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FACULTY OF GRADUATE AND
POSTDOCTORAL STUDIES

SLY, Antonia E.M.

AUTEUR DE LA THÈSE - AUTHOR OF THESIS

M.A. (Criminology)

GRADE - DEGREE

Criminology

FACULTÉ, ÉCOLE, DÉPARTEMENT - FACULTY, SCHOOL, DEPARTMENT

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Reading the Riot Act: An Analysis of Six Official Inquiries into the Use of
Excessive Force by Police at Protest Demonstrations

Ross Hastings

DIRECTEUR DE LA THÈSE - THESIS SUPERVISOR

EXAMINATEURS DE LA THÈSE - THESIS EXAMINERS

J. Roberts

I. Waller

J.-M. De Koninck, Ph.D.

LE DOYEN DE LA FACULTÉ DES ÉTUDES
SUPÉRIEURES ET POSTDOCTORALES

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AND POSTDOCTORAL STUDIES

**READING THE RIOT ACT:
AN ANALYSIS OF SIX OFFICIAL INQUIRIES
INTO THE USE OF EXCESSIVE FORCE
BY POLICE AT PROTEST DEMONSTRATIONS**

By

Antonia E. M. Sly

A Thesis
Submitted to the Faculty of Graduate and
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ABSTRACT

Public events such as protest demonstrations can lead to violent confrontations between protesters and police. This study attempts to identify factors that may lead to the excessive use of force by police at protest demonstrations. A review of the literature revealed nine factors that may influence police behaviour: the presence of aggressive and violent protesters, high levels of officer stress, high levels of officer aggression, a loss of professional self-control, the influence of personal problems and the attitudes of individual officers, the influence of peer relations and the police sub-culture, insufficient and inadequate supervision, inadequate training and equipment, and insufficient and inaccurate communication, information, and planning. An analysis was conducted of six investigative reports of alleged excessive use of force by police at protest demonstrations. The results indicate that the predominant factor that led to the excessive use of force was insufficient and inaccurate communication, information, and planning by police and security personnel. Limitations of this thesis include the small number of official inquiry reports available; the subjective nature of coding, scoring, and ranking of factors; and the possibility that not all the factors that were identified in this study were considered by investigators of each of the six events as having contributed to the excessive use of force. The general purpose of this study is to provide police with comprehensive information regarding elements of policing which affect their actions when in crowd control or protest situations.

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The idea for this study came about during the aftermath of APEC in Vancouver in 1997. Originally I was interested in how police officers are able to maintain their composure when dealing with groups of angry and aggressive civilians; the fact that they must keep their feelings in check when on duty and what affects their self-control. Gradually it became clear that this notion of professional self-control is just one element of policing that may have an effect on whether police will respond with excessive force. I have much admiration for those who work in law enforcement. If it were an easy job this thesis would not exist. Nor would it, had it not been for the following people:

I would like to extend my thanks to my advisor, Ross Hastings, who helped guide this project from its early stages and who calmed me down before the final defence. To my professor, Julian Roberts, for his invaluable research and editorial advice. To my fellow classmates, whose comments, suggestions, books and articles were much appreciated.

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INTRODUCTION

The police are responsible for protecting the rights of protesters to assemble and demonstrate peacefully, as well as protecting “the rights of all persons to conduct their daily affairs and to carry on their occupations free from any unlawful interference” (McNamara, 1971, p. 130-131). This means that when policing a protest demonstration, officers must put aside their personal opinions regarding who they believe to be right or wrong and discharge their crowd control duties impartially. Thus, the police are responsible for protecting both the protesters and those against whom the protesters are demonstrating.

In protest demonstrations, protesters may turn their attention, and ultimately, their frustration against one cause or symbol of the perceived problem – the police. It is the police who are responsible for securing the grounds where political leaders and representatives meet and ensuring their protection. The police must contain protesters, while at the same time protecting the fundamental rights of citizens to protest (Das, 1984). Regardless of the reasoning behind the violence, or the nature of the target, police officers must efficiently and effectively quell the violence and restore the peace, by using force, if necessary, to accomplish their legally-mandated objectives. Unfortunately, not all operations run smoothly. In some protest demonstrations, there are allegations of excessive use of force by police (See Box 1.1. for an example).

BOX 1.1. After APEC

In November 1997 very few Canadians had ever heard of an organization called APEC. Today they may not know what the initials represent, but they certainly are more familiar with the organization than ever before.

That familiarity comes from the constant media coverage of an incident that had caused Prime Minister Jean Chrétien and his government more grief than anyone would have expected. ...

It's all the result of the November, 1997 Asia - Pacific Economic Cooperation summit in Vancouver. At the time the economic situation in the region was glum. The Asian economic crisis was dominating headlines. An area of the world that was supposed to have a strong economy suddenly appeared to be shaky.

We now know the government went to great lengths to make sure the meetings were a success, and "success" was at least partially defined by who showed up. The Prime Minister wanted the list to include Indonesia's President Suharto. Documents obtained by CBC News indicate Ottawa assured him there would be no demonstrations at the meeting.

Although Chrétien wanted Suharto at the meetings, many young Canadians didn't. They were extremely angry about his human rights record. They planned a series of demonstrations to get their point across.

When the summit was underway the leaders were whisked to meetings where the surroundings were quiet and peaceful. From their chauffeured limousines they were unable to see the protesters waving placards and chanting slogans.

The RCMP used a heavy hand against those protesters. In order to clear a path, the police made several dozen arrests and used pepper spray on dozens more. Those actions were vividly captured by a CBC cameraperson. The pictures of the RCMP officer spraying the demonstrators and then turning to the camera and coating the lens with pepper spray has been repeatedly aired on national newscasts.

These police actions caused a great deal of controversy, so much so that an RCMP Complaints Commission began an inquiry in October, 1998.

(Source: Malowany, Matthew, March 2000, "After APEC", CBC News Online, <http://www.cbc.ca/news/indepth/apec/apec97>).

Plan Of Thesis

The purpose of this thesis is to explore some of the elements of policing that may affect the amount of force employed in the regulation of protest demonstrations. Through the analysis of six official inquiries of alleged cases of excessive force by police at protest demonstrations, it is expected that common factors within the different events will surface. It is hoped that this may help police agencies to better guard against future incidents of excessive force at protest demonstrations.

Chapter Two will specify the methodology used to determine the elements of policing that contributed to the use of excessive force at each of the six events and which factors were most predominant. Chapter Three will describe the findings of which factors were present at the six demonstrations and had an impact on police behaviour. Chapter Four will provide a general discussion that will review the subjective evaluation of relative importance of each factor for each report and each factor in relation to all reports, as well as some conclusions and recommendations for future policing at protest demonstrations.

Chapter One

REVIEW OF THE LITERATURE

Defining Excessive Force

Although the term is widely used, there is no clear consensus regarding the definition of “excessive force” (Bartollas & Hahn, 1999). The point at which an officer has crossed the threshold from necessary to excessive force is extremely difficult to identify. In terms of violent behaviour, Megargee (1969) stated:

No definition of violence has ever proved to be completely successful. Although everyone ‘knows what violence is’ no one has ever been able to define it adequately so that every possible instance of violent behaviour is included within the definition while all the excluded behaviour is clearly nonviolent (cited in Russell & Beigel, 1990, p. 193).

The substitution of “violence” with “excessive force” (which is violent behaviour) in the above passage sums up the quandary of defining excessive force. Unloading a canister of pepper spray onto the backs of already retreating demonstrators, which occurred at APEC 1997, was found to be excessive in the context of the APEC demonstration (Commission for Public Complaints Against the RCMP, 2002) (See Appendix A for a List of Abbreviations). But how do police determine, for example, that striking an attacking protester (who is six foot five inches tall and 250 pounds) with a riot baton three times is sufficient to subdue him? Should the officer be charged with excessive force if he or she strikes a fourth time?

