as well as reduce the risk of violence during assemblies (OSCE, 2014, p.59). However communication with 15M is challenging because of the internal organisation of the Movement which works via leaderless assemblies and each protest site is "in charge of its own priorities, demands, and manifestos" (Martí i Puig, 2012, p.184). This individual approach, with the lack of an identifiable "leader" was simply beyond anything previously experienced by the CNP and frustrated the standard practice of engaging with organisers (HMIC, 2009).

Distrust on both sides was furthered enflamed by 15M refusing to recognise the authority of the State to limit their activities. This was fuelled by the ideological conviction that the established State simply did not speak for them and therefore should be discounted. This significantly complicates the relationships between organisers and police commanders: "The police are not respected. I attended several meetings where the 15M representatives, if they bothered to turn up at all, would refuse to engage with me because many saw the police as illegitimate…We are legitimate because the law says so" (Inspector "Juan").

- **Situational**

The CNP has been involved in a war of territorial occupation and liberation since 2011. The 15M protests have converted the public squares of Spanish towns and cities into the front line of modern Spanish politics as their occupation is a key organisational goal

for protestors: "rather than homogeneous and depoliticized spaces, these squares became sites of mass public deliberation, the politicization of thousands of citizens, and the building of a nascent movement that aims to profoundly transform society" (Dhaliwal, 2012, p.259). This represents a "flashpoint" between the protestors and the State, constituting spatial and social determinants of disorder as both sides demonstrated a willingness to use force to secure and defend territory (Waddington, 2007).

The 15M occupation tactics of makeshift camps, sit down protests, blockades, and the surrounding of government building have sparked wider debate within the police: "Things have gone too far and the disruption is too much. The protests aren't limited to the major cities anymore, but even extended to smaller provincial towns. The last time I visited home, Jerez, a small group of protestors had turned the square into a gypsy camp, causing disruption to businesses, tourists and citizens" (Inspector Jefe "Victor"). All of the Spanish officers interviewed stated that the protest of activity in Spain was unsustainable and had to be controlled in the interests of the wider society being able to go about their daily lives. It would appear that this reflects the mood of the Spanish government as tolerance for protest has waned considerably notwithstanding the constitutional rights of citizens. Recent political initiatives, which include proposals to ban protest activity in designated "protected areas", such as central Madrid, are evidence of a change of policy. The view of the Unión General de Trabajadores (General Union of Workers) articulated the view of protestors: "How can you call it

[central Madrid] a protected area when it's a public space that belongs to Madrid and its citizens? It's outrageous. An absurdity" (The Guardian, 2014b).

- **Interactional**

Seasoned 15M protestors are adept at rapidly putting up tent camps, using social media networks, and arranging assemblies to challenge and confront traditional power structures (Martí i Puig, 2012). As a result the relationship between the 15M and the CNP is fractured (Waddington, 2007) with both sides expecting trouble at every confrontation (Comisario "Alvaro"). At 22M observers noted that "approximately 250 policemen in riot gear started to push the crowd, which also affected several hundred peaceful demonstrators" (OSCE, 2014, p.79). This appears to represent a classic ESIM example of how police aggression can trigger a violent and disorderly response from an otherwise passive crowd (Reicher et al, 2007).

FIGURE 27: A SUB GRUPO MOVING FORWARD IN CLOSE ORDER DURING 22M, WITH OFFICERS CARRYING SHOTGUNS ADAPTED TO FIRE RUBBER BALLS FOLLOWING BEHIND OFFICERS CARRYING SHIELDS AND BATONS (CNP)

However it was clear that a small group of protestors had come prepared to cause disorder: "the information we received from the intelligence agencies was absolutely correct because the protest had been infiltrated by radicals who were carrying fireworks and other items to attack the police" (Inspector "Paco"). Once disorder was underway the hardcore of violent protestors were rapidly joined by many others who behaved in the irrational way associated with Le Bon: "I have never seen violence like this in Madrid before. They hated us and wanted to hurt us. It was mob violence" (Inspector "Carlos").

"Normative Orders"

- **Law**

The relationship between the police and the law is regulated by the Spanish Constitution of 1978 (Herbert, 1998).   It defines the roles and responsibilities of the police in Spain, the relationship between the police and the state, and the relationship between the State and the citizen.   15M protests due to their number, size and complexity have pushed legal boundaries by "paralysing Spanish urban life" (Comisario Principal "Luis"). According to one officer "protest cannot be allowed to go too far. When protestors are interfering with government, preventing members of the congress from doing their duties, preventing shops and businesses from operating, then something has to be done" (Comisario "Enrique"). Protest activity is currently generously accommodated within the Spanish legal system, reflecting a desire to rebalance the years of repression under the Franco regime.

- **Bureaucratic Control**

22M demonstrated the ability of 15M to mobilise large numbers of supporters to engage in acts of direct action and civil disobedience. The occupation of key landmarks, disruption of the day-to-day operation of government institutions, and confrontational tactics have tested the capabilities of the CNP (del Rey Reguillo & Álvarez Tardío, 2012; El Pais, 2014a). Since 1975 the police in Spain have occupied a reactive role avoiding activity which could be construed as being politically partisan. This is a clear departure from the approaches undertaken by Franco's police (Chislett, 2013; Hooper, 2006). According to one officer "the role of the police is to enforce the law and protect people. We are entrusted to defend rights of the citizen and to minimise our involvement in their affairs" (Inspector "Jaime"). However the rules of engagement have substantially altered as a result of the tactics of the 15M movement, forcing a review of public order tactics (Comisario Principal "Felix"). Driven by the government directive to limit the disruption to daily life the police have been directed to undertake a static protective role at high profile landmark locations, and immediately repel any attempts at establishing a protest presence. This approach increases tensions between the police and protestors, strengthening stereotypes and increasing the likelihood of violent confrontation (Waddington, 2007).

- **Adventure/Machismo**

As opposed to the British approach to public order, which embraces the concept of "winning by appearing to lose", Spanish UIP cultural expectation is framed around units

"winning by winning". The UIP is not diverse in terms of gender, and maintains a very male centric headcount reinforced by a strenuous physical application and classification regime. Undoubtedly the UIP displays a macho culture: "UIP is a very masculine unit…lots of time in the gym, where power and strength are important and admired qualities. The work is tough and dangerous. It is not an environment where we can carry passengers and everyone needs to be in great shape" (Inspector Jefe "Domingo"). Chapter Four detailed call signs of the UIP units which are associated with aggressive or powerful creatures (such as "Puma" (Madrid), "Killer Whale" (Valencia), and "Wolf" (Sevilla)). The call sign of the head of the UIP is "Marte" (Mars), after the Roman god of war. This is part of the culture of the UIP, which embraces the notion of being an aggressive, tough and elite unit within the Spanish policing landscape. This is underpinned and strengthened by regular tactical training. Against such a backdrop of machismo, the fate of Puma 70 hurt the pride and image which Spanish public order policing enjoys and projects: "The UIP is an outstanding public order unit. We have faced the toughest scenarios in modern Spain, from *ultras* ("ultras" is a term used in Spain for hardcore football hooligan groups) to striking miners. We are not expected to lose confrontational encounters. We are certainly not expected to receive a good hiding from a rabble of protestors, students and agitators which is what happened during 22M…We were too soft. That is not how we operate" (Inspector "Javier"). The UIP officers enjoy the confrontational element of public order but on their terms. Pride in the unit raises the expectation of the UIP being victorious in public order scenarios (Comisario Principal "Felix").

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The failures of 22M was keenly felt by the officers "not used to losing the upper hand in conflict on the street" (Inspector Jefe "Pablo"). The machismo of the UIP is operationalised by encouraging an environment where officers take the ground, establish their presence to the public and maintain control through a mixture of intimidation, bravado, expertise, aggression and force as necessary. The UIP deploys in very recognisable protected vans and elicits an angry response from protestors who expect the officers to use high levels of force. Furthermore the UIP is only deployed when there is a likelihood of disorder taking place, which further increases tensions.

- **Safety**

The preservation of public safety, as previously discussed in Chapter Three, is the foundation of public order policing within the Spanish legal framework. Spain mobilised the largest public order operation in recent years for 22M, with all available CNP UIP officers on duty and available for deployment (Comisario Principal "Luis"). This was to provide sufficient numbers of officers to enable a safe event whilst ensuring sufficient numbers of officers to react and protect each other in the event of problems (Comisario "Enrique").

The officers were equipped with protective equipment as intelligence indicated that the protest had been infiltrated by radical groups looking to attack the police (Inspector "Javier"). However it was clear that defensive equipment was simply not capable of withstanding the violence encountered as demonstrated by the numbers of police

casualties. The poor performance of officer safety equipment, coupled with the refusal

to allow more officers to discharge rubber balls or tear gas at protestors by senior

officers, represented real areas of concern and grievance at a subsequent protest by

police officers (ABC, 2014). A result of the experience of 22M for the CNP was a rapid

re-evaluation of how they define and approach such protests (Herbert, 1998). In the

words of one officer "from now on we will approach 15M protests with a greater

appreciation of the harm they can cause, and ensure we are ready to respond

immediately should protestors start to attack us. We will not make the same mistakes

again in the future" (Inspector "Carlos").

FIGURE 28: A UIP EQUIPO UNIT UNDER MISSILE ATTACK DURING 22M. ONE OFFICER IS INJURED AND ON THE
GROUND. AT CLOSE RANGE THE OFFICERS CANNOT USE THEIR DISTANCE WEAPONS MAKING THEM VULNERABLE
TO PHYSICAL ASSAULT OR CLOSE RANGE MISSILE ATTACK FROM PROTESTORS (CNP)

- **Competence**

The concept of "competencia" (competence) within Spanish policing extends further

than the police assuming effective control over whatever area or set of problems for

which they assume responsibility (Herbert, 1998). Competencia defines what incidents

police can actually deal with and within the CNP there is a rigid delineation of internal organisational roles and responsibilities built around the concept of professional competence. Therefore public order policing in urban Spain is only ever undertaken by the UIP as the recognised "competent" full time public order specialist unit, supported by the UPR as required. The law does allow for these units to be supported by other units, such as Madrid's UCS. However the UCS does not have legal competency to undertake such duties unless their assistance is specifically requested and authorised by the CNP or Guardia Civil. Although this potentially limits the number of officers equipped and trained to deal with disorder policing, the system relies on the selection of the best candidates, best available units, extensive training, and a regional deployment system which allows for rapid deployment anywhere in Spain. According to one officer: "You could call the UIP an elite unit in many respects. The CNP invests heavily in making them specialist and capable of responding to the most serious incidents" (Comisario Principal "Luis").

- **Morality**

The CNP is culturally authoritative and conservative (Waddington, 2006). Spanish police officers often have a very traditional and moral view of their role and responsibility to wider society. According to one officer "being a police officer is a noble calling. It is not just a job. It means something. It stands for something. We represent Spain. We represent our country. We are defending the good from the bad" (Inspector Jefe "Pablo"). The CNP incorporates the Spanish flag as part of their uniform and UIP

minibuses often display Spanish flags. A strong sense of moral purpose exists within the traditions and wider cultural identity. In the first week of October every year the CNP celebrates the "Dia de los Santos Ángeles Custodios - Patrón de la Policía" (the Day of the Guardian Angels, Patron Saint of the Police"). Officers attend a Catholic Mass in full dress uniform followed by a formal parade. At the end of the event a collective toast, known as the "Vino de Honor", is celebrated with the following wording: "¡Viva el Cuerpo Nacional de Policía! ¡Viva el Rey! ¡Viva España!" ("Long live the Cuerpo Nacional de Policía! Long live the King! Long live Spain!").[62] This fusion of religion, patriotism, nationalism and organisational loyalty provides the CNP with a defined identity which is used to orientate perspectives, interests, and activity (Brubaker, 2004).

The CNP's organisational identity is aligned to a role of upholding the law and playing a key role in the wider struggle between good and evil (Herbert, 1998). This identity "can lead to hostile reactions toward other groups and become translated into stereotypes that are shared across individuals, can shape the collective behaviour of groups, and can help differentiate among the multiple groups that define any political environment" (Druckman, 1994, p.44). The CNP is ideologically conservative, which is demonstrated by events such as the Dia de los Santos Ángeles Custodios explained above. Such conservatism in Spain is something 15M seeks to radically change which many CNP officers find offensive: "their lack of respect for traditions, the desire to change

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[62] The author has attended several parades and they are events of pomp, majesty and tradition which are taken very seriously by the CNP.

everything, the criticism of many parts of Spanish culture does offend me" (Inspector "Javier").

FIGURE 29: AN "ANTI UIP" PLACARD CARRIED DURING 22M – THE TEXT READS: "IS THIS YOUR JOB? I PREFER TO STAY UNEMPLOYED" (GUARDIA CIVIL)

Conclusion

This chapter has provided an analysis of the 22M Riot in Madrid. Against a backdrop of huge social and political unrest, 15M has re-invigorated citizen participation in politics and mobilised millions of Spaniards to protest (Torres López, 2011). The impact of the protests and their ability to paralyse city centres through protest has resulted in a distinct hardening of attitudes by the government and the CNP. In the 1980s and 1990s Spanish policing, in recognition of their close association with the repressive excesses of the Franco regime, facilitated protest and avoided unnecessary confrontation with protest movements. This approach changed in response to the activities of 15M on the streets of Spanish towns and cities. As a result the CNP now finds itself in the

uncomfortable position of being accused by critics of acting as a repressive state agency which supports an unpopular political class (Comisario Principal "Luis"). .

