



Creating a safer
Cambridgeshire

To: Business Coordination Board

From: Chief Constable

Date: 26 May 2021

THE CONSTABULARY'S RESPONSE TO THE HER MAJESTY'S INSPECTORATE FOR CONSTABULARY AND FIRE & RESCUE SERVICES REPORT "GETTING THE BALANCE RIGHT? AN INSPECTION OF HOW EFFECTIVELY THE POLICE DEAL WITH PROTESTS."

1. Purpose

1.1 The purpose of this paper is to update the Business Coordination Board ("the Board") on Cambridgeshire Constabulary's (the "Constabulary") response to the Her Majesty's Inspectorate for Constabulary and Fire & Rescue Services (HMICFRS) report "Getting the balance right? An inspection of how effectively the police deal with protests" to enable the Police and Crime Commissioner to discharge his duties under Section 55(1) of the Police Act 1996.

2. Recommendation

2.1 The Board is recommended to note the content of this paper.

3. Overview

3.1 On 11th March 2021 HMICFRS published: "Getting the balance right? An inspection of how effectively the police deal with protests".

- 3.2 In September 2020, the Home Secretary commissioned HMICFRS to conduct an inspection into how effectively the police manage protests. This followed several protests by groups including Extinction Rebellion, Black Lives Matter and many others. HMICFRS inspected 10 forces with recent experience of policing protests and consulted a wide range of other bodies, including protest groups and the general public. A number of additional forces also contributed to the inspection, including Cambridgeshire.
- 3.3 The report considers 5 questions: 1) How well do the police manage intelligence about protests? 2) How well do the police plan and prepare their response to protests? 3) How well do the police collaborate in relation to protests? 4) How effective are the decision-making processes and how do they affect the police response to protests? 5) Does the current legislation give the police the powers they need to deal effectively with protests?
- 3.4 Having reviewed the evidence, HMICFRS' conclusion is that the police do not strike the right balance on every occasion. The balance may tip too readily in favour of protestors when the police do not accurately assess the level of disruption caused, or likely to be caused, by a protest. To help improve, HMICFRS have made 12 recommendations and highlighted a further 4 areas of improvement (AFIs). Some of these are about the law concerning protest, the other recommendations and AFIs are designed to help the police get the balance right by:
- Equipping police commanders with up to date, accessible guidance and a greater understanding of human rights law;
 - Ensuring that they consider the levels of disruption or disorder above which enforcement action will be considered;
 - Improving the way that police assess the impact of protests, to help them understand fully the impact on local residents, visitors to an area, businesses, and the critical infrastructure;
 - Improving the quality of police intelligence on protests, particularly intelligence about those who seek to bring about political or social change in a way that involves unlawful behaviour or criminality;
 - Addressing a wide variation in the number of specialist officers available for protest policing throughout England and Wales;
 - Supporting forces to use live facial recognition technology in a way that improves police efficiency and effectiveness, while addressing public concerns about the use of such technology;
 - Prompting better exchange of legal advice and other information between officers, using an established system provided by the College of Policing;
 - Securing more consistent, effective debrief processes;
 - Reconsidering police and local authority powers and practices concerning road closures during protests; and
 - Stimulating research into the use of fixed penalty notices for breaches of public health regulations in the course of protests; and using it to inform a decision on whether to extend the scheme to include further offences commonly committed during protests.

4. HMICFRS Recommendations

- 4.1 By 30 June 2022, the National Police Chiefs' Council (NPCC), through its National Public Order Public Safety Group and National Protest Working Group, should analyse the results from the national development team trial. In the light of this analysis, the NPCC should secure an appropriate longer-term arrangement for managing the risks presented by aggravated activists.

Force Response: This recommendation is addressed to the NPCC. The Constabulary will await further information.

- 4.2 With immediate effect, the National Police Chiefs' Council (NPCC), through its National Public Order Public Safety Group and National Protest Working Group, should closely monitor progress on integrating the management of protest-related covert human intelligence sources with the devolved force model. And, by 30 June 2022, the NPCC should ensure that a post-implementation review is conducted.