For the purpose of this study, the use of excessive force by police will be defined as the “amount of force *beyond that* which is necessary to effect a legitimate

police action” (Griffin & Bernard, 1999, p.2, emphasis added). (For examples of other scholars’ definitions of excessive force see Box 1.2.).

Fyfe (1986) has distinguished between extra-legal force and unnecessary force. Extra-legal force is “the willful and wrongful use of force by officers who knowingly exceed the bounds of their office”. Unnecessary force “occurs when well-meaning officers prove incapable of dealing with the situations they encounter without needless or too hasty resort to force” (Fyfe, 1986, cited in Fyfe, 1996, p. 165). The distinction lies in the intent of the officer. In the former, the use of excessive force is carried out in secret; out of the view of the public eye because the officers know that what they are doing is wrong. In the latter, the use of excessive force takes place in the open because the officers involved do not, at the time (or even afterwards in some instances), believe their actions to be excessive.

Hunt (1985) suggests that the amount of force that police officers employ may reflect officers’ personal interpretations of permissible levels of force. She argues that what the law defines (and the public often deems) to be excessive does not necessarily coincide with police officers’ interpretations. There are “understandings and standards police officers actively employ in using and evaluating force in the course of their work” (Hunt, 1985, p. 316). Determining police excessive force based on objective conditions “minimize[s] the active role of consciousness in police decisions to use force, tending to depict such decisions as mere passive responses to external determinants” (Hunt, 1985, p. 316). This means that what may appear to be an emotionally charged police officer using excessive force may have been a

Box 1.2. Examples of Definitions of “Excessive Force”

“Using...more force than is necessary to achieve a lawful purpose” (Waddington, 1991, p. 8).

“...the question is whether the officers’ actions are ‘objectively reasonable’ in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation” (McLaughlin, 1992, p. 13-14).

“Any officer behavior involving the use of more force than is necessary to effect an arrest or search; and/or the wanton use of any degree of physical force against another by a police officer under the color of authority” (Carter, 1984, cited in Roberg & Kuykendall, 1993, p. 221).

“...excessive force or brutality...are acts of coercion that cannot be explained by the routine police accounting practices ordinarily used to justify or excuse force” (Hunt, 1985, p. 317).

“Albert Reiss Jr.’s...definition judged force to be improper or unnecessary under the following conditions:

1. a police officer physically assaulted a citizen and then did not make an arrest
2. a citizen did not, by word or deed, resist an officer
3. an officer, even though resistance to the arrest took place, could have restrained the citizen in other ways
4. a large number of officers were present and could have assisted in subduing the citizen
5. the subject was handcuffed and made no attempt to flee or offer resistance
6. the citizen resisted arrest, but the use of force continued even after the citizen was subdued” (cited in Bartollas & Hahn, 1999, p. 224).

Police officers are “not justified...in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self-preservation of the person or the preservation of any one under that person’s protection from death or grievous bodily harm” (Canadian Criminal Code, sec. 25 (3)).

conscious decision deemed appropriate by the acting officer in order to effectively carry out a legitimate police action.

Hunt (1985) claims that police officers informally have three definitions of force: legal, normal, and excessive. Obviously, legal force is that which the law deems necessary to perform a legitimate police duty. Normal force

involves coercive acts that specific 'cops' on specific occasions formulate as necessary, appropriate, reasonable, or understandable. Although not always legitimated or admired, normal force is depicted as a necessary or natural response of normal police to particular situational exigencies (Hunt, 1985, p. 317).

Excessive force is understood by police as using violence that exceeds officers' interpretation of normal force. "The police perceive many forms of illegal force as normal", but excessive force is viewed as "immoral violence" (Hunt, 1985, p. 317). Similarly, police officers interviewed by Baker revealed a widely accepted "hierarchy of wrongfulness: 'dead wrong, wrong but not bad, wrong but everybody does it'" (Skolnick & Fyfe, 1993, p. 96).

Factors of Policing that Contribute to Excessive Use of Force

Several elements of policing have been identified in the literature as contributing to the use of excessive force at protest demonstrations. These are the protest situation and the behaviour of those protesting, levels of stress and aggression of police officers, police officer personality and level of professional self-control, police officer peer relations and the existence of a policing sub-culture, the quality of supervision, the quality of training and equipment, and the sufficiency and accuracy of communication, information, and planning. A discussion of these factors will help to establish their potential influence on police use of excessive force.

1.1. Protest Demonstrations and Protesters

For the purpose of this study, I define protesters as organized groups of people demonstrating in public against economic, social, and political structures. The events being analyzed in this study involved demonstrations against organizations or in relation to specific controversial issues. Some protesters may deliberately use violence to attract attention and news media coverage. While many protesters are non-violent, it is the more violent participants that have attracted the greatest degree of media attention.

Recent trends show protest “affinity” groups prepare in advance for measures taken by the police during protest demonstrations (Beene, 1992; Gillham & Marx, 2000). They are known to physically train in techniques to prevent police mobility and are cautioned on how to defend against police weaponry (Ryan, 2001); for example, bringing gas masks, ski and swim goggles, and hospital masks to ward off the effects of tear gas and pepper spray (See Appendix B, N°s 2, 4, 5, 6). Protesters are willing to travel great distances to participate in demonstrations. Some protesters are prepared, both mentally and physically, to bring attention to their cause even if it means doing battle with the police (Ryan, 2001). Many protest groups ensure the presence of trained medics to care for protesters should they receive injuries while demonstrating (See Appendix B, N° 2). Other protesters who intend to demonstrate peacefully may also find themselves willing to fight the police during a demonstration if protesters perceive their action as self-defense against police brutality, or if they interpret police as stifling their protest. “Thus, the legitimacy of the police is undermined, and they are no longer the impartial guardians of the public peace, but

partisan defenders of an unjust system with whom the protesters need not feel obligated to comply.” (Waddington & Leopold, 1985, p. 4)

Some protest participants have no interest in the actual issue that is being protested, but just engage in violent or illegal activity because they see an opportunity to loot, vandalize, or fight the police (Kingshott, 1993; Ryan, 2001). These types of behaviour not only detract from the integrity of a cause, but also endanger protesters who are demonstrating non-violently and confuse police who may have difficulty distinguishing legitimate demonstrators from opportunistic offenders. A British Police Federation chairman has suggested putting an end to large political demonstrations arguing ““Why should one group of crackpot extremists for the sake of publicity and to stir up...tension, be able to issue what is virtually an invitation to other groups of crackpots to a public punch-up...?”” (quoted in Reiner, 1980, p. 54).

How protesters and police behave at protest demonstrations may be influenced by the number of people present and the atmosphere that surrounds the event. Social scientists have identified different categories of crowds (LeBon, 1896; Deane-Drummond, 1975; Waddington & Leopold, 1985; Russell & Beigel, 1990; Kingshott, 1993). They propose that being a member of a particular type of crowd can have an effect on how an individual will act.