Spanish policing is clearly defined and delineated as a state agency, overseen by a politician, and has no influence on the formation of policy. The accountability of the CNP is to the state before the people. Their role is to carry out the orders given to them. Accordingly Spanish policing operates in an increasingly dysfunctional space where they are taking action against a social movement which has no faith in them or their authority. The recent history between 15M and the police has been dominated by negative experiences, violent confrontation, ideological tensions, arrests and injuries. The resulting distrust has profoundly undermined the ability of the protestors and the police to engage constructively. This has been driven by governmental efforts to de-legitimise the protestors by politically and socially marginalising them as a dangerous class.

The learning from 22M was clear for the police. Mistakes were made and officers were seriously injured. There were command and control issues, and specific officers were named, shamed, and removed from their posts. The CNP recognised the need to invest in better protective equipment, and to revisit their tactics. The broader state response to 15M has been to tighten the political pressure on the police to prevent, disrupt and arrest demonstrators. This is a conscious and ideologically driven response to protest. In Spain, policing is still something that is done to the Spanish, as opposed

to something they allow to have done to them, the very antithesis of the British model of

policing by consent. This represents an appropriate point to move onto the comparison

of the British and Spanish approaches to policing public order, which is the purpose of

the following chapter.

Chapter Seven: Comparing British and Spanish Public Order Policing

"Policing is known to be one of the greatest social experiments ever to exist. Even in countries that can be referred to as strong and established democracies, when the need to maintain public safety and protect against internal and external threats becomes a main priority for its governing bodies, some basic civil rights are being abandoned, and new policing practices emerge to adjust to the new priorities. The emergence of new deployment techniques and police practice is justified for the sake of maintaining public safety and social order, or at least this is how it is presented to the larger audience on the receiving end."

(Haberfeld & Gideon, 2008, p.10)

Introduction

This chapter has three purposes. The first is to comparatively analyse the approach to public order policing in Britain and Spain, which is the stated aim of this study, to ascertain whether the approaches by each country are as diverse as the cultures, legal systems and historical developments of the respective nation states would suggest. Understanding the key similarities and differences is important as it goes to the heart of the wider policing identity: "it is not that "a society gets the police it deserves" rather, that the nature and functioning of the police varies within different societies" (Danns, 1982, p.4).

The second purpose of this chapter is to provide answers to the questions which were outlined in the first chapter:

- **What is the role of the police in the policing of public disorder in the two countries?**

- **Why do the British and the Spanish police approach disorder in the manner and style in which they do?**

- **What are the strategic drivers and influences for public order policing in the two countries?**

- **What are the tactical similarities and differences between operational deployments in the countries?**

- **How do the British and the Spanish police incorporate the European Convention on Human Rights into their public order operations?**

The third purpose is to provide a comparative narrative in relation to the Duggan Riots and 22M. This approach allows for the key learning from the previous chapters to be identified and discussed as part of the wider analytical framework of this study.

Similarities and Differences

The aim of comparative research is "to identify similarities and differences between social entities" (Lewis-Beck et al, 2004, p.152). Previous chapters have outlined the unique policing, structures and cultures which have influenced and formed the modern policing instruments in Britain and Spain. Furthermore it has long been maintained that

"British policing has always had a clear identity, separate from the rest of the world, no more so than in its approach to public order. That approach, of putting police amongst the people to maintain security and facilitate protest, is quite distinct from other countries in Western Europe where police often use equipment to control crowds and separate the police from the protest crowd" (HMIC, 2009, p.15). However this study has identified that there is a sufficient level of similarities and differences to justify further discussion, strengthened by the fact that an additional "benefit of comparative research is simply to learn from the experience of others" (Pakes, 2015, p.5).

The similarities in how the British and Spanish police maintain public order is reflective of their democratic governance structure, the influence of "Europeanisation" on modern day policing and the impact of human rights on law enforcement activity (Council of Europe, 1997; Featherstone, 2003; Mawby, 2013; Verhage et al, 2010). Public order policing in Britain and Spain is delivered by civil police assets, as opposed to military units, and the police are authorised by the state to use force against citizens in public order scenarios (Brain, 2010; Emsley, 2009; Waddington, 1999a).[63] As part of this monopoly on the use of state force there is an expectation that the police will use the minimum force necessary to secure compliance and strategic objectives, although Britain and Spain have different views on what constitutes minimum force in public order. Operational similarities also include how public order policing is administered via a formal command and control model not used in regular policing duties, supported by

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[63] The Guardia Civil has a hybrid police/military identity. For the purposes of public order duty the units deployed by the Guardia Civil act in a civilian police capacity, utilising the same equipment and tactics as the CNP.

specialist weapons, training and tactical deployments (Waddington, 1999a; Waddington, 2007).

The differences between the British and Spanish models of public order policing extend further than those which can be ascribed to the existence of distinct languages, histories, policing institutions or legal systems. The Duggan Riots demonstrated that British policing continues to consider the Peelian Principles even when faced with serious disorder (Blair, 2009; Home Office, 2012b). This is evidence of the clear ideological divergence between the British and Spanish models: the British public order policing model seeks to *prevent* disorder occurring whereas the Spanish model is conditioned to *respond* to disorder. This influences how British and Spanish public order units are formed, equipped, trained and deployed.

To achieve their objectives each country has developed individual operational public order delivery models which reflect their respective cultural histories. The British approach respects the Peelian model of consensual policing by largely relying upon part time Level 2 trained officers undertaking the majority of public order duties. These officers are volunteers who receive minimal levels of training and development (HMIC, 2009; HMIC, 2011a; MPS, 2012). The Spanish approach is more professional and coordinated as it reflects the military influence on public order policing in Spain. It uses a cadre of full time public order policing specialists. The identification of these fundamental similarities and differences serves as a useful introduction to key research

questions which were set out in the introduction of this study and which are answered below.

<u>Key Research Questions Considered</u>

- **What is the role of the police in the policing of public disorder in the two countries?**

Public order policing in Britain and Spain displays several universal continuities of function, which include law enforcement and the protection of life and property. The police operate as a classic instrument of "governance from above". However the manner in which public order is dealt with is filtered by the significant differences in history, legal culture, institutional structures, language and other aspects of national and organisational cultures.

Public order in Britain is complex. The British police are the guardians of the Sovereign's Peace, empowered to use the minimum force necessary to enforce the law whilst respecting the tradition of policing by consent (HMIC, 2011). This has been operationally interpreted as a deliberate rejection of "Continental" tactical options, a preference for deploying baton wielding police lines to maintain order and the availability of command discretion which is "a valuable device in the prevention of public disorder or a liability which can bring the actions of the police into disrepute and reveal inconsistencies in police practice [and] criticised on grounds of class, politics, race or gender discrimination" (Channing, 2015, p.19). Public order is undertaken by part time

public order officers supported by a small number of full time units. The British police are independent from State interference, yet subject to considerable political pressures and expectations from locally accountable Commissioners.

The Spanish police officer is "La Autoridad", an agent of the state supported by a rigid framework of legal instruments to define his role, responsibility, purpose and activity. Public order work in Spain is only undertaken by full time specialist units, supported by a small cadre of highly trained reserves. Spanish public order policing is established upon the doctrines of "intervención mínima de la fuerza y de menor lesividad" (Minimum and least harmful use of force) and "uso progresivo de la fuerza" (progressive use of force). The rights and entitlements of citizens are explicitly outlined in the Spanish Constitution whilst the police role is clear and demonstrates a "veni, vedi, vici" approach: "We are not deployed to pander to a mob. We come into an area, and we restore order. Then we depart. We leave the engagement and community work to the local police" (Inspector Jefe "Pablo").

- **Why do the British and the Spanish police approach disorder in the manner and style in which they do?**

Policing ideology impacts directly upon the operational manner and style of British and Spanish public order policing.   British policing is based upon small localised constabularies which are heavily invested in community consultation and engagement (Emsley, 2009).   The Spanish model sees the national policing agencies working

directly for the central state and supported by numerous local, municipal or regional police forces which are directly responsible to local mayors or regional parliaments.

In Britain policing is said to be carried out with the consent of the people as opposed to using force and coercion (Blair, 2009; Emsley, 2009; HMIC, 2009; HMIC, 2011). Britain sought to maintain "continuity with the long tradition of communal self-policing or 'policing by the people' that the parish constable system represented…A policy of minimal force, with the police armed only with wooden truncheons and relying heavily upon the co-operation of the people who were policed, was also adopted" (Johnstone & Ward, 2010, p.56). Essentially the public allows itself to be policed. The British model of policing by consent requires a functioning relationship between the public and the police, underpinned by public trust in their police, the public perceptions of the legitimacy of the police and laws being enforced and public willingness to cooperate with legal authorities. Recent historical events have demonstrated that the police relationship with sections of British society, such as the black community, is strained and capable of erupting into violent conflict (Bowling, 1998; Brain, 2010).

Public order is testing for British policing because it vividly highlights "that consensual policing is desirable but not always possible" (Bowling & Foster, 2002, p.992). On occasion it has been abandoned altogether, such as during the Miner's Strike of 1984/5, which saw emerging concerns for civil liberties (Beckett & Hencke, 2009). Therefore the British approach can be characterised as policing by passive acquiescence rather

than policing by active popular consent (Brogden, 1982) as "those who are frequently at the receiving end of police authority are unlikely to give it much consent other than a sullen acceptance of de facto power" (Reiner, 1985, p.50). In the words of one police officer "we are very proud to police by consent but it really didn't help during the Duggan riots. I didn't witness much consensual policing on the high streets of Croydon or Clapham" (Superintendent "Martin").

The Spanish policing model is based on a system of acquiring legitimacy from above, from central government, which is "a key characteristic of the continental style of policing" (Stojanovic & Downes, 2009, p.75). Police authority and legitimacy flow from the state through key documents, such as the Constitution. Therefore the Spanish system is readily identifiable as being "Continental": "Military ranks, large numbers of paid informers, carrying identification as routine, the collection of visitors' names from hotel registrations, paramilitary lines" (International Business Times, 2011). In common with many other Continental policing systems, public order policing in Spain is a centralised activity, with strict rules around operational "competencia", a military ethos, and low levels of community engagement activity outside of protestor liaison.

The manner in which the police interact and engage with citizens goes to the very heart of the manner and style in which public order policing is delivered in Britain, but the Spanish approach is markedly distant. When it became apparent that the British policing model had broken down during the Duggan Riots characteristically continental

methods of order maintenance (nationally supplied reserves, large numbers of officers, strong use of force) were utilised to regain control of the streets: "the only way police officers were able to re-establish order in the capital, after three days with the criminals in control, was by sheer weight of numbers and the exercise of force" (The Guardian, 2012b).

The British approach developed "due to concerns that continental style policing for political purposes might be introduced" (Paterson & Pollock, 2011, p.31). Furthermore Peel recognised that such an approach would not secure the support for his New Police in 1829 (Emsley, 2009). However there is no historical evidence that the British approach provides operational efficiencies or better protection from political influence than a centralised structure (Moore & Smith, 2007).

- **What are the strategic drivers and influences for public order policing in the two countries?**

Public order strategy reflects the wider socio-political tolerance for disorder in civic spaces: "The police role in any democracy is bound to be contentious and imperfectly aligned with the broader procedures, objectives, and practices of a democratic polity" (Hinton & Newburn, 2009, p.6). The common strategic intention for policing operations within liberal democratic states is the maintenance of peace through tolerance. The Spanish Constitutional Court has defined the right to assembly as the "collective manifestation of freedom of expression exercised by means of a transitory association

of persons, which operates as an instrumental technique at the service of the exchange or exposition of ideas, the defence of interests or the raising of problems or demands" (Amnesty International, 2014, p.15).

There are obvious tensions between upholding the rights of citizens and the requirement on the state to maintain public tranquillity in the interests of wider social control. The key drivers and influences for public order policing in Britain and Spain are broadly similar and consist of the following:

1. The preservation of public order;

2. The prevention of public disorder wherever possible;

3. Return to normality as soon as practicable whenever disorder does occur;

4. Respect for human rights;

5. Proportionate use of minimum force;

6. The prevention of crime and taking steps to bring offenders to justice if crime is committed.

(Ballbé, 1983; Blair, 2009; Brain, 2010; de Bartolomé Cezano, 2000; Hooper, 2006; Puy Muñoz, 2002; Stevens, 2006; Waddington, 2007)

Although both countries are politically encouraging of the freedoms to assemble and protest, the mood has noticeably hardened over recent years. Britain has a strong heritage of protest and Spain protected protest as a form of civic engagement after

years of repression by Franco. However tolerance diminished as a result of the impact that mass protest and increased violence has had on public order.

In Britain the Public Order Act 1986 provides the police with powers to place conditions upon a public procession (Section 12), prohibit a public procession (Section 13) and impose conditions on public assemblies (Section 14) "to prevent serious public disorder, serious criminal damage or serious disruption to the life of the community". Following an increase in protests in central London in the 1990s additional legislation introduced new powers to restrict protests in the vicinity of the Palace of Westminster. Section 143 of the Police Reform and Social Responsibility Act 2011 introduced a list of "prohibited" activities in Parliament Square which included using loudhailers, erecting tents, or using sleeping equipment. This was to legally frustrate the potency of the Occupy Movement, which advocates the use of tent camps being set up in iconic locations.[64]

The Spanish approach to protest has also been subject to increased executive interest, notwithstanding the legacy of Franco and the firm commitment to demonstrations and protest assemblies contained within the Constitution (Alonso Pérez et al, 2004); Article 21 of the Spanish Constitution recognises the right of peaceful assembly. However the impact of the disorder created by the thousands of protests associated with 15M influenced a review of public order legislation. The new Citizen's Safety Law introduces additional powers including making it illegal for protestors to gather in front of

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[64] The Occupy London tent camp which set up in front of St Paul's Cathedral in October 2011 ultimately had to be removed, by court order, in February 2012. The surrounding policing operation was an extensive one in which the author was involved as a Bronze Commander.

government buildings, which includes everything from universities to hospitals, bans "spontaneous assemblies without permission from authorities" and prohibits the taking of pictures of police officers (The Independent, 2015). This robust direction of travel has attracted severe criticism in Spain with critics referring to the new law as "La Ley Mordaza" (the "gag law") (The Independent, 2015). This new approach is evidence of Spain entering a new social and political historical period (Perez Conejo, 1996).