Force Response: This recommendation is addressed to the NPCC. The Constabulary will await further information.

- 4.3 By 30 June 2022, the College of Policing, through its planned review, should bring the public order authorised professional practice (APP) up to date and make arrangements to keep it current, with more regular revisions as they become necessary. It would also be beneficial to consolidate the APP, protest operational advice and aide memoire into a single source (or a linked series of documents).

Force Response: This recommendation is addressed to the College of Policing. The Constabulary will await further information

- 4.4 By 31 December 2021, Chief Constables should make sure that their legal services teams subscribe to the College of Policing Knowledge Hub's Association of Police Lawyers group.

Force Response: At present, the Constabulary does not subscribe to the Association of Police Lawyers Group on the Knowledge Hub as the force does not have an in-house lawyer. However, this position will be reviewed following the implementation of a new in-house legal services department and the successful appointment of a new Head of Legal Services.

- 4.5 By 31 December 2021, the College of Policing should ensure that all Public Order Public Safety commander and adviser students attending its licensed training are enrolled in the College of Policing Knowledge Hub's Specialist Operational Support – Public Order Public Safety group, before they leave the training event.

Force Response: This recommendation is addressed to the College of Policing. The Constabulary will await further information.

- 4.6 By 31 December 2021, Chief Constables should ensure that their forces have sufficiently robust governance arrangements in place to secure consistent, effective debrief processes for protest policing. Such arrangements should ensure that: 1) forces give adequate consideration to debriefing all protest-related policing operations; 2) the extent of any debrief is proportionate to the scale of the operation;

3) a national post-event learning review form is prepared after every debrief; and 4) the form is signed off by a gold commander prior to submission to the National Police Coordination Centre (NPoCC).

Force Response: The Constabulary actively debriefs protest-related policing operations. Some, typically large-scale and high-profile events, are subject to formal structured debriefs with trained debriefers. Where appropriate, national post-event learning review (NPELR) forms are prepared and submitted to the NPoCC for review. The Constabulary will await further direction from the NPoCC on any improvements that may be required. Internally, recommendations and areas of notable practice arising from debrief processes are collated by the Organisational Improvement Centre who collate and evaluate the learning. The findings from debriefs are also discussed at quarterly meetings with the Joint Protective Services (JPS) Command for Bedfordshire Police, Cambridgeshire and Hertfordshire Constabularies to ensure experiences from policing protest events are shared across the three forces. Work is in progress to ensure that public order commanders can draw effectively on this learning to improve the planning and policing of future operations.

- 4.7 By 30 June 2022, on behalf of HM Government, the Home Office should lead a joint review of police and local authority powers and practices concerning road closures during protests. This should be done with the support of, and in consultation with, the Department for Transport, the Ministry of Housing, Communities & Local Government, Westminster City Council, the Metropolitan Police, Transport for London and other interested parties. The review should include a comparison of the arrangements in London with those in other parts of England and Wales. Its findings should lead to decisions on whether to: 1) retain, modify or repeal section 52 of the Metropolitan Police Act 1839 and section 21 of the Town Police Clauses Act 1847; and 2) establish new multi-agency arrangements for implementing road closures in London during protests.

Force Response: This recommendation is addressed to the Home Office. The Constabulary will await further information.

- 4.8 By 30 June 2022, the National Police Chiefs' Council, working with the College of Policing, should provide additional support to gold commanders to improve the quality of gold strategies for protest policing. This support should include: 1) the creation and operation of a quality assurance process; and/or 2) the provision of more focused continuous professional development. The additional support should ensure that gold commanders for protest operations include an appropriate level of detail within their gold strategies. This may include the levels of disruption or disorder above which enforcement action will be considered.

Force Response: This recommendation is addressed to the NPCC. The Constabulary will await further information.

- 4.9 By 30 June 2022, the National Police Coordination Centre should revise the national post-event learning review form so that it contains a section to report on the policing operation's impact on the community.

Force Response: This recommendation is addressed to the National Police Coordination Centre. The Constabulary will await further information.