1.1.1. Crowd Behaviour

Russell & Beigel (1990, p. 271) define a crowd as “a large number of people temporarily congregated without organization, who think and act as individuals”. They make a distinction between a physical crowd and a psychological crowd. The former consists of people who happen to be gathered in the same place at the same

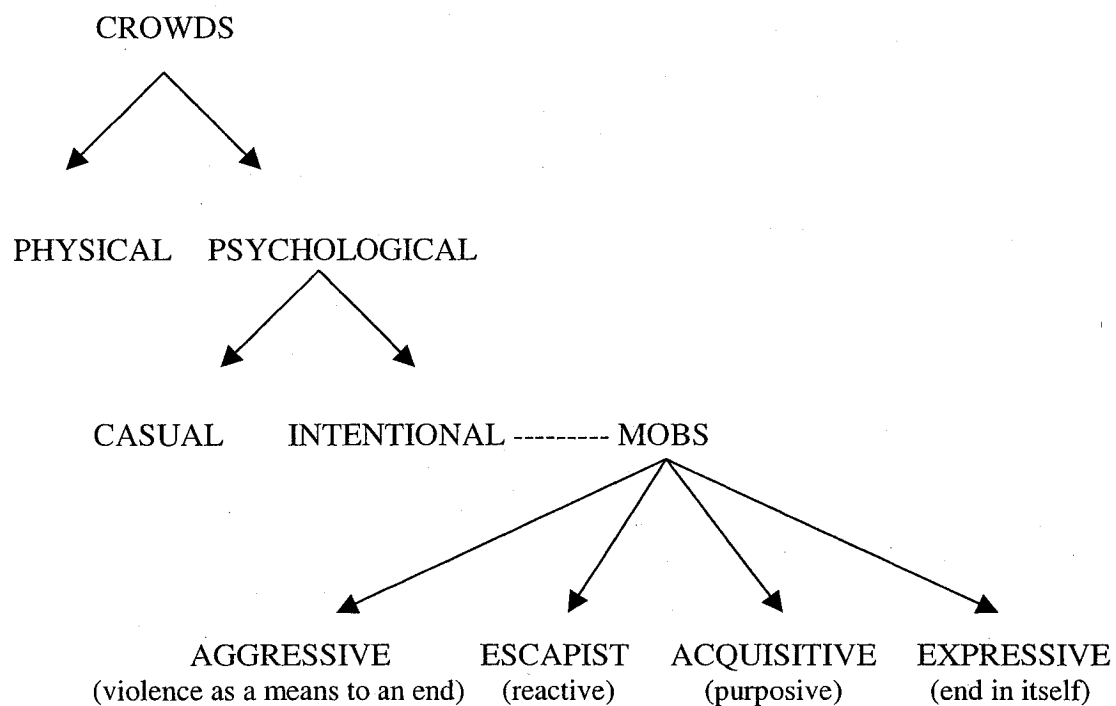
time, for example, at a shopping centre. The latter consists of people gathered together who share a common interest. The psychological crowd is further broken down into two types: casual (i.e. spontaneously congregating at the scene of a fire or an accident) and intentional (i.e. congregating at a hockey game or a protest demonstration). Russell & Beigel (1990) warn that the intentional psychological crowd has the greatest potential of turning into a mob. They define a mob as “a crowd whose members, influenced by stimuli of intense excitement or agitation, lose their sense of reason and respect for the law and follow leaders into lawless acts of violence and destruction” (Russell & Beigel, 1990, p. 271-72).

Kingshott (1993) further subdivides a mob into four categories:

- The **aggressive** mob is one that is willing to resort to violence in order to achieve a common goal;
- An **escapist** mob describes a group of people that may have initially been passive, but a perceived danger or common fear instills a need to flee their present environment;
- An **acquisitive** mob views social disorder, as produced by a large gathering of people, as an opportunity to loot or vandalize;
- An **expressive** mob is one whose purpose is to express feelings or emotions (See Figure 1.1.).

A group of protest demonstrators may initially be viewed as expressive, but has the potential to change into an aggressive mob. As well, there exists the possibility that some participants may engage in acquisitive behaviour. Kingshott (1993) has examined the characteristics of crowds and what they mean for policing.

Figure 1.1. Types of Crowds



(Sources: Russell & Beigel, 1990; Kingshott, 1993)

He states that police should be extremely sensitive to the nature and atmosphere of a crowd as it has the potential to change very rapidly.

There are several explanations as to why people in groups behave the way they do, both as individuals within a crowd and as a collective. Russell & Beigel (1990) and Deane-Drummond (1975) claim that when individuals are part of a large group they develop a sense of anonymity. This tends to lower both their inhibitions and levels of restraint and they may act in ways they would not normally do on their

own. Protesters may feel freer to behave unlawfully because they do not believe that police will be able to identify the lawbreakers so they will not be held responsible for their actions. As well as anonymity, for some people the novelty of participating in a riot may provide an opportunity to act in ways they would not normally do (Russell & Beigel, 1990).

According to LeBon's (1896) theory of contagion, ideas and feelings are shared and transferred between protesters, encouraging more of the same behaviour. This leads to identification with the group and can increase an individual's likelihood of imitating the actions of the majority (Russell & Beigel, 1990). Such strong support between protesters can also increase the chances of unlawful and violent behaviour, especially when protesters have a common goal (Waddington & Leopold, 1985) such as tearing down a perimeter fence designating the boundaries of a demonstration area. Agitators and protest leaders can also stir up the crowd. Members of mobs "tend to suspend their own normally critical judgment and react impulsively to suggestions of a dominant member" (Russell & Beigel, 1990, p. 274).

Kingshott points out that police officers patrolling protest demonstrations may also exhibit the characteristics of a crowd. Deane-Drummond (1975, p. 24) concurs, "it is possible that if the police themselves are a crowd then they themselves may be caught up in the dynamics of crowd psychology". It is important to examine the dynamics of crowd psychology to ascertain what types of crowds or mobs produce a higher probability that police will respond (1) with force; and (2) with excessive force.

1.2. Officer Stress

Policing is a stressful occupation. Paton & Violanti (1996) use the term “critical occupations” to describe high stress jobs. This term is used because it depicts the “critical role...play[ed] in protecting communities and their members...[and] describes the fact that, in the course of acting in this capacity, these professionals can encounter traumatic events which may...exert a critical impact on their psychological well-being” (Paton & Violanti, 1996, p. vii). The issue of stress in police officers is relevant to the topic of policing protest demonstrations because the level of stress that an officer experiences may have an effect on his or her job performance.

There have been many studies conducted on the types of stress that affect police officers and how officers deal with stress. Logan (1995), Nicoletti (1990), and Kop & Euwema (2001) have concentrated on stressors that affect police officers and the impact high levels of stress can have on their ability to successfully perform their duties. Their studies, results, and recommendations are examined below.

In 1995, Royal Canadian Mounted Police (RCMP) Officer Logan conducted a study to understand the types of stress that affect police officers and how they deal with stress. His sample included 101 male and female RCMP officers of varying rank, along with 72 officers’ spouses. Participants were asked to complete a questionnaire indicating which aspects of police work and personal issues were a source of stress for police officers. The results showed a clear need for stress-management training.

Logan (1995, p. 2) found that overall “the RCMP member experiencing the most stress is a male, uniformed constable with between nine and twelve years of experience”. He was not surprised by this finding considering that uniformed constables have heavy workloads, rotating shifts, and are often on the front line in violent situations.

Logan (1995) identified three major categories of stress, each made-up of several sub-categories describing specific incidents referred to as stressors. He noted that the majority of police officers ranked the stress categories in the following order: occupational, organizational, and family situations. He found that the four highest stressors (in order) were the frustrations of working within the judicial system, heavy workloads, encountering irate/ignorant people, and a lack of control over one’s career. He found other sources of stress to be finances, child rearing, supervisor support, inadequate equipment, and insufficient manpower.

A study by Nurse (1996) concentrated on the effects of stress as a result of experiencing a critical incident while on the job. According to Mitchell (1986), a critical incident is “any significant emotional event that has the power, because of its own nature or because of the circumstance in which it occurs, to cause unusual psychological distress in healthy, normal people” (cited in Nurse, 1996, p. 2). Nurse (1996) found that officers who experienced a critical incident often felt betrayed by the department, worried about what fellow officers thought of them, had problems controlling anger, and demonstrated aggressive behaviour while on duty. Logan’s (1995) respondents reported similar effects of stress including emotional hardening, lack of sensitivity, marital discord, aggression, irritability, and inflexibility. While

over half of the surveyed officers admitted never having received any training in stress management, 94 percent of officers responded positively to the suggestion of establishing this type of programme.