Events indicate that Britain and Spain are engaged in limiting activities which can undermine public order in the wake of recent experiences. This can be seen as either the implementation of repressive control mechanisms to silence protests or sensible precautions to minimise the destructiveness of mob violence. Both countries are moving to a position which only tolerates activities which do not adversely impact upon public order and the police have been granted new powers with this in mind (Jones, 2014).

- **What are the tactical similarities and differences between operational deployments in the countries?**

The differences in approach to public order by British and Spanish police are grounded in the individualised nature of the respective institutional, historical, social and political cultures. The tactical approach taken by the police to disperse violent crowds is different in Britain and Spain, although both recognise that a decision by the police

public order commander to take action will impact on "people's liberty and personal safety" (Haberfeld & Gideon, 2008, p.9).

In Britain public order tactics are built around PSUs driving forward using shields and batons with the intention of clearing away groups and arresting offenders. Injuries to both officers and protestors are common, and seen by many British public order practitioners as an acceptable price to pay within the broader framework of consensual policing (Superintendent "Martin"). In Spain tactical dispersal consists of specialist munitions being fired into violent groups followed by advancing public order officers using shields and batons to encourage people to move away. Arrest is not a primary consideration unless serious offences are apparent (Inspector "Javier"). According to another officer this dispersal tactic "allows us [the police] to keep the momentum. We remain agile and are not committing lots of officers to arrests or prisoner transport. We can keep our visible presence and this give us better actions to react and respond" (Inspector Jefe "Domingo"). Furthermore this approach does give crowd members a greater opportunity to leave and it is more likely to result in fewer injuries to both sides. Such methodology of crowd confrontation represents a lower level of force than that used within British policing.

Baton rounds, tear gas and water cannon are simply not considered a "British" response. The very public and negative reaction of the Deputy Prime Minister to the decision by the Mayor of London to purchase water cannon from the German Federal

Police in 2014 illustrates the deep rooted ideological conflict at the heart of British public order policing. The use of any "continental" policing methods "rubs up against the long tradition of policing by consent on London's streets" (BBC, 2014c). Spanish policing uses rubber balls fired from shotguns with great effect yet in Britain the "use of baton rounds for crowd dispersal has been an issue of serious contention since rubber bullets were first introduced and used in the North of Ireland in 1970" (Scraton, 2007, p.153).

Notwithstanding their deployment by police forces across Europe and the Police Service of Northern Ireland (PSNI) batons rounds are controversial within British policing and are associated with repressive totalitarian regimes. Even the terminology is important, and it has been noted that the "official name, used by the Government and security forces is 'baton round'. The name widely used across the community by politicians, victims and NGOs is 'plastic bullet'" (Northern Ireland Human Rights Commission, 2003). Their operational deployment remains unacceptable on mainland Britain even though they are approved for use by the Home Office, can be deployed at the discretion of chief officers and feature within the public order training of several forces including the MPS. The use of British operational tactical equipment including baton rounds is assessed by the DSAC (Defence Scientific Advisory Council) Sub-committee on the Medical Implications of Less-lethal Weapons (DOMILL).

British policing is currently authorised to deploy baton guns firing Attenuating Energy Projectiles (AEP) which are "intended for use as an accurate and discriminating

projectile, designed to be fired at individual aggressors, whether such aggressors are acting on their own or as part of a group" (College of Policing, 2014b). The AEP is "a projectile designed to deliver an impact to a violent individual in order to dissuade or prevent an intended course of violent action, and thereby mitigate the threat to law enforcement personnel and members of the public. It is not intended to cause serious or life-threatening injury" (DOMILL, 2005, p.1). The AEP "has been designed with a nose cap that encloses a void. This design feature is intended to attenuate the delivery of the impact energy by extending the duration of the impact and minimising the peak forces. It thereby delivers a high amount of energy to maximise its effectiveness, while reducing the potential for life-threatening injury" (College of Policing, 2014a). Older solid plastic and rubber bullets, used in public order in the 1970s, have been "blamed for causing some 17 deaths and hundreds of injuries in Northern Ireland" (The Guardian, 2012d). Baton guns firing an AEP reduce the "overall frequency of serious, life-threatening head injuries – the principal cause of death and serious injury from Baton Rounds noted historically...risk of serious injury or death from [AEP system] is low" (DOMILL, 2008, p.4).

Guidance on use is clear and officers using baton guns are instructed to aim "to strike directly (without bouncing) the lower part of the subject's body (below the rib cage). Officers are trained to use the belt-buckle area as the point of aim, at all ranges, thus mitigating upper body hits" (College of Policing, 2014a).[65]   British public order

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[65] Spanish police officers are instructed to strike subjects between their belt buckle and knees. Thighs are the target of choice for UIP baton gunners (Inspector "Javier").

commanders are taught that an AEP strike causes less trauma than a baton strike delivered by a police officer and should always be considered as a viable less lethal option in serious incidents of public disorder (Chief Inspector "Stephen"). DOMILL concluded upon reviewing the standard issue British police friction lock extendable baton that any "baton used inappropriately is capable of producing serious injury and death. The principle anatomical areas vulnerable to baton use are the head, neck, spine, precordium and abdomen overlying the kidneys" (DOMILL, 2008, p.4). Clearly public disorder scenarios can be dangerous, confusing and stressful environments which greatly increase the likelihood of police officers using their batons inappropriately. However British policing tactics continue to advocate officers getting "up close and personal…toe to toe with rioters using shields and batons" (Superintendent "Martin").

That police commanders refused to deploy AEP during Duggan was of concern to many officers. According to one officer there was a perception that "senior leaders would rather see police officers injured than be the first commander to deploy baton guns in London…one superintendent said that he would not ask for baton guns as it would look like the police was discharging firearms into crowds and there was a danger that rioters could shoot back at police lines with their own weapons" (Inspector "Andrew"). One officer observed that "during the Duggan Riots London was really burning. Police had lost control. People were being killed. And still we did not get authority to use baton rounds. If we were not allowed to use them then when will we ever use them? How bad does disorder have to get before baton rounds will ever be used?" (Superintendent

"William").   Waddington has argued that "baton rounds are one of the least lethal weapons available anywhere and the rest of the world uses them freely…But, symbolically, to have water cannons on the streets and baton rounds looks like the end of the world" (BBC News Magazine, 2011).

FIGURE 30: A METROPOLITAN POLICE BATON GUNNER FIRING AN AEP ROUND IN THE FIRING RANGE IN THE METROPOLITAN POLICE SPECIALIST TRAINING CENTRE IN GRAVESEND, KENT (MPS)

Nelken observed that within British policing "nothing could be more ill-advised than for the police to risk losing touch with the public by relying too much on military, technological, or other impersonal methods of crime control" (Nelken, 2002, p.177). The deployment of continental crowd control methods on the streets of Britain would ask serious questions of the ability, capability and validity of the revered consensual policing model to restore order during times of serious unrest or prolonged disorder. The dilemma for the police public order tactical commander is to "maintain order in a proportionate, legitimate, lawful, accountable and politically acceptable manner respecting the traditions of policing by consent" (Chief Superintendent "Simon").   What

exactly constitutes "acceptable" tactics, however, is variable and clearly defined by national culture, history and doctrine.

- **How do the British and the Spanish police incorporate the European Convention on Human Rights into their public order operations?**

As discussed in Chapter Two the ECHR introduced "positive rights, responsibilities and freedoms, where before we had only freedoms to do what was not prohibited" (Newburn, 2007, p.886). The ECHR introduced additional layers into an area of constitutional and administrative law which was already well served by existing national developments, conventions and statute. However "constitutional development in Europe is not a straightforward or linear process, and constitutional principles may develop in a variety of directions, impacting both public and private law" (de Lange, 2007, p. 23).

British public order policing operations are planned with the ECHR considerations included within the briefing document, and officers are directed to ensure that their actions are ECHR compliant and this requirement is taken very seriously.[66]   It is taken so seriously that the police have, at times, found themselves engaged in duties which far exceed their obligations to order maintenance and law enforcement. During the Occupy London protest of October 2011 at St. Paul's Cathedral the author witnessed

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[66] ECHR compliance, which is subjectively interpreted, dictates that police activity should be "Proportionate", "Legal", "Accountable" and "Necessary" (Inspector "Andrew").

the City of London Police arranging for water and portable toilets to be delivered for the use of protestors, much to the annoyance of the City of London Corporation representatives present who wanted the camp moved on as soon as possible. The police rationale was that they had a positive duty under the Human Rights Act to facilitate protest.

The expectation that British policing place human rights considerations at the heart of operational activity is deeply ingrained and evidenced most keenly when British police do not act in a ECHR consistent manner. The policing operation for the visit of the Chinese President to London in November 2005, for example, saw police using force to remove political protestors out of sight of the Chinese delegation raising "questions of whether the police were overreacting, using excessive force to contain legitimate political protests, whether they were becoming too close to the government's political policies and whether they were correctly interpreting the Human Rights Act" (Brain, 2010, p.338).

The importance of considering compatibility of police action with Human Rights legislation was mentioned by all the British officers interviewed as part of this study. One officer stated that "British policing is far too concerned with ECHR breaches" (Inspector "Andrew"). The HRA should be used as an enabling piece of legislation, which strengthens legitimate police activity (Council of Europe, 1997). However in the experience of the author human rights considerations are often used by police officers

in Britain to justify or excuse overly cautious or politically correct operational inertia. It has been argued that the HRA has "been widely misunderstood and misinterpreted by both public servants and the public in general" (Ward & Akhtar, 2011, p. 172). Senior UK judges have also recognised that Britain follows EU human rights rulings too strictly (The Guardian, 2011e).

The Spanish approach to the ECHR is less pronounced as policing operations are aligned to activity authorised by the Spanish Constitution. Public order policing in Spain has been subject to judicial enquiry in the European courts, although only one of the Spanish officers interviewed in this study stated that Human Rights obligations were a major consideration when dealing with disorder scenarios (Comisario "Enrique"). The primary focus for the other Spanish officers was adherence to domestic legal requirements (Comisario Principal "Luis"). The Spanish Constitution safeguards numerous rights, which supplement those contained within the ECHR, but there is no HRA equivalent in Spain.

The Spanish police commitment to serving domestic law has not prevented the police being heavily scrutinised or criticised for human rights abuses in public order scenarios (Amnesty International 2009; Amnesty International, 2014).[67] However although the British police take far more consideration and notice of human rights factors compared

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[67] In the case of Mikel Iribarren Pinillos v. Spain (no. 36777/03) the applicant suffered serious injuries when he was hit by a smoke bomb thrown by riot police during violent clashes in Pamplona in December 1991. The EctHR held that the manner in which the police had used the smoke bomb created a risk of physical injury or death to those present (Amnesty International, 2009).

to their Spanish counterparts, the EctHR hears a far larger number of claims alleging breaches of fundamental human rights by Britain: the Court dealt with 1997 applications concerning Britain and 825 applications concerning Spain in 2014 (EctHR, 2015a; EctHR, 2015b).

Operational Learning from Duggan Riots and 22M

The Duggan Riots and 22M disorder had profound effects on the police. In addition to the injuries to officers, destruction of property, lawlessness, criminality and political criticism, the Duggan Riots and 22M ideologically damaged both policing models. The Duggan Riots damaged the British police as under the Peelian Model they represent the people. 22M damaged the CNP as the rioters were, by attacking them, attacking the Spanish State. It could be argued that the disconnection between the police and the public that these incidents demonstrated had a greater impact on the British police than the Spanish. The British police saw it as a rejection of their legitimacy and authority, and it asked difficult questions of the policing by consent model. In Spain the disorder affirmed the danger posed by 15M protestors and the need to repress and control them going forward.

It is interesting to note that the response of the UK Government to the Duggan Riots was actually more ideological than operational, with the launch of the Ending Gang and Youth Violence Programme in November 2011 tasked with analysing gangs and creating suitable interventions (HM Government, 2011b). This represented a political view on "social justice" (HM Government, 2015). However this approach was not

universally supported. According to one former Home Secretary what was "most disturbing was the sense that the hardcore of rioters came from a feral underclass, cut off from the mainstream in everything but its materialism" (Clarke, 2011). The view of many officers was similarly opinionated: "They were not making a protest, they were criminals, taking advantage to steal and attack the police. They were not even stealing food, but targeting widescreen televisions and computers" (Inspector "David").

The Duggan Riots highlighted substantial deficiencies in the operational and tactical competence and capability of the British public order policing model. It was clear from the high definition news bulletins broadcast across the globe that the authority of "the police is no longer accepted by an increasingly large number of people" (The Guardian, 2012b). Worst still it also showed that the police could be beaten, and beaten badly. Sir Robert Mark had stated that "the police was supposed to win by appearing to lose or, at least, to win by not appearing to win" (Mawby, 2013, p.22). However the police were still supposed to win, and for at least three consecutive nights in August 2011 the MPS was definitely losing. The police expect to win all public order confrontations (Baker, 2001). This is also the expectation of the wider public and political class. The police is entrusted with a monopoly on the power and tools to use coercion precisely to maintain law and order, supporting the wider legitimacy of the state to govern from above. This explains the concern and panicked reaction from the government when it was clear that the MPS clearly did not have a plan to deal with the outbreaks of disorder

and the ensuing mayhem caused during periods of prolonged lawlessness on the streets which resulted in an emergence of "governance from below" (Stenson, 2012).