- 4.10 By 30 June 2021, the Home Office should consider laying before Parliament draft legislation (similar to section 11 of the Public Order Act 1986) that makes provision for an obligation on organisers of public assemblies to give the police written notice in advance of such assemblies.

Force Response: This recommendation is addressed to the Home Office. The Constabulary will await further information.

- 4.11 By 30 June 2021, the Home Office should consider laying before Parliament draft legislation (similar to section 13 of the Public Order Act 1986) that makes provision for the prohibition of public assemblies.

Force Response: This recommendation is addressed to the Home Office. The Constabulary will await further information.

- 4.12 By 30 June 2022, the Home Office, working with the National Police Chiefs' Council and other interested parties, should carry out research into the use of fixed penalty notices for breaches of public health regulations in the course of protests. The research should explore the extent to which recipients complied with the scheme, and any consequential demand on the criminal justice system. The outcome of this research should inform a decision on whether to extend either the penalty notices for disorder scheme or the fixed penalty notice scheme to include further offences commonly committed during protests.

Force Response: This recommendation is addressed to the Home Office. The Constabulary will await further information.

5. HMICFRS Areas for Improvement:

- 5.1 Forces should improve the quality of the protest-related intelligence they provide to the National Police Coordination Centre's Strategic Intelligence and Briefing (NPoCC SIB) team. And this team should ensure that its intelligence collection process is fit for purpose.

Force Response: The Constabulary has staff within the Intelligence & Specialist Crime Department specifically allocated to dealing with protest-related intelligence, with strong links to operational planning. The Constabulary submits intelligence debrief forms to the NPoCC SIB following protest-related policing operations in accordance with the criteria, for example events that have required dedicated resource. The Constabulary will await further direction from the NPoCC SIB on any improvements that may be required to the intelligence collection processes.

- 5.2 On a national, regional and local basis, the police should develop a stronger rationale for determining the number of commanders, specialist officers and staff needed to police protests.

Force Response: The Constabulary routinely assesses the capacity and capability of resources needed to police protests. Decisions about the operational requirement and training are based on an assessment of current and predicted threats, risks and demand; and include additional considerations such as succession planning and accreditation requirements. The numbers of Public Order and Public Safety (POPS) commanders and other specialist protest resources are monitored by the Joint

Protective Services (JPS) Command for Bedfordshire Police, Cambridgeshire and Hertfordshire Constabularies (BCH) to ensure resilience and availability of resources across the three forces. JPS also regularly test the mobilisation of resources to ensure BCH can respond consistently and effectively to protest (and other public order) events.

- 5.3 The police’s use of live facial recognition technology is an area for improvement. The National Police Chiefs’ Council should continue to work with the Government and other interested parties. These bodies should develop a robust framework that supports forces, allowing the use of live facial recognition in a way that improves police efficiency and effectiveness while addressing public concerns about the use of such technology. The framework should be designed to help the police satisfy the requirements explained in the Court of Appeal judgment: [2020] EWCA Civ 1058.

Force Response: This area for improvement is addressed to the NPCC. The Constabulary will await further information.

- 5.4 The police’s protest-related community impact assessments are an area for improvement, particularly those that need to be completed after the event. These assessments should assist the police to understand fully the impact of protests on communities. They should include assessments of the impact of protest on local residents, visitors to an area, businesses, and the critical infrastructure including transport networks and hospitals.

Force Response: The completion of Community Impact Assessments (CIAs) is considered for all protests. Following an assessment of both the threat and risk associated with the event; and the scale of the police response, CIA’s are primarily used for protest-related policing operations that have, or are judged as likely to have, a significant impact on the community. These assessments, along with information from neighbourhood policing teams and multi-agency partners, are used to enhance the police response. Engaging with our communities continues to be a key strategic priority for the force and we will ensure that we are making best use of CIA’s to understand the impact that protests have on those who live in, work in or visit the force area.

BIBLIOGRAPHY

Source Document(s)	https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/getting-the-balance-right-an-inspection-of-how-effectively-the-police-deal-with-protests.pdf
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