In conjunction with the Colorado Law Enforcement Training Academy, Nicoletti (1990, p. 37) organized a research project to create “a system of violence reduction/intervention techniques for use in threatening situations”. As part of his research, he distributed a survey to all Colorado law enforcement agents¹; 113 responded. The questionnaire consisted of 25 questions covering department demographics, training, and attitudes towards the de-escalation of force. Nicoletti (1990) found that police officers reported overreacting in certain situations because of elevated stress levels, lack of training, lack of control over the situation, and lack of self-confidence. Respondents were also asked to report factors that would decrease the likelihood of overreacting. The most frequently cited were communication and mediation skills, positive attitude, self-defense and physical training, and anger management. The officers identified situations they found to be most volatile and in which they were most likely to overreact. Situations included verbal abuse of police and those in which it is necessary to be in contact with more than one suspect. Nicoletti (1990, p. 37) concluded that his findings implied police would be more likely to keep their emotions under control, and thus their use of force, by “providing more and better training, including a combination of self-control skills, self-defense/arrest control and verbal/negotiation skills”.

¹ Specific number was not provided.

As a result of his research, Nicoletti (1990) recommended that police officers be exposed to sufficient levels of training and practice in techniques to enable them to handle different situations. He suggested that for practice to be worthwhile, an officer's arousal level must be elevated to that experienced during real-life situations so that they will be accustomed to the physiological and psychological changes they are likely to experience on-duty and be able to exert self-control.

Kop & Euwema (2001) conducted a study on stress and its effects on the use of force in Dutch police officers. They hypothesized that officer burn-out would be related to negative attitudes towards civilians, negative attitudes towards using social skills to resolve disputes, positive attitudes towards the use of force, and positive attitudes towards the actual use of force when dealing with civilians.

They studied patrol officers in two police forces in different cities in the Netherlands. The majority of participants were male (83 percent), the average age was 32.7 years, and the average number of years on the force was 13.9. Qualitative data were gathered through participant observation over a period of 61 days per police force, for a total of 122 days. In total, 342 conflicts were observed, involving 151 officers. Conflict was defined as an officer being "obstructed or irritated by another individual or group...[including] (a) situations with conflict between civilians...and (b) conflicts between civilians and police officers" (Kop & Euwema, 2001, p. 636). Participant observers recorded all information pertaining to every officer-civilian interaction (provided they lasted three minutes or longer) such as time, place, and actions of officers. Also, observers reported all instances of use of force by police, including verbal force. Physical force was recorded according to

Uildriks (1996) taxonomy. This classification subdivides physical force into categories of push, grip, kick, hard-handed hit, use of weapon, and other.

Quantitative data were collected through the use of a questionnaire completed by 358 officers.² The questionnaire measured demographics (age, sex, rank, etc.); personal opinion of the negative aspects of policing (assessed by the question “What are the most negative aspects of your work?”); individual attitudes towards civilians (assessed by six items scored on a five-point rating scale); individual attitudes towards the use of social skills (assessed by five items scored on a five-point rating scale); low, medium, or high level of individual burn-out (assessed by the Dutch version of the Maslach Burnout Inventory: 20 items regarding emotional exhaustion, depersonalization, and sense of personal accomplishment scored on a seven-point rating scale); and self-reported attitude toward the use of force (assessed by six items scored on a five-point rating scale).

The results of the participant observation of police officers showed that during eight-hour shifts, officers were in contact with civilians only 25 percent of the time. The rest of their shifts consisted mostly of administrative police duties, such as paper work and attending meetings. With regards to the use of force, observers noted that pushing and gripping accounted for 50 percent of instances, and officers who used physical force were found to score higher on the burnout inventory. It must be acknowledged that “actual use of force is rare in this [Dutch] population” (Kop & Euwema, 2001, p. 641). In instances where verbal force was used, a relationship was

² Note: “not all observed officers filled out a questionnaire and not all officers who filled out a questionnaire were observed” (Kop & Euwema, 2001, p. 639).

also found between officers who used verbal force and officers who scored significantly higher on the burnout inventory.

Regression analyses were conducted on scores of the three sub-scales of the burnout inventory (emotional exhaustion, depersonalization, and sense of personal accomplishment). The results showed police officer burnout contributes to negative attitudes towards civilians. The results also showed that depersonalization had a negative effect, and sense of personal accomplishment had a positive effect on attitudes towards the use of social skills. Emotional exhaustion did not have a significant effect on this attitude. The regression analyses showed that depersonalization and a low sense of personal accomplishment are correlated with a positive attitude toward the use of force. The results also demonstrated that officers who are emotionally exhausted and feel a sense of depersonalization are more likely to use force. Sense of personal accomplishment did not have a significant effect on the actual use of force.

As a result of their study, Kop & Euwema (2001, p. 648) concluded that since “[a]ll observed force was conducted by officers scoring high on emotional exhaustion and depersonalization”, personal characteristics of individual officers have a significant impact on whether they will use force. They recommend police officers be selected based on their “emotional stability and other personality characteristics that contribute to stress prevention [which] should ultimately lead to reduction in the use of force” (Kop & Euwema, 2001, p. 648). It is important to note that the personal characteristics of police officers that may affect the use of force are not inherent violent tendencies, but individual responsive tendencies to situational variables.

Studies such as Logan's (1995), Nicoletti's (1990), and Kop's and Euwema's (2001) demonstrate that stress affects police officer job performance. The higher the level of stress, the harder it is for police officers to cope with difficult situations. This in turn may lead to more aggressive reactions and, ultimately, the use of excessive force. There are three main strategies that police departments can implement to help reduce stress among officers: primary, secondary, and tertiary (Brown & Campbell, 1994). Primary intervention takes the form of prevention by attempting to alter the physical conditions within the policing environment that may be responsible for feelings of stress. Brown & Campbell (1994) state that prevention strategies may also include the selection of police recruits based on personal characteristics that indicate they will be relatively unaffected by stress. Secondary intervention strategies target the officers who are considered high risk for developing problems related to stress. The debriefing of officers immediately following critical events and making available "access to advice or help before any psychological problems have a chance to develop" are examples of secondary intervention (Brown & Campbell, 1994, p. 106). Tertiary intervention is the provision of measures to police officers currently suffering the effects of stress in order to alleviate stress as well as to prevent future suffering. Examples of tertiary intervention include professional counseling, peer group support systems (Paton & Violanti, 1996), and teaching officers different approaches to reduce their risk for stress, such as deep breathing, muscle relaxation, and constructive self-talk (Anderson et al., 1995).

1.3. Officer Aggression

Much has been written on the influence of aggressive tendencies on violent behaviour. In particular, Griffin & Bernard (1999) have developed a theory about angry aggression among police officers and how this behaviour affects their use of force while on duty.

According to Averill (1982, p. 30), aggression is defined as “a response intended to inflict pain or discomfort upon another” person as a way of expressing one’s anger. Huesmann (1998) notes that “assertive” behaviour often exhibited by sales people is incorrectly labeled “aggressive”. Bernard (1990) developed angry aggression theory to attempt to explain why some people react violently to minor conflicts. “Angry aggression theory asserts that individuals who are chronically physiologically aroused (engaging the body’s ‘fight or flight’ response) perceive a wider variety of events as threatening than other individuals” (Griffin & Bernard, 1999, p. 2). As well, individuals who experience chronic arousal are inclined to react more aggressively to threatening events than are other people (Griffin & Bernard, 1999).