The shortcomings in the police response were considerable, and included poor command and control on the ground, poor leadership, ineffective tactical deployments, poor morale and a clear reluctance to use force, a lack of fitness needed to operate for prolonged periods, insufficient vehicles, insufficient officer numbers, unacceptable delays in mobilising resources, confused deployments, an inability to engage with the community, poor intelligence gathering, and insufficient training (HMIC, 2011; MPS, 2012; UK Government, 2011). In the words of one PSU commander "we were not a well-oiled and professional public order unit. We were tired, uncoordinated, confused, understaffed and badly equipped. Our commander did not inspire confidence. There was no plan. We couldn't go forward and we couldn't go back. We couldn't arrest people as we didn't have enough officers. The training went out of the window and we just took heavy punishment. Many of the officers had only received the very minimal amount of training, and some of my team were out of date for training altogether. Some officers had to borrow public order kit from the locker rooms, others were wearing whatever they could get hold of at the time. It was all a bit of a shambles" (Inspector "Andrew"). A more militarised approach to the events would have been beneficial under the circumstances as the initial response was ineffective: "It is generally agreed that the police, armed only with shields, were very stretched to begin with and looked, in the

eyes of many, only too outwitted and somewhat sorrowful in the face of overwhelming numbers of rioters" (International Business Times, 2011).

The Spanish assessment of 22M was far more operationally focused although the subtext that the police had initially displayed excessive tolerance and should have "gone in hard" (in the words of Comisario Principal "Luis") against troublemakers resonates strongly with all the Spanish practitioners interviewed. The immediate consequences of the police performance were a review of command and control procedures, additional training regimes, removal of two officers from UIP command roles, and an equipment overhaul. However the institutional mentality hardened in line with broader political policy to limit political violence on the streets: "We got caught out. We were uncharacteristically soft. We should have gone in hard against the radical elements and arrested them early. We will not make that mistake again" (Inspector "Paco").

Conclusion

This comparative study has identified elements of convergence and divergence in the approach to public order policing in Britain and Spain. Certain key themes feature heavily, such as professionalisation, militarisation, tactical options and operational ideology. Britain and Spain are on different journeys to the same location epitomised by very distinct approaches to public order policing. The use of munitions and methods of securing compliance are the most obvious defining characteristics separating the two models. While Spain is currently limiting the opportunities for disorder through a

fundamental review of acceptable behaviour, in public Britain is conflicted as to the compatibility of consensual policing and operationally effective policing methods. In terms of the value of this study to existing police science research, the comparative analysis within this chapter provides the foundation upon which the conclusions and recommendations in the following and final chapter are based.

Chapter Eight: Conclusions and Recommendations

"Dealing with crime forms one aspect of a wider police mandate that is concerned with the regulation of social conflict and management of order. In respect of these tasks, the police's unique resource is the capacity, if required, to wield non-negotiable coercive force".

(Independent Police Commission, 2012, p.31)

Introduction

The purpose of this chapter is to conclude this study and provide recommendations for further research into British public order policing. These recommendations have been formulated following the comparison of the British and Spanish approaches to public order. Comparative criminal justice "is the study of what people and institutions in different places do" (Nelken, 2010, p.1). The use of comparative analysis to research public order benefits policing by identifying areas of best practice at the strategic, tactical and operational level. This is a relevant and powerful method as it allows for knowledge to "emerge from real experience" (Nelson, 1994, p.53). These can then be adopted or adapted to improve current working practices and deployment activity. This study has considered "important real world problems" (George & Bennett, 2004, p.263) and generated "policy relevant knowledge" which can be used to improve decision making processes and improve the effectiveness of practitioners (Bulmer, 1987; Coleman, 1991; Hantrais, 2009; Nissenbaum & Price, 2004). Following the Duggan Riots the UK government "welcomed the research conducted by a variety of

organisations into the riots. The research has been wide-ranging and has provided findings and recommendations that will inform policy and practice both locally and nationally" (Home Office, 2012a, p.14). It also acts as a useful mechanism for police forces to reflect upon and share their unique approaches and experiences which produces a further boost to the wider Europeanisation agenda within law enforcement more generally. The "local, the national and the international often interpenetrate" (Nelken, 2010, p.4) and this is important when considered against joint working initiatives in the European Union. Knowledge of systems in neighbouring countries has been vital in securing basic levels of cooperation" (Pakes, 2015, p.4).

The police occupy a fundamental role within modern Western societies as "in internal affairs of the state, the lack of efficient and effective police – visible and otherwise – would deny public safety, and anarchy or something dangerously close to it would prevail. The police are therefore one of the most essential of our public services" (Winsor, 2011, p.9). Democratic principles create a challenge for the police who are required to manage the tensions which exist between human rights, law enforcement and public tranquillity: "The liberty of the individual must be thus far limited; he must not make himself a nuisance to other people" (Mill, 1863, p.108). It falls to the public order commander to make important, influential and powerful decisions in relation to the interpretation of legal instruments, defining tolerable behaviour in public spaces and deciding what levels of force to use to restore order in the event of riot or disobedience. This thesis has established that although the physical manifestation of disorder is the

same, the public order policing response is individual to the nation state, and influenced by unique national culture, history and legal systems.

Britain and Spain have developed distinct policing systems with individual models, functions and cultures. The methodological approach in this study has afforded valuable insights into the nature and style of the approaches adopted in the two countries. The design of this study, using a combination of the Flashpoints Model (Waddington, 1997) and Normative Orders model (Herbert, 1996) to critically review important case studies, has identified key areas of learning and consideration for practitioners. The data gathered has also allowed for the identification of four recommendations for further research which are explored below.

However before addressing the recommendations of this study it is necessary to first consider the official MPS review of the disorder, as this also produced recommendations. It is important to differentiate now those recommendations from the recommendations which are made in this thesis.

4 Days in August: The MPS Response

On 14th March 2012 the MPS published a report entitled "4 Days in August", which was described as a comprehensive internal review of the Duggan Riots. According to Assistant Commissioner Mark Rowley it was "a determined look at how we can learn and improve" (MPS, 2012, p. 135). It was written by a team of public order specialists

led by Chief Superintendent Adrian Roberts, an experienced advanced public order commander and one of the principal police tactical commanders during the rioting.[68]

The Report was not overly critical of the police operation notwithstanding the well documented concerns about the effectiveness of the response to disorder (BBC, 2011b; Home Office, 2012a; Police Review, 2011; The Telegraph, 2011d; UK Government, 2011). The view of the Home Affairs Committee review into the policing of the Duggan Riots was very clear when it concluded that "…we regard the operation to police the disorder in many towns and cities, and particularly in London, as flawed" (Home Office, 2012a, p. 9).[69] The MPS did acknowledge the "frustration of some members of the public that police officers did not make arrests or that they stood by as offences were being committed" (MPS, 2012, p. 118). The MPS attributed the lack of proactive activity to a lack of officers on the ground and a reliance on arrest tactics which would have depleted police numbers to a point where unit commanders "would no longer be able to maintain a police cordon which was critical to holding a junction or protecting a location to prevent the spread of disorder or to protect life" (MPS, 2012, p. 119). This demonstrated the British police "arrest and prosecute" mentality in public order (Chief Inspector "Stephen"). This approach supports the broader British criminal justice

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[68] The decision to appoint Chief Superintendent Roberts as the lead for the official MPS review did draw adverse comments from the majority of the interviewed British officers (10/12). In the words of one officer "Asking one of the principal architects of the response to the Duggan Riots is always going to leave the police open to accusations of covering up failings" (Superintendent "William").

[69] The Home Affairs Committee interviewed numerous individuals as part of their review during which Chief Officers in some areas stated that "when faced with an unprecedented situation, the immediate police response was not enough" (Home Office, 2012a, p.1).

strategy which states that bringing offenders to justice is the best way of demonstrating to criminals that their crimes will not go unpunished and to victims that the criminal justice system is acting effectively on their behalf (Justice Gap Task Force, 2002). Such an approach has been adopted as an attempt to address unjust social inequalities by applying law, policing and punishment to rich and poor individuals alike (Bochel et al, 2005). However the British model of arresting offenders to prevent disorder (as opposed to the Spanish model of dispersing offenders to prevent disorder discussed in the previous chapter) proved to be unworkable and counterproductive for much of the Duggan Riots as it is so resource intensive given the scale and geographical spread of the disorder.

The Report also acknowledged that "the MPS is undertaking work on the use of more assertive tactics in a public order context" (MPS, 2012, p. 9). This can be interpreted as recognition that the tactics that were used by the police in the initial stages of the disturbances were neither effective enough nor assertive enough to maintain order. However Acting Commissioner Godwin explained to the Home Affairs Committee on the 16th August 2011 that "what we said to our officers was our strategy was borough-based policing responding to criminality that had public order support if it degenerated" (Police Review, 2011, p. 4). Ground commanders subsequently reflected that this strategic approach, to use a "borough based" approach, displayed a lack of understanding of the severity of the threat at hand. Indicative of this point of view is the following quotation: "Everyone could see that this situation [Duggan Riots] was serious and yet we were

being asked to deal with the disorder like it was a Saturday night pub fight which had spiralled out of control" (Chief Inspector "John").

The Report included several recommendations which also feature in this study. These include reviewing the mobilisation of police resources and public order tactics (MPS, 2012). However the end result has been described as a "rhetoric which borders on a whitewash" (Inspector "Ray"), a "rewriting of improvements public order cops are always suggesting" (Superintendent "Jim") and "the usual and predictable kind of institutional response which means little and changes nothing" (Superintendent "William") by officers who were present during the riots. One officer went further when stating that "it is the SOP [Standard Operating Procedure] of the MPS to call for an inquiry or conduct a review when something has gone wrong. After the [Duggan] Riots there was an expectation that we [the MPS] would write a report" (Chief Superintendent "Simon"). Furthermore none of the British respondents, speaking several years after the publication of the report, could evidence where recommendations had been implemented or significant improvements realised.

The negative view and experiences of the officers who participated in this study is supported in part by an HMIC inspection which was undertaken sometime after the Report's recommendations should have been acted upon by the MPS. However the HMIC inspection identified that a difference in equipment, specifically shields, used by forces outside of London was causing issues around interoperability (HMIC, 2014). Of

greater concern was the recognition of the differences in the "training of public order commanders and how they fulfil their responsibilities [including] the way that leadership of overall tactical responses is organised" (HMIC, 2014, p. 17).[70]   A lack of understanding or application of policing tactics will clearly have serious implications on the ability to deliver a successful policing operation and the effectiveness of mutual aid working (HMIC, 2009; Waddington, 2007). The review did acknowledge that the MPS has trained "a significantly larger number of staff for public order than is required to meet its assessment of local threat, or to meet national mobilisation requirements...these numbers of staff provide the force with resilience" (HMIC, 2014, p. 11). However this does not represent an increase, improvement or expansion in Level 1 officers but merely a maintenance of the existing MPS Level 2 training programme (Superintendent "Martin"). As previously discussed the efforts by the MPS to contain serious disorder using Level 2 resources were far from satisfactory due to inherent weaknesses in their levels of fitness, training and familiarity with public order tactical deployments (HMIC, 2011a). Furthermore the strategic planning of the MPS does include a decrease in the numbers of Level 1 resources by 2016 as part of organisational restructuring to cut costs (Chief Superintendent "Ben"). This will have a considerable impact on the ability of the police to respond effectively to serious disorder going forward.

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[70] This situation is sufficiently problematic to warrant the national lead police officer with responsibility for public order policing and the College of Policing reviewing the way that the MPS develops public order commanders (HMIC, 2014).

Arguably the biggest failing of the Report, and where it differs completely from the recommendations in this thesis, is the lack of consideration or analysis of the psychological models used to control crowds. As previously discussed British policing has moved away from the Le Bonian model of crowd psychology to embrace the ESIM which advises that officers consider a crowd as a group of many different individual interests as opposed to a dangerous mob (Stott, 2009). Clearly the ESIM has added important knowledge to the field of crowd psychology which benefits policing (Reicher, 2001; Reicher & Stott, 2011; Reicher et al, 2004; Reicher et al, 2007). However ESIM training proved wholly unsuitable, unusable and unhelpful in the Duggan Riots scenario (Inspector "Ray"). The view of all of the British inspectors and chief inspectors interviewed was that the police had initially underestimated the danger of the crowds and the initial approach to deal with them had not been firm or aggressive enough.

The police narrative on the Duggan Riots, as detailed in the Report, is that a peaceful protest by the local community and Duggan family members escalated into serious disorder and criminality: "repeated attempts to quell disorder in one area met with its outbreak in other areas. Resources were stretched across the capital resulting in an insufficient response to some of the worst violence London had ever witnessed" (MPS, 2012, p. 14). The lack of resources, and the impact this had on the operational ability of the police, is a constant theme. The Report concludes that order was only restored when London "was flooded with police resources" (MPS, 2012, p. 14). Yet the lack of police numbers alone was not the only reason for the poor performance of the MPS in

the view of the chief inspectors and superintendents interviewed. They all mentioned when interviewed that the manner in which the initial crowds were confronted by the police served to influence the tone of later incidents. The MPS misjudged the crowds and failed to response to the threat they posed. However this fact, and the need to invest in understanding crowd psychology in hostile situations, does not feature in the Report.   The initial policing operation in response to the protest outside of Tottenham Police Station was to be "low key, facilitative…all officers [were] briefed that no protesters [were] to be moved off the road" (MPS, 2012, p.28).   This traditional facilitative approach to protest and the failure to set boundaries in relation to the behaviour of protestors proved counter-productive whilst demonstrating how influential the ESIM narrative has become within British public order policing.   The police were understandably keen to avoid confrontation due to the political sensitivities surrounding the shooting of Mark Duggan (Chief Superintendent "Simon").   However it was clear that police attitudes or treatment would have no impact on the social identity adopted by the angry crowds outside of Tottenham Police Station (Stott, 2009).   A more forceful response than the one presented by the police was necessary under the circumstances. All of the British inspectors, chief inspectors and superintendents interviewed stated that a robust and "no nonsense or zero tolerance approach would have been far more effective" (Chief Inspector "Paul").   In the words of one officer "the police should have set the tone and commanded the incident from the start. If we had been kitted up and been ready to go from the start at Tottenham I am sure things would have turned out

very differently…but we were instructed to be very passive and paid a high price for that decision" (Chief Inspector "Adrian").