As noted previously, policing is a highly stressful occupation, and officers are often chronically aroused while on duty. According to the angry aggression theory of Griffin & Bernard (1999), police officers experience more threatening events and more violent behaviour than the average citizen, and thus, are more likely to have a tendency to respond with more aggression than others. The target of their aggression tends to be those individuals within their immediate environment when officers

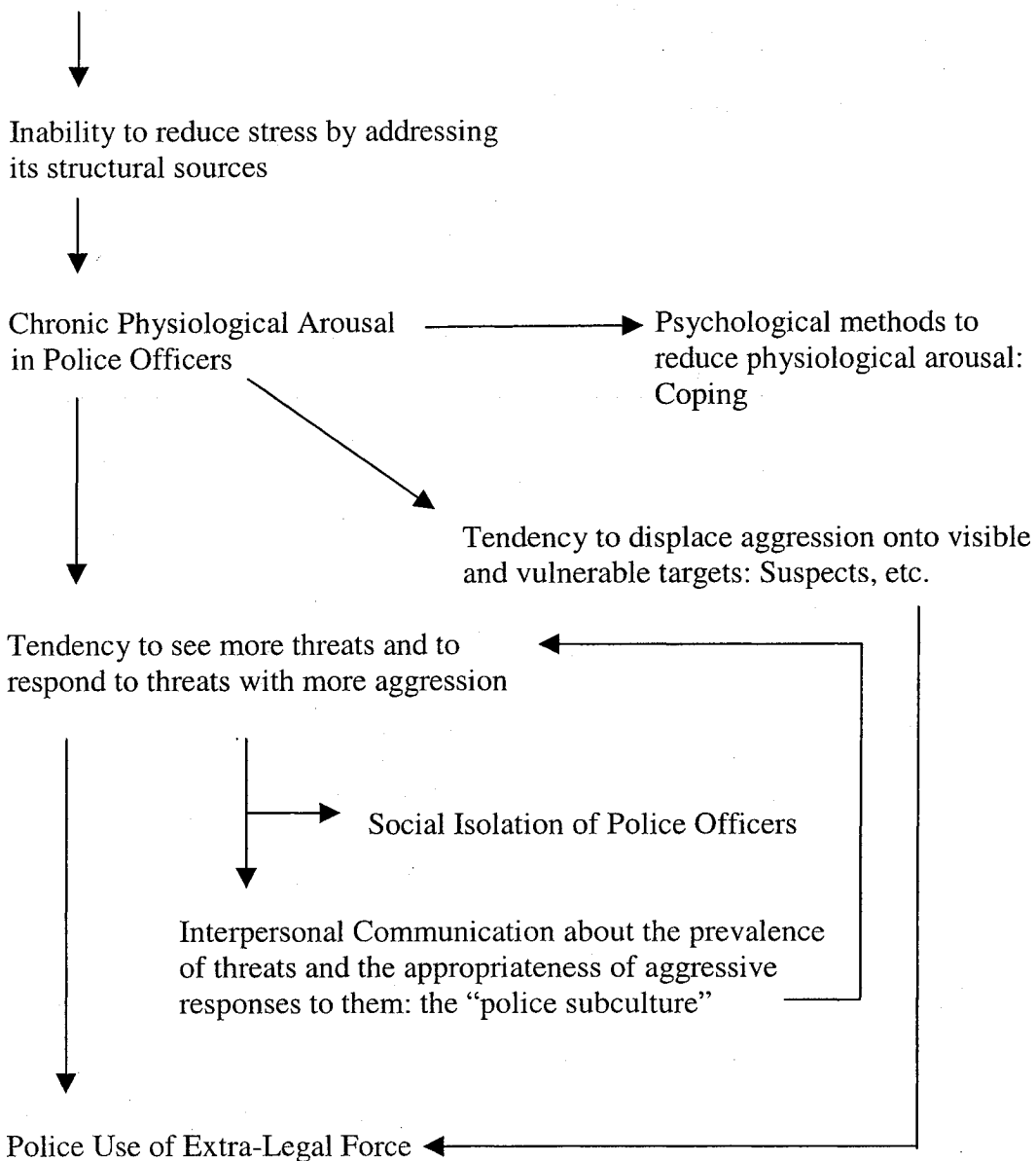
become physiologically aroused; for example, an abusive husband in a domestic assault, or unruly protesters at a demonstration. (See Figure 1.2.).

Angry aggression is the product of a causal chain of behavioural elements that is guided by a set of cognitive rules (Bernard, 1990). The chain starts when an individual experiences situational arousal. This occurs when an individual “becomes physiologically aroused in response to an external event or situation” (Bernard, 1990, p. 75). When the individual believes that another person is responsible for that high state of arousal, he or she assigns blame to that person for causing the external event. This reasoning is referred to as the constitutive rules of anger (Bernard, 1990). Once the individual has attributed causality of the situational arousal to another person, he or she experiences what is known as “angry arousal”. Angry arousal becomes angry aggression (where an individual intends to harm the target of his or her frustration) through the application of regulative rules of anger. Regulative rules of anger rationalize the act of retribution. They “define the amount of harm considered appropriate to inflict on the target in retaliation for the situational arousal” (Bernard, 1990, p. 82). (See Figure 1.3.).

In the context of protest demonstrations, police may experience angry aggression in the following way: Police officers who are holding the boundary lines may experience a physiological response to increasingly hostile protesters who have donned goggles and gas masks to protect themselves from the use of pepper spray. This may be considered a situational arousal as officers may view protesters as rebelling against their authority and taunting officers to use force.

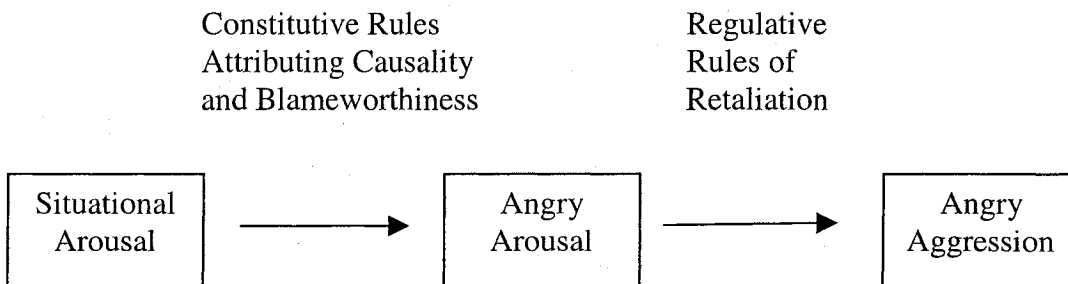
Figure 1.2. Police Extra-Legal Force as Angry Aggression

Structural Sources of Police Stress



(Source: Griffin & Bernard, 1999, p. 11)

Figure 1.3. Individual-Level Theory of Angry Aggression



Source: Bernard, 1990, p. 79)

The officers may attribute their state of arousal to the actions and attitudes of the protesters, and once they have assigned blame, could experience angry arousal. The officers will then decide the amount of force to use against the protesters in response to their behaviour, resulting in the angry aggression of the officers.

1.4. Loss of Professional Self-Control

For the purpose of this study, I define professional self-control as individual police officer restraint over his or her emotions and behaviour while on duty. This is an important aspect of policing. The public requires police officers to deal with all the ills of society. Police are expected to disarm a gunman, arrest a drug dealer, catch a rapist, and save a child from an abusive home, while not letting their feelings affect their behaviour. Part of a police officer's professionalism is his or her ability to

remain calm in threatening situations. Stark (1972, p. 59, emphasis in original) states that

we do and we must expect more of the police in their role as policemen than we demand of ordinary persons. We expect members of all professions to be 'more than simply human' in their professional roles.... In short, the essence of a professional is his capacity to perform his critical functions at a level of competence not matchable by nonprofessionals.

Russell & Beigel (1990) take a more indulgent approach in describing the degree of professionalism expected of police officers. They recognize that police officers are human beings who experience the same kinds of emotions and reactions as citizens who are not on the force. This is not something that will be easily changed, and police officers who can understand the reasons why people behave the way they do in certain situations may be better equipped to control and regulate that behaviour. Police officers cannot avoid being personally involved in situations where their authority is required; problems may occur when officers "take a situation personally and then react emotionally to it" (Russell & Beigel, 1990, p.14).