In conclusion the MPS Report does not go far enough in recognising the failings of the police response or the areas in need of improvement within the suggested recommendations. The creation of such lacklustre recommendations indicates a failure by the MPS to acknowledge the extraordinary events of the Duggan Riots and the need for policing to seriously reconsider the public order approach at future incidents. Several of the recommendations mentioned have not been implemented, or have been undermined by broader strategic consideration concerning reducing costs. The Report also fails to consider the need to review how crowd psychology interacts with tactical delivery, which is fundamental to achieving improved performance in serious disorder scenarios in the future.

Recommendations for further Public Order Policing Research

The learning from this study indicates that refining the current system of British public order policing is worthy of serious consideration as a result of the performance during recent instances of serious disorder. Even before the Duggan Riots the MPS was found wanting; during a student protest on 10th November 2010 the headquarters of the Conservative Party in London were violently attacked and occupied by protestors despite a pre-planned policing operation being in place (Birks, 2014).

The following four research recommendations are targeted towards the British policing model for two main reasons. The first reason is that the background, training and operational experience of the author all lend themselves to an internal review of British public order practice. The second reason is that the Spanish police, in the experience of the author, have a model with which they are happy, and which works well for them. The same cannot be said of the British model. Although British police is undergoing extensive reform, which is beyond the scope of this study, the response to the Duggan Riots represented a low point for British policing in terms of operational capability and provided a stark demonstration of the inefficiencies in the current British arrangements in terms of weight of deployment and tactics.[71]

In many respects the Duggan Riots did constitute a national emergency. London did not have sufficient public order resources in the right place to prevent disorder or appropriate tactics to respond effectively to reports of outbreaks of disorder and criminality. In many of the initial confrontations the police had to withdraw as they simply could not hold ground or disperse/contain/arrest rioters which had dire consequences for the neighbourhoods concerned. Although British policing has a

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[71] 2011 was an *annus horribilis* for British policing. An anti-austerity protest on 26th March 2011 turned violent with hundreds of arrests as protestors attacked property (including defacing Nelson's Column in Trafalgar Square), occupied expensive retail outlets and fought with the police into the late evening. On 24th May 2011 the decision was made to prosecute PC Simon Harwood, a TSG officer, for manslaughter following his actions during G20 protests in London in 2009. High profile scandals involving the relationship between high ranking officers and the media led to the resignations of the Commissioner of the Metropolitan Police Sir Paul Stephenson and Assistant Commissioner John Yates in July 2011. In October 2011 protestors clashed with police, including units commanded by the author, on the steps of St. Paul's Cathedral as they established an "Occupy London" camp. All these incidents took place the year before the London 2012 Olympic Games, increasing political and institutional pressure on the MPS.

strong performance in terms of pre-planned operations (such as football finals, processions, major public events) public order is unpredictable and there does need to be processes and procedures in place to deal with spontaneous or emergency events. The existing arrangements within British policing were overwhelmed and this has strengthened wider criticism of the effectiveness of the current tactical options used in public order scenarios. The public order response, certainly on the first two nights, was not fit for purpose. Nobody present, including the author, could derive any sense of satisfaction from it having been a job well done. London burned and the police were ineffective. The Home Secretary informed Parliament that the Riots had resulted in "children celebrating as they smash their way into shops. Men in sports cars arriving at stores to steal goods. Women trying on trainers before they steal them. A teaching assistant caught looting. Thugs pretending to help an injured young man, in order to rob him…all shocking images" (UK Government, 2011).

Serious public disorder is beyond the capability of regular police units and requires a specialist approach. Therefore the police and the state need to ensure an effective public order policing capability is available and that this capability must be disciplined, highly trained and above all well commanded. This requires a considerable organisational and financial investment in terms of personnel, equipment, training, operational practice and development. The main barrier to reform has been a dogmatic and tenacious defence of the British policing tradition, which has been a key feature of recent HMIC reports, including the one commissioned after the Duggan Riots (HMIC,

2011a). Although the HMIC, and to their credit the MPS in their own assessment (MPS, 2012), made several sensible recommendations, they were also keen to reinforce the continued justification for the British Peelian Model. It is acknowledged that the use of the model is a deliberate choice, made at the time of Robert Peel's reforms and maintained by subsequent generations (HMIC, 2011a).   This approach can only be justified if it does the job for which it is intended, namely the protection of citizens and their property: "Policing by consent is the British way. But the police will only retain the confidence of the wider community if they are seen to take clear and robust action in the face of open criminality" (UK Government, 2011).

The independence of the Office of Constable is seen as "a fundamental part of what makes British policing an essential and extremely powerful protection of the citizen in his relationship with the state and its agencies, and ensures that our country could never become a police state" (Winsor, 2012, p.17). It is perhaps this fear of Britain becoming a police state, which was a real fear in the eighteenth century but seems outdated in modern Britain, which prompts such a stout defence of the current model. This is disappointing in terms of limiting the potential for a true policing renaissance in learning which would be appropriate given the current climate of reform and research being conducted in British policing (Joyce, 2013; Winsor, 2011). The recommendations that follow are therefore scripted to avoid a direct confrontation with the Peelian Model of policing which remains "off limits" in terms of reform in the opinion of all of the British officers interviewed as part of this study.

- **Recommendation One:** Tactical Public Order Options

The Duggan Riots called into question the effectiveness and capabilities of British police public order tactics. The purpose of public order policing, ultimately, is to restore order by decisively dominating the situation (Home Affairs Committee, 2012, p.125). In the case of Austin and Another v Commissioner of Police of the Metropolis [2009] UKHL 5, which involved the police using cordons of officers to prevent a hostile crowd from leaving Oxford Circus in central London for over seven hours, Lord Neuberger stated that "the police are under a duty to keep the peace when a riot is threatened, and to take reasonable steps to prevent serious public disorder, especially if it involves violence to individuals and property." According to a former London mayor, Ken Livingstone, the priority for the police when faced with rioting is to restore calm and security "by whatever means are required" (New Statesman, 2011). Prime Minister David Cameron, in his address to a recalled parliament on 11th August 2011, admitted that the tactics being used by the police "weren't working" (BBC, 2011b). Chief Constable Andy Trotter of the BTP acknowledged that "no one having lived through this last week or so could not reflect upon the need to look again at a whole range of [policing] tactics for a very different phenomenon…this was a very different problem and we have to adapt accordingly" (Police Review, 2011, p.4). These strategic opinions serve to clearly identify an area of public order policing which would benefit from further research. This would enable practitioners "to increase the chances of making the right decision about whether and how to employ a particular strategy" (George & Bennett, 2004, p.272).

Traditional British police public order tactics were developed in response to the largely static or single location protest and disorder environments of the 1980s and 1990s (Brain, 2010). They essentially rely upon the police having numerical superiority and presence to physically dominate territory, occupy space, use cordons of officers, engage with crowds, and arrest rioters. They are resource intensive and require a great deal of time to coordinate and manoeuvre (Superintendent "Jim"). It has been noted that "ultimately the effectiveness of the tactics the [British] police have at their disposal to address large-scale disorder depends on there being sufficient police officers available to put these tactics into effect. Without the necessary numbers, the tactics cannot be deployed" (Home Office, 2012a, p.9).

The traditional tactical approach was shown to be totally unsuited to the challenge of the Duggan Riots, which saw large numbers of agile and mobile individuals exploiting technological advances to coordinate their activity (MPS, 2012).   British policing continues to attach great significance to the founding principles of Sir Robert Peel, which has delayed the introduction of "continental" public order tactics such as water cannon and tear gas (Blair, 2009, Ingleton, 1997; Mazower, 1997; Newburn, 2007; Reiner, 1991).   Many senior British police officers retain a romantic vision of how operational policing should be delivered: "the British bobby in a British bobby's uniform is the image we want to have" (Deputy Chief Constable Sim before the Joint Committee on Human Rights (House of Commons, 2009, p.51)). In Britain the look and feel of how public order policing is delivered is of equal importance to achieving strategic objectives,

which is the need "to win by appearing to lose". Therefore injuries to officers are acceptable as part of the wider agenda to secure legitimacy for action. Even the introduction of shields, protective helmets and unit tactics by the British has been criticised by some academics as being aggressive and militaristic (Jefferson, 1987; Stott & Reicher, 1998; Waddington, 1999a). However many operational officers, including the author, would argue that officers would be totally incapable of operating effectively without these developments.

In the wake of the Duggan Riots British policing requires a radical reassessment of all available tactical options. Many tactics, such as baton rounds, form part of the public order training syllabus but are simply not deployed operationally. Even a recent HMIC report recognised that "tactics have no use if they remain in reference documents and are untrained. If they are available to ground commanders on our streets, then they need to be trained, prepared and ready to protect the public" (HMIC, 2011, p.61). Based upon the learning from this study the areas of interest in research into tactical public order options should include the following:

- Baton and shield tactics;
- Containment tactics;
- Tactics to respond to multiple seated disorder;
- Distance tactics – baton rounds and other specialist munition;
- Use of mounted officers/police dogs.

- **Recommendation Two:** "Level 2" Arrangements

A breakdown in public order requires a specialist policing response. It was clear that the Duggan Riots and 22M were beyond the capacity and capability of regular uniform patrol units and public order trained units were required to respond and engage with violent groups during both incidents. The British model compares less favourably operationally, as it relies on a largely part time "Level 2" model of minimally trained volunteers who undertake public order duties in addition to their normal posting. An HMIC review highlighted the unsatisfactory nature of this arrangement during the Duggan Riots: "some officers did not, for example, train in full kit, which meant that training did not prepare them for the rigours they experienced for real" (HMIC, 2011a, p.63). This is an archaic system largely unchanged from the public order policing arrangement used by the MPS in Victorian times, which many officers approve of as it signifies the very essence of a consensual policing system based upon the principles of minimal force and maximum public approval. Consequently the British stubbornly prefer to police disorder with largely amateur units. The unfortunate PC Culley, murdered during a violent demonstration in Clerkenwell on 13th May 1833, was a beat duty officer reassigned from his regular public order duties (Appendix D; Morton, 1994). During the Miner's Strike of 1984 – 85 the vast majority of violent protests were policed by officers wearing nothing more than their standard patrol uniform and equipment. PC Blakelock, murdered during the Broadwater Farm Riots in Tottenham on 6th October 1985, was also a beat officer reassigned to public order duties. In August 2011 the author was in charge of a complete Level 2 PSU crewed by enthusiastic but poorly trained officers

during rioting in south London, and the lack of familiarity with tactics or unit cohesion drastically diminished their operational effectiveness. Certainly the experience of the author during the Duggan riots was not unique and numerous other public order commanders noticed that, although brave, far too many Level 2 units were poorly trained and motivated. The desire to maintain the Peelian Principles, seemingly at any cost, coupled with a desire to avoid being seen as a "Police State" has potentially arrested advancement in the interests of tradition.

Police performance during the Riots indicates that there is a strong case for the British model to change. This could be achieved through a review of the existing system and a comparison undertaken between the British Level 2 system and the Spanish reserve system. As discussed previously the UPR receives less public order training than the full time UIP but considerably more training than Level 2 officers in Britain. This is a flexible model. It enables the CNP to double the number of public order specialist officers in times of crisis and redirect the UPR to crime related duties when not required on public order duties. A reduction in overall numbers to substantially increase the quality of a specialist British public order reserve would be of benefit, both in terms of operational response and cost to the public purse. Facing extremely violent groups throwing petrol bombs and other lethal missiles in anger, responding to fast paced incidents, extended tours of duty under difficult circumstances and making the best use of forceful tactics all require the kind of expertise that can only be acquired through regular training and deployment. A similar system would have been operationally

beneficial during the 2011 disorder whilst representing a far more cost effective and efficient use of resources than the British system currently in place: "the Level 2 system is a bit hit and miss. You get some good units, mostly staffed with former Level 1 officers, or very keen and enthusiastic officers looking for evidence or a move to the TSG. However you also get some very poor Level 2 officers, who are out of shape, are not familiar with tactics and probably signed up for the training looking for overtime" (Chief Inspector "John"). Such criticism of the very inconsistent quality of Level 2 resources during the Duggan Riots represents the view of all the British respondents to this study.

The UIP benefits from the same aura of toughness and stereotypical reputation for violence enjoyed by many other continental police public order units, such as the Compagnies Républicaines de Sécurité (Republican Security Companies) of the French Police Nationale (Anderson, 2011; Tupman & Tupman, 1999). This reputation flows from a belief that the Spanish public order police use extremely violent methods on crowds with little or no provocation (which is unfounded in the operational experience of the author) coupled with the liberal use of tear gas and rubber bullets to disperse groups, which is a commonly used tactic witnessed on several occasions by the author. However the Spanish public order units of the UIP are disciplined, highly trained, specialist, professional, motivated, in shape physically, tactically astute and operationally capable.