In terms of crowd control at protest demonstrations, police may be less likely to use excessive force if they can understand why the protesters are upset and feel the need to demonstrate. Officers who can look objectively at a protest situation and appreciate the highly charged emotional atmosphere may be more understanding of protesters' behaviour.

Police officers who learn to anticipate their reactions to offensive and difficult situations and who have developed ways of dealing with them not only have removed a serious barrier to effective performance of their duty but have also taken a first step toward the acquisition of a professional attitude toward behavior" (Russell & Beigel, 1990, p. 14).

Waddington (1991, cited in della Porta & Reiter, 1998, p. 20) states that the London Metropolitan Police Force's explanation as to why baton charges can be difficult to control is due to "the red mist": "a potential cocktail of psychological conditions which diminishes any person's self-control, and from which the police are not exempt". If police learn the skills to maintain self-control while on duty they will better serve their role as order maintenance. Kingshott (1993, p. 372) warns that "police officers...[have the potential] to behave in a way that makes crowds violent". Protesters may react with violence when they view the police as being violent. When police maintain self-control, they are more likely to be able to maintain authority.

Individual police officers and the police as a group must not lose self-control when dealing with riots. Professional, business-like detachment, along with impartiality and the sharp execution of orders, will enhance the police image and contribute to orderly restoration of law and order. Only force that is necessary to control a situation should be used, since excessive force in a sensitive situation will destroy previous gains and seriously affect future accomplishments (Russell & Beigel, 1990, p. 278).

Ahern (1972, p. 42) believes that officers involved in policing public protest demonstrations tend to lose sight of the actual goal: "to preserve life and property and to avoid escalating the level of violence". Officers often believe they are present for the primary purpose of arresting those who act unlawfully. He suggests that the less contact police have with protesters the better. If protesters feel that their opinions and concerns are being expressed clearly and without obstruction, the chances of violence erupting are less likely. Ahern (1972) claims that at demonstrations where protesters scream insults and throw things at the police, officers may use excessive force when they feel that they themselves have become the enemy.

...an officer can usually expect at least some degree of hostility in most of his professional contacts and the amount of restraint he must show on a continuing basis in response to that hostility is incredible. Yet the professional policeman must stand still and calmly accept insult, personal attack and abuse, knowing that he is being attacked because he is "the Man", because he is a symbol of authority...(Haynes, 1978, p. 26-27).

It is important for the police to remember that protesters' apparent anger at the police is unlikely to be their primary reason for holding the demonstration.

1.5. Influence of Personal Problems and Attitudes

Despite Stark's (1972) demand that police should be "more than simply human", academics and police officers themselves admit that personal issues and attitudes do affect their behaviour while on duty. Reuss-Ianni (1983, p. 65) interviewed a police sergeant who acknowledged that

All of us can have an off night, or problems at home that just slow us down. It's understandable because it can happen to any of us and probably has on several occasions....

There are many personal factors that can affect one's ability to carry out occupational duties. For example, personality traits, health, family problems, financial concerns, job stress, self-confidence, and normal mood swings. Even such things as hunger or fatigue can have an impact on one's job performance. As the job-stress studies by Logan (1995), Nicoletti (1990), and Kop & Euwema (2001) discussed earlier show, these issues can influence how an officer behaves while on duty. Dempsey (1992, p. 69) believes that

there is little that can be done to prevent officers from bringing certain biases or basic personality traits to the job. Certainly the demands of the job will contribute to the development of attitudes in the officer after employment.

Vincent (1990) found that police officers tend to feel that the public does not respect them and is unwilling to help the police in many cases. A police officer “regards the public as his enemy, feels his occupation to be in conflict with the community, and regards himself to be a pariah” (Westley, 1969, p. 207). This can produce feelings of animosity towards the public. One officer shared his interpretation of civilians with Vincent (1990, p. 133):

They want lotsa law and order to be able to walk on the streets safely, but just watch all the crying if we resort to strong-arm tactics or curbside justice, we’re in trouble and the public gets all upset. You’re damned if you do and damned if you don’t.

Clearly, police officers who feel that they can do no right in the eyes of a critical public will feel less inclined to respond to pressures from civilians that dictate how much force they can legally use.

How police officers respond to protest demonstrations may be greatly influenced by individual officers’ attitudes toward the protesters or the cause being defended. This is not to say that there exists one standard view held by all police officers of the legitimacy or illegitimacy of protesters’ concerns, but researchers have found that some police officers tend to disapprove of protesters (Skolnick, 1975; Stark, 1972; McNamara, 1971).

Skolnick (1975, p. 205) argues that police tend to view protest as “illegitimate misbehavior, rather than as legitimate dissent against policies and practices that might be wrong”. Police dislike non-conformists and those who rebel against authority (Stark, 1972). Protesters are often thought to be riffraff and the “rotten apples” of society who have nothing better to do than stir up trouble. Some consider protesters to be political agitators calling for social change and associate them with

“communists” (Skolnick, 1975). It is important to note that while many protest demonstrations that occurred in the 1960s and 1970s (the time period in which Stark and Skolnick were writing) involved such topics as communism, this last view is less applicable in the twenty-first century.

Here’s a bunch of animals who call themselves the next leaders of the country.... I almost had to vomit.... It’s like dealing with any queer pervert, mother raper, or any of those other bedbugs we’ve got crawling around.... As a normal human being, you feel like knocking every one of their teeth out. It’s a normal reaction (quoted in Stark, 1972, p. 110).

Stark (1972, p. 113) reports a similar finding in San Francisco where an officer stated, “I think that we need the right to assembly and to demonstrate for people who have legitimate grievances, but I do not think that most of these demonstrators we have now do have legitimate complaints”. Dr. Harold Case, president of Boston University in the 1970s, characterized student protests on campuses in much the same way that McNamara (1971, p. 133) claims police officers and administrators do: “the banner of civil rights is often brandished by those whose heedless march tramples on the identical rights of others”.

Della Porta & Reiter (1998) argue that police officers often make a distinction between “good” and “bad” protesters based on whether the officers agree with the reasons for the demonstration and the behaviour that the protesters exhibit. A “good” protester is someone who demonstrates to “achieve comprehensible ends and [is] well organized” while a “bad” protester is someone “whose objectives appear to be more confused and whose actions are disorganized” (della Porta & Reiter, 1998, p. 25). The relationships between police and protesters may also be affected by history, in

that previous encounters with specific protest groups often sets the tone for the policing of future demonstrations (della Porta & Reiter, 1998).

Some researchers in the past have argued that the issue of race has an impact on police attitudes towards civilians (Westley, 1969, 1970; Stark, 1972; Walker, 1975). While this view may have been present in the 1960s and 1970s when race and race riots were a major concern in the United States, I feel that the issue of racist police officers is less applicable to the topic of policing protest demonstrations at the end of the twentieth and beginning of the twenty-first centuries. There is the possibility that officers policing public disturbances discriminate against those individuals who appear to be non-conformists with respect to such things as clothing and hairstyles.³

1.6. Influence of Peer Relations and the Police Sub-Culture

Police officers are trained to be suspicious of everyone they meet. Part of what makes an effective and efficient police officer is being able to distinguish who has, or who is likely to, commit a criminal act. But “with this cognitive development of suspicion and cynicism evolves social isolation” (Sayles, 1999, p. 156). Police officers come to believe that other officers are the only members of society they can relate to because they have experienced the same kinds of situations and can understand what it is like to work on the force. Skolnick & Fyfe (1993, p. 92) acknowledge that the combination of the “features of the police role – danger, authority, and the mandate to use coercive force – ... generates and supports norms of

³ I recently witnessed protesters demonstrating during the G-20 Summit held in Ottawa in November 2001. Three males dressed in frayed jeans and combat boots, with spiky hair and several facial piercings were asked to relinquish their backpacks for police to search. I stood approximately three feet away, dressed in a ski jacket and track pants and with my backpack untouched.

internal solidarity...”. Della Porta & Reiter (1998, p. 14) concur that the nature of a police officer’s job and the organizational structure of the force tends to foster feelings of isolation and “a lack of confidence in the external world”.

Just as civilians would like their coworkers to think highly of their ability to perform their job, so do police officers. It is important for officers to know that others can rely on their skills to get the job done. In threatening situations, if officers have respect for each other’s competence they will readily back each other up. But this support can have negative consequences too. If a police officer is hurt as a result of violence by protesters, his or her fellow officers may want to avenge the injury or take out frustrations on the demonstrators who were the cause of the incident. Sayles (1999, p. 157) claims that in policing,

[t]eamwork is strongly emphasized. Partners vow to protect each other when confronted with dangerous situations.

As well, the need for respect can work both ways. Some police officers may feel the need to show their colleagues that they are tough enough to control situations and, thus, might use force to prove to others that they are worthy of police work. Westley (1969, p. 216) states that officers will use “violence illegally because such usage is seen as just, acceptable, and, at times, expected by his colleague group...”.

1.7. Level of Supervision

Supervisors have an enormous impact on the behaviour of their officers. A supervisor “must supply the patrolman with positive support for professional conduct and with the resources he needs to do his job” (Ahern, 1972, p. 181). Supervisors have a responsibility to know the strengths and weaknesses of each individual officer that he or she is in charge of, and those of the unit as a whole. They should be able to

recognize patterns of the use of excessive force in certain officers and ensure that they are dealt with (Bartollas & Hahn, 1999).

Different policing situations require different levels of supervision. Beene (1992) states that supervision of routine patrol work is more strict than supervision of officers in crowd control situations. "If one police source is giving one set of directions and another is conveying information that counters those directions, breakdowns in police validity could occur quickly" (Beene, 1992, p. 60). This means that contradictory orders by supervisors and inconsistent actions by officers may cause both police officers and protesters to lose confidence in the legitimacy of the supervisors and the crowd control tactics employed. During public order policing it is often necessary to employ "autocratic supervision" where all orders come from one superior officer, and where a strict chain of command accepts responsibility for all police action.

Visibility is another aspect of supervision that can have an impact on police behaviour. When Jefferson (1990, p. 72) asked a supervisor how often he goes on-site with his officers during public order disturbances, he replied:

I try and be with 'em all the time, purely and simply because I have always believed it's no good [just] talking about it. ... There's a question of leading by example more than anything else. Once they see that I'm about, I know that things are going to run smoothly.

If a police officer believes that any inappropriate reaction will be witnessed by a superior and discipline of that officer will ensue, he or she may be less likely to engage in that behaviour. A conspicuous supervisor who is known to be fair as well as observant will keep police officers' behaviour in check.

1.8. Training and Equipment

Kelly (1976) explains that there are four different stages of training: basic recruit, in-service, refresher, and specialized. While methods in controlling crowds may be taught at all stages, techniques for managing major public demonstrations are highly specialized. LeBlanc (2001) details the extensive training given to police officers in Quebec before the Summit of the Americas held in Quebec City in 2001. Fifteen hundred and fifty officers were trained specifically for the Summit in military exercise, crowd management, the carrying of equipment, the use of riot shields and batons, the pushback technique (“push, don’t hit”), and counter-projectile techniques to deal with items thrown by protesters. With this type of training it is expected that the use of excessive force would be less likely. But Skolnick & Fyfe (1993, p. 95, emphasis added) point out that

No matter how many warnings may be issued by superiors about limitations on the use of force, no matter how much talk about policing as a profession, *police training* continually reminds recruits that coercive power is a central feature of police life.

Kelly (1976) advises that physical strength and endurance should be included in all types of training. Officers must be able to restrain people as well as have the stamina to be able to remain on duty for long shifts with the possibility that they may be required to work extra hours to get a public order disturbance under control. Puder (2000, p. 133) states that “police officers who are not in top physical condition will often need to escalate their response in order to gain control”. Russell & Beigel (1990, p. 280) quote a police supervisor who described his officers’ ability to tolerate unruly crowds when they are tired from having been on duty for several hours:

When my men are fresh, they toss off insults and jeering with good humor. After an hour or two, their patience begins to wear thin. Give them another couple of hours and they're probably ready to bust heads.

Another element that should be included in crowd control training that is often overlooked is the discussion of past incidents of policing public order disturbances (Das, 1984). One method to help guard against the use of excessive force is to teach officers about actual instances of crowd control where police engaged in excessively violent behaviour.

Both the quality and quantity of effective crowd control training of individual officers and of groups or teams of officers must be considered. Flamm (2000, p. 89) reports that the 1968 Kerner Commission on riot procedure in the United States recommended "the development of unit exercises to curb excessive individualism". This means that a group of police who have been trained together will be more likely to keep each other's behaviour in check. Stark (1972) states that police officers marching or standing together in rank formation tend to look for individuals within crowds who may be exhibiting violent behaviour or who are agitators stirring the crowd to commit violent acts. Officers may be inclined to rush into the crowd to arrest such people. This can weaken the police line as well as incite the crowd to attack the police. It is imperative that officers hold the line and work together as a unit.

The training in the use of specific protective equipment (including helmet, shield, and steel-toed boots) and weaponry (such as tear gas and water cannons) will influence police behaviour. (See Appendix B for illustrations of police equipment during a public order event, N°s 1, 7, 8). Police officers who feel sufficiently

protected will be less likely to fear harm from violent protesters. "It is most important that the degree of protection given is clearly shown on each garment to avoid loss of confidence through misuse" (Deane-Drummond, 1975, p. 128). The equipment's condition in terms of quality and age is also important. The decision to use force may increase or decrease with the level of confidence an officer has in his or her equipment. Scharf & Binder's (1983) description of the killing of a civilian in Los Angeles by two police officers is an example. Two officers were in the process of trying to convince a woman to drop the knife she was wielding. One officer eventually knocked it from her hand. When she retrieved it from the ground both officers fired six shots each from a distance of less than five feet away. Eight bullets entered the victim's body. Afterwards, fellow officers speculated that had the police felt more confident that one bullet would have "stopped" the woman, they would probably not have reacted so quickly, and fewer shots would have been fired.

Officers who have been competently trained in the use of crowd control weapons and know how to operate them effectively and efficiently will be less likely to overreact in threatening situations. Deane-Drummond (1975) suggests that police departments explain to protesters and the public in general how their crowd control weapons work and in what situations they will be employed with the hopes that civilians may be more understanding when the weapons are used.

The development and use of less lethal crowd control equipment has been suggested (Reiner, 1980; Kerner Commission, 1968). Some of the inventions to control violent crowds and encourage crowd dispersal include devices that emit high-pitched sounds that cause hearing discomfort, "instant banana" which creates a

slippery road surface, “instant mud” which creates a sticky road surface, and grenades that give off foul-smelling odours. Methods such as these are not readily adopted by police forces for fear of public ridicule (Reiner, 1980). Other police strategies for controlling public demonstrations are the use of Closed Circuit Televisions (CCTV) and organized witnesses. CCTVs are strategically-placed cameras along the protesters’ route and demonstration area that record the action taking place, helping to later identify any individuals who behaved unlawfully and violently. Organized witnesses are individuals who are jointly chosen by police and protest group representatives to impartially observe and report the interactions between police and protesters throughout the protest event (Dr. Irvin Waller, personal communication, 21 November 2002).