The experiences of the Duggan Riots indicate the importance of undertaking a thorough review of the current Level 2 system of public order used by the MPS. Consideration could be given to replacing them with a smaller, but better trained reserve, to support the small cadre of professional public order specialists. The potential benefits would include improved capacity, capability and effectiveness of the response. It would also represent a cost rationalisation in terms of lowered financial output against improved operational benefit. Any research should consider the Level 2 system against the following criteria, taken from the learning from this thesis:

- Professionalism;

- Flexibility and knowledge of tactical options;

- Standard of training;

- Logistical arrangements and deployment times;

- Fitness for role;

- Cost efficiency: "to provide the highest possible quality of public protection using the resources provided by taxpayers" (Winsor, 2011, p.9).

- **Recommendation Three:** Crowd Behaviour *during* Serious Disorder

Recent academic studies into crowd psychology have influenced a softening of policing methods as they have invested in negotiation and restraint methods (Waddington, 2007).[72] British policing has invested in ESIM to the extent that officers are now

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[72] The author attended the first training courses for Protest Liaison Team Bronze commanders delivered by the National Policing Improvement Agency (now the College of Policing) in 2012. Their role is to engage with crowds, gain trust, and thereby positively influence crowd dynamics (Channing, 2015).

encouraged and instructed to avoid stereotyping groups of protestors or crowds of football supporters negatively and interact with them as individuals, agree boundaries of behaviour and provide a "low key" response whenever possible (Superintendent "Jim"). However once disorder is underway the causes of discontent and disaffection are immaterial to the officer facing violent individuals seeking to injure or harm them and their colleagues. It is for courts of law, academics, commentators and politicians to theorise over cause and effect. The practitioners need the ability and the tools to restore order and preserve safety. The classical Le Bonian view of understanding "crowd theory is largely rejected by criminologists, sociologists and psychologists today…the police's commitment to classical crowd theory can create and aggravate further disorder rather than calming or restoring it" (Channing, 2015, p.35). However a criticism of much of the new work on crowd psychology is neatly summarised by an experienced public order commander: "What about the people who turn up looking for a fight? Those who come prepared to fight the police? The reality is that for a number of people nothing we [the police] can say or do is going to prevent them fighting or stealing. I understand the importance of not antagonising a crowd, but we have to accept that many people turn up with a confrontational mind set and will attack the police" (Chief Inspector "John"). The experience of the inspectors, chief inspectors and superintendents interviewed as part of this study was that during the Duggan Riots they were facing a Le Bonian mob as opposed to ESIM groups. The aggressive stance adopted by the CNP in response to the serious violence during 22M was seen by many officers as validation of the need for public order policing to be firm throughout to

maintain order and inform a crowd of the boundaries of tolerable behaviour (Inspector "Carlos", Inspector "Juan", Inspector Jefe "Pablo").

The preceding chapters have demonstrated that operationally public order policing is geared towards to either preventing or responding to violent incidents. This requires the police commander to decide whether to engage and contain or engage and disperse troublesome groups. Therefore both containment and dispersal can be utilised in a preventative or reactive way. Containment is an approach which limits the space and movement options available to protestors so that disorder is either avoided or restricted. It has to be considered against the freedoms of assembly, movement and protest which are enjoyed and defended within modern liberal democracies. The growth in the study of crowd psychology over recent years in Britain has focussed increasingly on the ability of containment to escalate tensions and encourage violent reactions from crowds. This approach often fails to acknowledge that containment can also de-escalate the likelihood of violence by limiting the potential for groups to commit criminal offences.

In addition to revisiting crowd psychology British policing would also benefit from researching how to make best use of social media to communicate to large groups effectively (Bloomberg, 2013; Deloitte, 2013). There are best practice examples available which could be trialled and model within the British policing landscape to improve engagement and communication opportunities (Bloomberg, 2013)

The importance of a solid understanding of crowd psychology during serious disorder is supported by the findings of the review of the Duggan Riots undertaken by The Guardian newspaper and London School of Economics in 2011 which found that of the 270 people interviewed, 81% said that they thought that riots would happen again, 35% said that they would get involved if there were riots and 63% said that they thought more riots would occur within three years (The Guardian/LSE, 2011). The areas suggested for research into this topic should include:

- Communication opportunities (if any) with hostile crowds;

- Use of social media opportunities;

- Effective tactics to disperse hostile crowds;

- Effective tactics for isolating and containing hostile and violent groups;

- Guidance on when to use a show of force and when to use actual force.

- **Recommendation Four:** Deployment/Mobilisation/Mutual Aid Arrangements

It is clear that the national and centralised Spanish operational arrangements are well equipped and capable in terms of response because of the availability of full time specialist public order policing units in the CNP and Guardia Civil. This affords the Spanish state the ability to deploy significant numbers of highly trained specialist officers anywhere in Spain at short notice to engage in operations or respond to disorder. This allows for enhanced levels of command and control, and enhances the potential for the police to deliver an early resolution of disorder situations.

The British public order policing response is currently locally arranged, locally staffed and consists of a mixture of Level 1 (full time, professionally trained) and Level 2 (part time, minimally trained) officers. As such the response to serious public disorder is less coordinated, and is initially policed by local resources which could be insufficient to achieve strategic objectives. Although the British do have mutual aid arrangements and mobilisation plans the Duggan Riots showed them to be unwieldy and clumsy. This is problematic as serious disorder requires a speedy and appropriately resourced response to prevent it spreading. The learning from this study would suggest a real benefit in the undertaking of additional research into the arrangements for mobilisation and mutual aid on a regional or national scale, which is very much in keeping with current thinking around national policing more generally (Winsor, 2011; Winsor, 2012). The parameters for such a research project should include the following:

- Comparison of the current arrangements against a system of more centralised or regional deployment;

- Organisational model to improve command and control of units;

- Logistical network options to mobilise units more effectively;

- Cost analysis detailing local, regional and national options.

Conclusion

The previous chapter highlighted the similarities between the British and Spanish approaches to public order policing. The British practice of deploying "regular" officers to violent confrontations without the benefit of additional training or protective equipment

changed from the 1970s onwards, although such a development did generate "concern about the direction in which British police were going" (Brain, 2010, p.40). Faced with an increase in industrial, sporting and urban unrest and violence beyond the capability of an officer wielding a short truncheon, the police were compelled to react and adapt. It should be remembered that the basic tactics of the British police, containment through cordons and sending officers forward to engage violent groups in close contact, have not changed since the creation of the MPS in 1829 (Mather, 1959). Although a harmonisation of policing and increased working is an EU initiative, evidenced by the creation of organisations such as FRONTEX (which manages operational cooperation of national border policing) and the European Police College, the experience of the author has been of "mainland Europe" police largely excluding British policing from any meaningful harmonisation activities due to political considerations. This has not prevented extensive cooperation and engagement at the operational practitioner level as professionals in the same field will naturally share experiences, tactics and opinions. However the time is now right for British public order policing to take a considered and in-depth review of how business is conducted. The requirements of policing going forward are far more complex and challenging than anything that could have been envisaged by the orginal architects of the MPS.

Policing benefits from the work of researchers and the incorporation of new methods of working to accommodate new challenges, risks and dangers. Due to the controversial and political nature of public order policing "a policing renaissance may be more useful

than policing reform" (Alison & Crego, 2008, p.xxv). Competent research will inform more effective operational delivery. This is often best achieved by researchers who have a sound understanding of policing, an appreciation of the frontline dynamics and the ability to speak a language understood by police officers (Graef, 1989; Holdaway, 1983; Moskos, 2008; Reiner, 1991; Thomas et al, 2014). Furthermore this study has shown the benefits to learning that can be achieved by a comparative approach. The challenges of public order are not unique, but the approach taken is often very different and influenced by national culture, political doctrine and community considerations. There is "no one size fits all" approach to public order due to the varied and complicated nature of the challenges it can present. However it is beholden on public order policy makers to incorporate the very best techniques and tactics into their work. Therefore there is a clear benefit in the undertaking of further critical analysis and research to identify best practice, better strategies and improved operational deployments in actual use in other jurisdictions.

The intention of this study is to contribute to knowledge through the writing of an accessible enquiry of relevance to the policing community and capable of reaching a broad audience. It is the sincere hope of the author that this thesis represents a valuable and useful addition to the existing body of research relating to policing, in addition to highlighting suitable areas for further study to benefit the operational delivery of public order policing in Britain.

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Appendix A: Project "COLOSSEUM"

'A study on the European expertise and capabilities for the protection of major events against terrorist attacks'

Aim

The aim of Project Colosseum is to deliver a study paper by January 2009 to the EU Commission at SECRET level on "European Expertise and Capabilities for the Protection of Major (Public) Events against Public Disorder and/or Terrorist Attack". Provision is also made for reporting on the threat and implications arising from organized crime and public disorder at these events.

Background

The European Commission, Directorate-General of Justice, Freedom and Security (Directorate D: Internal Security and Criminal Justice) commissioned the study in response to a number of requests from concerned member states. Sensitive material will be protected and compartmentalised as appropriate. The project is, therefore, viewed as strategically important to informing a very necessary debate in Europe, which goes to the heart of the issue of better protecting our citizens. Clearly, the willingness of member states to cooperate with the project will be key in achieving the quality of research required and making meaningful recommendations. The study is being undertaken by a consortium of law enforcement agencies overseen by The Metropolitan Police Service (MPS) and the Swedish Defence Research Agency (FOI). The study team will coordinate with and be informed by other EU related research in this area.

Scope and Methodology

The detailed aims of the study require the identification and analysis of existing European expertise and capabilities for the physical protection of major events against public disorder (riot/demonstration) and terrorist attacks (involving explosives or CBRN materials) and other security risks.

It must address both public and private expertise and capabilities in this arena and will identify best practice and technology solutions capable of future employment throughout the Union. The study will highlight the potential for assistance packages under formal funding arrangements provided for by the Commission. These will include the Commission providing direct assistance to Member States facing unique event challenges and the availability of certain agencies to be tasked and deployed from one Member State in order to assist another Member State. However, the Commission recognises that security is the foremost responsibility of respective Member States. The study also seeks to assess whether the provision of technologies at the EC level will enhance capabilities across the EU and reduce the burden on Member States; it has no intent to interfere in policy, or operational issues.

In addressing the scope of the study, the Commission has categorized 3 levels of event/venue for analysis:

- Major Event – Large scale and multi-day, multi-site events on the scale of the Olympic Games, football World Cup etc;
- Medium Scale Event - More regular medium scale sporting events, such as lesser World championships and significant one-off sport matches plus more routine sporting, league events etc.;
- Public Gatherings - Public or other gatherings where large numbers of citizens congregate. Events in this category might include rallies, concerts, carnival settings and major exhibitions.

Much of the data gathering associated with the study will be facilitated by study team visits to agencies and venues in a number of Member States during 2008 and 2009. Currently, the proposed visit schedule includes Cyprus, Germany, Greece, Italy, Poland, Spain and the United Kingdom.

Visits will seek to:

- Characterise environments (numbers, scale & types of events);
- Obtain information on;
    - o Perspective of problem (threat & vulnerability)
    - o Domestic arrangements
    - o User, authority and others; experience, knowledge, expertise and approaches to security of major events
    - o Approaches and opinion on technology solutions

Assistance requested

Assistance is requested from Member States to authorise & facilitate:

- Initial and ongoing liaison with relevant authorities and other agencies both public and private;
- Visits to selected venues

Participant Benefits

Whilst it is anticipated that all member states will derive benefit from the full term outputs of the study, participation will deliver early gains in the exposure of best practice, emergent security technologies and techniques. Participation will also offer the potential for ongoing exchange with a multi-disciplinary project team with extensive strategic and operational experience in the counter-terrorism and security arena.   The final report (due December 2009) will air issues and make significant recommendations based around training, technology (low and high tech), legal powers, operational cooperation, equipment pooling, structures and approach. It is highly likely to influence the direction of future funding priorities by the EU.

Metropolitan Police Service
Security, Protection and Counter Terrorism Bureau
Specialist Operations
7th Floor, PO Box 61701, London, SW1H OXN
3rd January 2008

Appendix B: Public Order Policing Questionnaire

Confidential

Brief policing background and experience

Length of Service

Length of Public Order Experience

Current Rank

Public order experience

I would like to discuss the police response and control of public disorder:

1. British: What do you understand the term "policing by consent" to mean?

   Spanish: What is the direction given by the Spanish Constitution on public disorder and the police role?

2. What, in your professional experience, has been the worst instance of public disorder in Britain/Spain [delete as appropriate] during your career, and why?

3. What, in your professional opinion, has been the most influential instance of public disorder in Britain/Spain [delete as appropriate] in terms of driving tactical review/change during your career, and why?

4. Is the control of public disorder more difficult for the British police/Spanish police [delete as appropriate] now than in the past? If yes, why?

5. Has public order become (a) more frequent? (b) more serious and violent? If yes, why has disorder increased?

6. On what evidence do you base your views?

7. The police response to disorder has become more sophisticated, robust, and forceful in recent years, a trend often described as "militaristic" policing – why has this occurred? Does it cause problems for the police? Could the police have taken any steps to avert it?

8. What impact does the policing style of public order response (force, tactics, equipment) have on policing legitimacy?

9. Does the desire to use minimum force undermine the ability to resolve outbreaks of disorder effectively and without delay?

10. Does the impact of adverse (social) media commentary feature in public order decision making?

11. What are the key political considerations for the modern public order commander? Does this impact adversely on operational decision-making and deployment?

12. In the modern age, after events of 2011, is there a role for the military in order maintenance?

13. Does the damage done to the public image of the police officer, or to the psychological approach of the ordinary police officer, by involvement in tough public order situations, justify the creation of a separate full time public order policing force (as used in other policing jurisdictions)?

14. In what circumstances would you sanction the operational deployment and use of baton rounds/CS gas or water cannon (if available)?

15. Is current legislation sufficient to help police in the task of order maintenance? If not, what other instruments are necessary?

16. Can you explain the different approach to responding to public disorder taken by European jurisdictions (the routine use of water cannon, baton roads, CS canisters) even though these countries are all signatories and members of the same conventions/international guidance as the (i.e. ECHR)?

17. Do you believe that the traditional view of the British police "winning by appearing to lose" (Sir Robert Mark, MPS Commissioner - 1972 to 1977) is still valid in the 21st Century? Explain your answer.

(Adapted from Reiner's Appendix B ACPO Questionnaire – Reiner, 1991, pp 358 – 359).

Appendix C: Peel's Nine Principles of Policing

1. To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.

2. To recognise always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour and on their ability to secure and maintain public respect.

3. To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws.

4. To recognise always that the extent to which the co-operation of the public can be secured diminishes proportionately the necessity of the use of physical force and compulsion for achieving police objectives.

5. To seek and preserve public favour, not by pandering to public opinion; but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws, by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing, by ready exercise of courtesy and friendly good humour; and by ready offering of individual sacrifice in protecting and preserving life.

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

7. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.

8. To recognise always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the State, and of authoritatively judging guilt and punishing the guilty.

9. To recognise always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.

(Home Office, 2012b)

Appendix D: Key Historical British Public Order Events

- **Hexham Riot, 1761**

Events in a prosperous Northumbrian market town called Hexham, which had been designated as a recruiting centre for militias, demonstrated the fatal consequences of mixing a military response with the Riot Act. The method of conscription, a ballot, was deeply unpopular as the poor could be conscripted for three years whereas the rich could buy their way out of this fate. The first enlistments were arranged to take place on 9 March 1761 and the local magistracy, anticipating trouble, arranged for a detachment of the North Yorkshire Militia to be present.

The Riot Act was read after several hours of angry protests and increasing levels of hostility from a large crowd which led to a "dreadful commotion" (MacKenzie, 1825, p.294) as many protestors now armed themselves and attacked the militia. Two members of the militia were killed with guns grabbed from them and several others were hurt in scuffles. The troop commander gave the order for his men to commence volley fire into the crowd with devastating effect. At least 48 protestors were killed instantly, including two pregnant women. Over 300 more were injured, with some of them dying later of their wounds. Martial law was proclaimed and military units were dispatched to search rioters and escort them "from their places of concealment to the scaffold" (Rose, 1832, p.99).

The Hexham Riot provided an example of the issues faced by British society at this time, and demonstrated the conflict between the State efforts to control public behaviour whilst supporting protest as a legitimate part of civic life: "Government was particularly anxious in the case of riots that the law should be seem to be effectively enforced, yet reluctant to abandon the 'rule of law' for indiscriminate use of troops against rioters" (Nippel, 1985, p.400). It also demonstrated the inherent unsuitability of the use of military resources to enforce civil legislation. Although the Riot Act was effective in ostracising rioters, less lethal methods of enforcement were not in place and the response in Hexham served to highlight the limited tactics available to a military unit in such circumstances (MacKenzie, 1825; McCord & Purdue, 2007; McCormack, 2012; Ridley, 1861).

- **Gordon Riots, London 1780**

The Gordon Riots began as an anti-Catholic protest in London against the Papists Act of 1778, which had been enacted to reduce discrimination against British Catholics. The protest evolved into violence, riots and looting on an unprecedented scale (Mathers, 1959; Rogers, 1998). Even though Georgian England was "pockmarked with disorder" (Porter, 1982, p.118) the sheer level of violence and destruction was the distinguishing characteristic of the Gordon Riots, demonstrating the power and potency of inarticulate fury (Hammond & Hammond, 1947).

On 2nd June 1780 Lord George Gordon MP, leader of the Protestant Association of London, led a crowd of between 40,000 and 60,000 protestors towards the Houses of Parliament to present a petition against Catholic emancipation. Although trouble was expected the Prime Minister, Frederick North, failed to implement any preventative measures. The dismissal of Gordon's petition by parliament served as the catalyst for a total breakdown in law and order between the 3rd June 1780 and 7th June 1780. Protestors targeted parts of London which housed Catholic communities and went on a rampage attacking residents and destroying many homes. Other groups attacked high profile buildings, including several embassies, the Bank of England, Buckingham Palace and Downing Street. Many Catholic churches and chapels, the tollhouses on Blackfriars Bridge, the Old Bailey, and the homes of prominent public figures were attacked. The Bow Street police office of Sir John Fielding, headquarters of the famous "Bow Street Runners" was also attacked. Several prisons including Newgate Prison, The Clink prison in Southwark and Fleet Prison were sacked and prisoners were allowed to escape.   In terms of scope, violence, and danger to wider civil authority the Gordon Riots were the most devastating urban riots in British history (Babington, 1990; Backschneider & Ingrassa, 2009; Haywood & Seed, 2012).

Lacking an organized police force King George III issued a proclamation to "suppress rebellion" in the kingdom on 7th June, directing the military to exert "utmost force" against rioters and officers were given orders to fire upon groups who refused to disperse (Brewer, 1988). Over 12,000 troops, ranging from established Army units,

such as the Horse Guards and Foot Guards, to militia drafted in from surrounding counties were deployed on the streets of London to confront the protestors. Order was restored at great cost, with several hundred protestors killed and injured (Brewer, 1988). There were numerous arrests, with prisoners sentenced to hang at the Old Bailey and the Southwark sessions. Lord Gordon was arrested and charged with high treason (but acquitted at his trial) and Brackley Kennett, the Lord Mayor of London, was convicted of criminal negligence for not reading out the Riot Act and given a £1,000 fine.

The Gordon Riots "made a profound impression on contemporaries" (Rudé, 1956, p.93) by questioning the value of protest as a viable or acceptable political outlet. They "destroyed the easy confidence of city politicians that disorder in London was their safe weapon against a tyrannical government. They had seen the mob out of all control of civic leaders" (Watson, 1960, p.239). The Gordon Riots demonstrated the very worst extremes of social disorder, political culture, mistrust of the government, the criminal justice system, moral economy, multiculturalism, revolutionary ideology, the limitations of the state, and the use of state force against citizens (Haywood & Seed, 2012). Following this event the view of the establishment was that protest was dangerous, and was to be controlled robustly going forward.

- **Peterloo Massacre 1819**

The "Peterloo Massacre" was a defining moment in the history of British public disorder, defined by iconic imagery of cavalrymen with swords drawn riding down and slashing at

defenceless civilians (Read, 1958; Reid, 1989). On 16th August 1819 at St. Peter's

Field in Manchester a group of between 60,000 and 100,000 convened to take part in a

protest rally. It was taking place against the backdrop of social upheaval following the

Napoleonic Wars and was in support of radical reform seeking to widen suffrage,

improve the condition of the working poor and allow a free press. The rally was to be

attended by numerous prominent figures within the national working class radicalism

movement, including Henry Hunt (Belchem, 1985; Read, 1958). Manchester

magistrates were present and as a preparatory measure they secured a heavy military

reserve which included a substantial number of regular troops, numbering several

hundred infantrymen and cavalry. In addition they had mobilised an artillery unit,

equipped with two cannons, and the local Manchester and Salford Yeomanry. The

event was orderly and convened without incident. However the Magistrates were

concerned that the city of Manchester could be attacked and decided to take "drastic

action" (Read, 1958, p.132). They issued arrest warrants for Henry Hunt and several

others. To execute these arrest warrants cavalry charged into the crowd; eleven people

were killed and between 400 and 700 injured.

Although the action of the magistrates was supported by government, who were dealing

with credible concerns that Britain was this time facing a possible armed insurrection

including a plot to murder the entire cabinet (Scrivener, 2001), the lack of a suitable

agency to deal with disorder was now clear. Influential voices in British politics became

more vocal in expressing the view that the suppression of riot was the task of a civil

force and that troops should be held in reserve to be used in aid of the civil power but not as a substitute for it (Mathers, 1959).

- **Coldbath Fields, London, 1833**

Established in 1829 the Metropolitan Police was not universally welcomed as "some saw them as agents of an oppressive government. Some objected to their cost. Few welcomed their presence on the streets of London" (Oates, 2009, p.69). The first major test of the New Police in dealing with major public disorder took place in 1833. The National Union of the Working Classes, a radical working class group seeking reform to the political system of Britain, organised a public meeting to be held at 2pm on 13 May 1833 at the Calthorpe Estate, Cold Bath Fields, Clerkenwell in London. The Home Secretary, Lord Melbourne, declared the meeting illegal. A large detachment of police officers was deployed to the area under the command of the two Commissioners, Lieutenant Colonel Sir Charles Rowan and Sir Richard Mayne, to disperse the demonstration which had attracted about 1000 supporters. When the police officers moved in the resulting disorder was considerable: two police officers, PC Henry Chance Redwood and his sergeant, John Brooke, a veteran of the Battle of Waterloo, received serious injuries and one officer, PC Robert Cully, was fatally stabbed in the chest (Morton, 1994; Porter, 1998). The jury in the coroner court's examination of the death of PC Culley returned the surprising verdict of "justifiable homicide", concluding that the police had used excessive and aggressive methods and tactics against the protestors. Although this decision was later overturned, it highlighted the difficult and complex

environment in which the police had to operate when managing protests and demonstrations. George Fursey was charged and committed for trial at the Old Bailey for the stabbing of Redwood and Brooke but he was acquitted by the jury (Morton, 1994; Oates, 2009).

The disorder at Coldbath Fields highlighted some enduring themes relating to public order. Although the authorities were capable and willing to legislate against political meetings on the grounds of public order concerns, protestors would still regularly choose to defy such legal control mechanisms to exercise their rights to demonstrate. It was also clear that any perceived infringements upon civil rights could be met with extreme violence. There was a naivety on the part of the police on how to tactically and operationally respond to protest. The verdict of the jury in the case of the death of PC Cully illustrated the problem of acceptance faced by the new police. As Emsley observed the "aftermath of Culley's death highlighted the Freeborn Englishman's continuing sensitivity to the handling of demonstrations, the depth of hostility among sections of the population to the new police, and a new antipathy among some previous supporters" (Emsley, 2009, p.49).

- **Kennington Common, London, 1848**

The Victorian period saw the police slowly establish primacy in the control of large scale protests, although the military did retain a responsibility as the force of last resort. The Chartist movement, a working-class movement for political reform in Britain which

existed from 1838 to 1858, organised an event to convene on Kennington Common, London on 10th April 1848. They campaigned for universal manhood suffrage, vote by secret ballot in elections and other democratic reforms of the parliamentary system (Roberts & Thompson, 1998; Thompson, 1987; Walton, 1999). The intention was to have a mass meeting on the Common, followed by a procession to present a petition to the House of Commons carried by Fergus O'Connor, the Chartist leader. The event was expected to be attended by hundreds of thousands of protestors which caused the government of Prime Minister Lord John Russell enough concern to make considerable preparations. The procession was banned and the Prime Minister looked to a predominantly military led defensive plan, headed by an elderly Duke of Wellington, to maintain order.

The MPS was supported by over 100,000 special constables, who had been sworn in in anticipation of violent protest (Swift, 2007). Military units were stationed in strategic reserve, out of sight to avoid provoking the protestors, and were also responsible for the protection of key government institutions (Saville, 1987). All the principal bridges crossing the Thames were subject to strict controls and heavily reinforced. The policing operation was personally directed by Commissioner Richard Mayne who had set up a control centre in a tavern on the edge of the Common which facilitated dialogue between the Chartist leaders and the police.

The event passed off peacefully, with only small skirmishes reported on the day, and the numbers who attended the meeting on the Common were less than anticipated. O'Connor's desire to avoid damaging the Chartist movement or causing the deaths of demonstrators by confronting the authorities meant he complied with the police direction that the petition could be delivered by only a small group of activists and that the crowd should disperse (Saville, 1987, p.119). This incident demonstrated the nervousness of the government in totally devolving order maintenance to the police.[73] However it also indicated the benefits and importance of open dialogue, negotiation and the power and impact of compromise in public order situations between police and demonstration organisers.

- **Hyde Park, London, 1866**

The Reform League, a radical movement advocating suffrage and a secret ballot, organised a day of action demonstration for 23rd July 1866, to consist of a procession through London and a rally in Hyde Park, London (Mayer et al, 1995; McCord & Purdue, 2007). The government was determined to stop the Reform League from "holding open air meetings, supposedly to prevent breaches of the peace" (Diamond, 2003, p.53). The Home Secretary, Spencer Horatio Walpole, issued a notice banning the event which was ignored.

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[73] This was demonstrated in other key events during this period of history. The security arrangements for The Great Exhibition which took place in Hyde Park, London, from 1st May to 11th October 1851, which was visited by several million people, included reserves of regular army units on standby to respond in the event of disorder.

The procession started off from the Reform League's headquarters in London and a procession of approximately 100,000 marched onto Marble Arch where they were confronted by several thousand police officers commanded by the 70 year old Commissioner Sir Richard Mayne, who was on horseback (Hostettler, 2009). The gates to the park had been shut to prevent the demonstrators from entering. A violent confrontation ensued, with the police losing control. Demonstrators tore down the railings around the park to use as weapons and threw various missiles at the officers. Mayne was hurt after being struck by a rock and twenty eight officers were injured for life (Trow, 2012). The incident was beyond the ability of the available police resources, and military assistance was required to provide reinforcements and restore order, which they managed to achieve without resorting to using force.

This incident found the police in the uncomfortable position of defending an unpopular government and upholding a banning decision which was not seen as legitimate by a section of the community keen to exercise their rights to protest. The social and political dynamic was complex during this period of British history. Although on this occasion the weight of support for reform was such that "it was the government who climbed down" (Pearce & Stewart, 2013, p.23), it was the police who were tasked to face the fury of the people. The police operation had severe consequences for the officers involved and wider political confidence in the ability of the police to maintain order without military support. Mayne offered his resignation, which was not accepted by Walpole because of the difficulties at that time of selecting a successor.

- **"Black Monday", Trafalgar Square, London 1886**

Opened in 1844 Trafalgar Square had become a focal point for protesters to "gather to impress their displeasure on their representatives" (Kingwell & Turwell, 2011). Two rival left wing organizations, the London United Workmen's Committee and the Social Democratic Federation, gave notice of their intention to hold demonstrations in Trafalgar Square on the same day, Monday 8th February 1886. Although the likelihood of violence occurring between these two groups was high, the police did not make any serious arrangements in terms of planning for unrest or disorder.

The police operation, consisting of a small body of officers in the Square and a small reserve on standby, was under the command of the 74 year old District Superintendent, Robert Walker, who was simply not up to the task of dealing with public disorder (Begg, 2013). The meetings passed off without incident but large crowds then started moving towards Hyde Park. A troublesome group rushed along the wealthy areas of the West End of London, including Pall Mall, St. James's and Piccadilly smashing windows, looting wealthy homes and shops, and attacking local residents. Several thousand pounds of damage was caused.

The events of "Black Monday" demonstrated the "damned if you do, damned if you don't" dilemma that has plagued the police up to the present day (The Telegraph, 2011a). The police was heavily criticised, especially as preventing wanton destruction and theft were the founding principles used to justify their creation. The claims for

compensation were so large that the incident prompted the enactment of the Riot (Damages) Act of 1886 which placed the responsibility for payment of damages caused due to riot with the police. The implication from this development was that the police would either ensure that the order was maintained or they would pay for their failure to do so financially. The politicians were quick to "shift blame and find a scapegoat" (Keller, 2013, p.118). An urgent review of the incident highlighted "grave mistakes committed by the police authorities" and the Commissioner, Sir Edmund Henderson, tendered his resignation, which was immediately accepted. In letters between Queen Victoria, Sir Henry Ponsonby (the Queen's Private Secretary) and the Home Secretary Hugh Childers, the Queen wrote that she was "much surprised and indeed shocked that a man who had been so long in such a very responsible position, in which he had to provide for the Sovereign's personal safety so often, should have had his resignation summarily accepted and in such a way without her having been first duly informed" but she hoped that political views would "be ignored in any reorganisation of the police" (Buckle, 1930, p.65).

- ## **"Bloody Sunday" Trafalgar Square, London, 1887**

Sir Charles Warren was an army officer with a broad military career history and described in The Times newspaper as "precisely the man whom sensible Londoners would have chosen to preside over the Police Force of the Metropolis…there are few officials in Her Majesty's service who have more varied experience. He is at once a

man of science and a man of action…" (Begg, 2006, p.9).[74] It is possible that "Home Secretary Childers was disingenuous when he said he was apolitical in his selection of a new police chief; he has obviously chosen the most conservative of candidates, one with military training, to use specifically for the control of public order" (Keller, 2009, p.123). The approach taken by Warren in relation to radical protest was simple, unrefined and at odds with the tradition of tolerance and diplomacy which citizens had become used to in previous years. He banned all meetings in Trafalgar Square and was committed to putting down radical protest by strength in numbers and the use of force. The Home Secretary gave tacit support to the decidedly hardline approach being taken, which was "indicative of the concern felt in the Home Office about the residuum, about socialist meetings and demonstrations by the unemployed…the new commissioner was allowed to continue along his chosen path" (Emsley, 2014, p.67).

A radical group seeking to protest over coercion in Ireland decided to hold a political rally in Trafalgar Square on the 13th November 1887 notwithstanding the bans put in place by the police and Home Secretary. Approximately 20,000 protestors attended on the day but none of them got anywhere near Trafalgar Square due to rows of police officers controlling it and the immediate environs. Warren's preparations had been extensive. He put two thousand police officers on duty in Trafalgar Square, with an additional three thousand in reserve, supported by a battalion of Grenadier Guards and

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[74] Interestingly Warren had not been first choice for the post, with Queen Victoria suggesting that either Sir Redvers Buller (a distinguished army officer who had won the Victoria Cross for bravery in 1879 during the Anglo Zulu War) or Lord Charles Beresford (a naval officer, former aide-de-camp to the Prince of Wales and sitting member of Parliament) would make "excellent" candidates, although Home Secretary Childers acknowledged that Sir Redvers would decline the role (Buckle, 1930, p.66).

a regiment of Life Guards on standby. The operation was overseen by Warren, personally, on horseback. The strategic intention was to prevent disorder by going on the offensive, and breaking up any attempts to congregate which was a marked change from the traditional approach of tolerance. Fighting broke out in the areas around Trafalgar Square, in Piccadilly, Covent Garden and the West End as the police officers proactively engaged with any groups of protestors they encountered, resulting in three deaths, hundreds of injuries, and numerous arrests (Keller, 2013).

Trafalgar Square remained in the hands of the police, but the cost had been high in terms of legitimacy and accountability. Warren had deviated from the expectation of the police having "to win by appearing to lose" (Commissioner Sir Robert Mark in Tupman & Tupman, 1999, p.56). The use of overt physical force did not sit comfortably with many critics and observers. Bloody Sunday "kindled a furious debate over who had "rights" to the city, who could use its spaces, and who could say what in public. It also sparked a new cognizance of civil liberties as an issue in and of itself" (Keller, 2013, p.126).

Appendix E: Key Historical Spanish Public Order Events

- ## La Semana Trágica, Barcelona, 1909

During the 18th and 19th Century the Spanish military was involved in an increasing number of internal duties, including responding to protest and maintaining public order. However using the military to restore law and order was becoming increasingly controversial and unacceptable in a Spanish society asserting political consciousness. On 9th July 1909 the Spanish government called up reserve army units in Barcelona for deployment in Morocco as part of the Second Rif War. The conservative government of Prime Minister Antonio Maura failed to appreciate the unpopularity of this decision in a city which was becoming increasingly militant with strong anti-monarchist, anti-colonialist, anticlerical, republican and anarchist groups (van der Linden & Rojahn, 1990).[75] A socialist trade union, Solidaridad Obrera (Workers Solidarity), called for a general strike in Barcelona on 26th July 1909. The strike, supported by a broad spectrum of protest groups descended into sustained serious disorder beyond the capabilities of the small units of urban police in the city. The protests were so violent that martial law was declared later that day. By 29th July 1909 over 10,000 soldiers were deployed in the city, firing on protestors and occupying public buildings using extreme force. Order was not restored in Barcelona until 2nd August 1909, and normality in surrounding towns was not established until 5th August 1909.

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[75] A reservist called up for duty could pay a substitute to take his place, but the cost was prohibitively expensive for the working class and only the rich could afford to avail themselves of this exemption. This facility served to fuel a sense of class grievance.

This episode, known as "La Semana Trágica" (the Tragic Week), resulted in the deaths of 75 civilians and over 500 injuries. 3 soldiers were also killed during the various firefights between military units and protestors using rifles stolen from police armouries. Over 2000 people were charged in the subsequent investigation: 175 protestors were sentenced to exile, 59 were sentenced to life imprisonment and 5 were sentenced to death, including the prominent anarchist Francisco Ferrer who was executed by firing squad in October 1909.

The execution of Ferrer drew international condemnation. The King, Alfonso XIII, already concerned by the events in Barcelona and response to the execution of Ferrer withdrew his support for Prime Minister Maura from power replacing him with the liberal Segismundo Moret. Such a radical regime change served only to strengthen political insecurity, unrest, encourage dictatorship and created a foundation upon which republican factions could gain traction.

- **Castilblanco 1931**

The village of Castilblanco is located in south west Spain, in the region of Extremadura. In the 1930s it had a population of no more than 2000, consisting of mostly peasant labourers working for a few wealthy landowners. There was a small Guardia Civil post consisting of 1 corporal and 3 Guardia Civil officers in the village.[76] On the 20th

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[76] In keeping with standard practice none of the officers were local men. For example 34 year old Corporal José Blanco Fernández, was from Pontevedra in northern Spain.

December 1930 the Federación Nacional de Trabajadores de la Tierra (The National Federation of Land Workers), a trade union for agricultural workers, arranged a demonstration against the high levels of unemployment in the area. The demonstration, although peaceful, was broken up by the local detachment of Guardia Civil based in the village who claimed the gathering was unlawful.

However the Spanish Constitution of 1931, which had been passed by the new republican regime of the Second Republic, allowed for protest and demonstrations. Therefore the villagers decided to exert their right to protest afresh and on 30th December 1931 a new demonstration took place, attended by over 300 people, and concluded without incident. On the 31st December 1931 the mayor of Castilblanco, Felipe Mangano López, instructed the Guardia Civil to attend the union headquarters to prevent any further protests or demonstrations. The whole Guardia Civil detachment was confronted by hostile villagers. During an altercation a rifle shot was heard, and a villager received a fatal gunshot wound. This death, whether deliberate or by accident, enraged a section of the crowd and the four officers were surrounded, attacked and murdered. All sustained horrific injuries inflicted by bladed and blunt instruments (Lopez Corral, 2009). The enormity of the repercussions of murdering Guardia Civil officers was not lost on the villagers and many fled to the surrounding mountains that afternoon. A large Guardia Civil detachment arrived on scene later that day to restore order.

The incident received national attention. The policing response was swift and brutal, overseen by General José Sanjurjo, the head of the Guardia Civil. He was outraged that his officers had been attacked and their bodies mutilated. An investigation commenced and forty five villagers were arrested, including the Federación Nacional de Trabajadores de la Tierra president, and detained in squalid conditions. Eventually twenty two of those arrested were charged with the deaths of the Guardia Civil officers in Castilblanco. Thirteen were found guilty, with seven receiving a death sentence and three receiving a life sentence. These sentences were later reduced to life sentences or twenty years imprisonment.

- **Arnedo 1932**

In April 1931 an industrialist dismissed numerous workers from his shoe factory in Arnedo, a large town of 15,000 people located in La Rioja in northern Spain, for failing to vote for the monarchist candidates in the local government elections. A meeting was held on the 5th January 1932 in the town hall to arrange the reinstatement of the unemployed workers. In the town square a large group of workers and their families were protesting, monitored by a detachment of Guardia Civil. A scuffle ensued, with a Guardia Civil corporal shot and the detachment was ordered to fire into the crowd. Six protestors including a four year old child were killed in the square. Over the following days another five protestors died from their wounds, and over forty five people were injured. The actions of the Guardia Civil were subsequently reviewed by a military court, which cleared them of any wrong doing (Casanova, 2010). The killing of

protestors outraged republican opinion in Spain, where protest was seen as a legitimate activity, and the Prime Minister, Manuel Azaña, intervened personally to remove the head of the Guardia Civil from his post.[77]

- **Casas Viejas 1933**

The Confederación Nacional del Trabajo (National Confederation of Labour), a Spanish confederation of anarcho-syndicalist labour unions, started a revolutionary uprising against the Second Republic on 8th January 1933. Numerous bombs were detonated, public buildings and churches attacked, and there was widespread disorder across the country. Many protestors and police officers lost their lives.[78]

On the morning of 11th January 1933 a small group of anarchist communists in Casas Viejas, a rural village in southern Spain with approximately 2000 inhabitants, attacked the small Guardia Civil post killing two officers. Police reinforcements re-established order and arrests were made. A member of the CNT barricaded himself and his family in his house and opened fire on the police, killing one and injuring another. The building was then assaulted in force killing all the occupants. Further arrests followed and in one incident twelve detained villagers were executed by the police. At the subsequent enquiry the head of the policing operation stated that his actions had been necessary in

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[77] General Sanjurjo subsequently emerged as one of the chief conspirators in the military uprising of 1936 which signalled the start of the Spanish Civil War.

[78] An anarchist uprising in the village of Pedralba, outside of Valencia in Eastern Spain, resulted in the death of a Guardia Civil officer and a Guardia de Asalto officer. When the Guardia Civil entered in force to regain control they killed ten villagers.

the village to "defend Spain from the anarchy" (Ballbé, 1983, p.358).[79] The massacre

had serious social and political repercussions which directly impacted upon the stability

and viability of the Second Republic (Casanova, 2010; Preston, 2006).[80]

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[79] It was subsequently alleged that Prime Minister Azaña had personally ordered the police to end the uprising with extreme violence: "Ni heridos ni prisioneros. Los tiros, a la barriga" ("No injured or prisoners. All shots to the stomach") (Avilés Gómez, 2010, p.391).

[80] The ruling left wing administration lost the 1933 elections to a right wing Confederación Española de Derechas Autónomas (Spanish Confederation of Autonomous Right-wing Groups). The consequences of such political instability during the early years of the Spanish Second Republic served to strengthen the likelihood of civil war (Preston, 2006).

Appendix F: Role and Responsibilities of the UIP

The roles and responsibilities of the UIP are defined as the following:

A. Working in partnership to protect the Spanish Royal Family and important national and foreign personalities;

B. Prevention, maintenance and restoration, where necessary, of public safety;

C. Intervention in large mass rallies, meetings in public places, events and public performances;

D. Acting and assistance in case of serious incidents or public disasters;

E. Police action in situations of alert declared by either the commission of terrorist crimes or criminal act and establishing road checks and other police tactical options;

F. Protection of designated sites and facilities;

G. Intervention in riots and similar dangerous situations.

Royal Decree 1668/1989 of 29th December