Palmer (1995, p. 56) suggests that “it is not training *per se* that is at issue but rather ensuring...that police policy is appropriate and that training enhances such policy.” Regardless, it is imperative that police officers have confidence in themselves and their equipment. As Waddington and Critcher (2000, p. 112) state, “[i]f police officers are poorly trained, ill equipped and unsupervised, lacking clearly defined tactics or strategy, they may provoke as much disorder as they prevent.”

1.9. Communication, Information, and Planning

As it is in all forms of interaction, communication is essential in policing public protest. Clear and open communication between demonstration organizers and leaders of protest groups and the police will help guard against the potential for misunderstandings of protesters’ intentions and police security requirements (McPhail, Schweingruber, & McCarthy, 1998).

The negotiated management style of policing (as opposed to force style policing) ensures communication between protesters and police, as it requires protesters to obtain permission to hold large-scale demonstrations. Police may help protesters with their demonstration with regards to such things as planning civil disobedience arrests, first aid services, and washroom facilities (McPhail, Schweingruber, & McCarthy, 1998). As well, demonstrations are required to have protest marshals who understand the objectives of both the protesters and the police and who can negotiate for both sides.

Communication is also important amongst the police officers themselves and between the different police forces who are controlling the protest demonstration. If there is misunderstanding regarding the goals and objectives of the security operation, or even regarding the exact plans of the operation, the use of force may occur in the confusion. Marx (1972, cited in della Porta & Reiter, 1998, p. 21) states that police violence is likely when “[t]he chain of command and communication between and within enforcement agencies, often unclear to begin with, ...completely break[s] down...”.

According to della Porta & Reiter (1998, p. 6), one of the most important police tactics for ensuring a peaceful protest demonstration is the “large-scale collection of information”. Police have intelligence officers who collect information on the numbers and types of people who plan to participate in demonstrations (Ryan, 2001). They must assess how many protesters will be present, what kind of atmosphere surrounds the issue being protested – whether demonstrators plan to take violent or non-violent action – the area in which the protest is to be held, the probable

groups that will participate and their known leaders, and what routes are viable for both emergency vehicles and fleeing demonstrators (Ontario Provincial Police, 1970). While accurate information of this type may be difficult to obtain, it is necessary for police to make strategic plans for crowd control. Without it, police are at greater risk of being understaffed and rapidly losing control of the situation.

It is important that the information police receive on what may occur at an upcoming demonstration be scrutinized. If information on potentially dangerous actions cannot be verified, Ahern (1972) recommends discarding it or forwarding it on to other law enforcement agencies who may have other sources for checking its accuracy. Unverified information of potential violence may lead to police overreacting and using force where little or no force is necessary. As well, the reverse is true; if police accept unverified information about passive protesters and they behave violently, the police may not be organized to control the protesters and excessive force may be used in the confusion.

There is minimal information regarding the importance of police planning for public order events. This gap in the literature suggests that adequate planning has not been seen as a major cause of excessive force by police, or that information on police planning is not readily available to the public for security reasons.

Chapter Two will describe the methodology used to determine the elements of policing that contributed to the use of excessive force at each of the six public order events and which factors were most predominant.

Summary of Factors

- Presence of Aggressive and Violent Protesters
- High Levels of Police Officer Stress
- High Levels of Police Officer Aggression
- Loss of Professional Self-Control
- Influence of Personal Problems and Attitudes of Individual Officers
- Influence of Peer Relations and the Police Sub-Culture
- Insufficient and Inadequate Supervision
- Inadequate Training and Equipment
- Insufficient and Inaccurate Communication, Information, and Planning

Chapter Two

METHODOLOGY

This thesis will attempt to identify the factors which may contribute to the use of excessive force by police in the context of protest situations. An analysis of official inquiry reports of alleged cases of excessive force by police will provide the opportunity to assess the extent to which the factors of policing, identified in Chapter One, will emerge.

The protest demonstrations to be analyzed are the following:

- Demonstrations against the Australian International Defence Exhibition (AIDEX), Mitchell, Australia, 1991;
- Ontario Public Service Employees Union (OPSEU) demonstrations at Queen's Park, Toronto, Ontario, 1996;
- Demonstrations against public school closures in Saint-Sauveur and Saint-Simon, New Brunswick, 1997;
- Demonstrations at the Asia-Pacific Economic Cooperation (APEC) meetings, Vancouver, British Columbia, 1997;
- Demonstrations at APEC meetings (largely directed at the President of China), New Zealand, 1999;
- Demonstrations at the World Economic Forum, Melbourne, Australia, 2000.

These particular reports and events have been chosen because they are all fairly recent (within the last 11 years) and can all be considered situations of protest in Western societies that have reasonably similar policing strategies. The concern

was to locate enough reports to have sufficient material for a worthwhile analysis. There have been several other high-profile incidents of protest demonstration in recent years where civilians have made complaints regarding the use of excessive force by the police (Seattle, 2000; Quebec City, 2001; Genoa, Italy, 2001; Ottawa, 2001; Halifax, 2002), but to date, no official inquiries have been held to determine whether these complaints are well founded. While it would be interesting to examine these particular events as well, the data source available for these events (media accounts) would not be comparable to official inquiry reports.

An attempt was made to include as many Canadian reports as possible; hence, they make up 50 per cent of the sample. The use of reports from Australia and New Zealand was thought to be preferable to American reports as it was felt that the United States was less comparable in population, economy, crime rates, and style of policing. The New Zealand report is unique in that no complaint was ever made that police used excessive force. The reason for its inclusion is that several other aspects of the protest demonstration, including the event being protested, were the same (e.g., alleged political pressure on police and stifling of public protest, and high levels of police officer aggression). It was thought that a direct comparison of the two APEC reports might reveal some interesting parallels.

Other reports of excessive use of force by police during crowd control events, such as the Stanley Cup hockey riots in Vancouver in 1994 and the race riots in Los Angeles following the Rodney King trial in 1992, were discarded because they were spontaneous riots and did not fit the requirement of an organized "protest demonstration". Had there been additional reports available regarding excessive

force at demonstrations, it would have been preferable to use more than six reports for a more complete analysis.

AIDEX Report

AIDEX is an event held in Australia to promote the production and sale of weapons. In 1991, approximately 1200 people from peace, anti-nuclear, religious, and political groups demonstrated against the sale of arms. Over the course of three days protesters clashed with Australian Federal Police (AFP) officers. The result was 169 complaints lodged against the AFP regarding 410 separate incidents. The complaints included inappropriate and excessive use of: restraining holds (wrist locks, angle pressure to jaw, infra-orbital nerve, hair pulling, dragging by the arms, kneeling, and ear pulling), batons, police dogs, and arrests, as well as improper consideration of the welfare of those detained. Also, allegations were made that police officers covered up or removed their badges so as to avoid being later identified by protesters.

OPSEU Report

In 1996, OPSEU organized a picket demonstration against the Ontario provincial government in front of the legislature in Queen's Park, Toronto. Protesters blocked the doors to the provincial legislature so that Members of Provincial Parliament (MPPs) were prevented from entering and leaving the buildings. As the day wore on, some protesters became verbally and physically abusive towards politicians and police. While attempting to restore public order, the police used batons, shields, and pepper spray. Protesters claimed that police used excessive force.

New Brunswick – School Report

The events in the communities of Saint-Simon and Saint-Sauveur, New Brunswick over the course of three days in 1997 were the result of protest demonstrations regarding the closure of community schools. The New Brunswick provincial government told community members that, due to cutbacks in the education budget, the public schools they had been fighting to keep open would be closed at the end of the school year. Community members of all ages protested this decision by marching along the main roadways where the schools are situated and setting fires on the road to impede the flow of traffic. When police attempted to control the crowd and encourage them to go home, violence erupted. Complaints were filed against the police for excessive use of tear gas and police dogs, provocation and intimidation of protesters, the unnecessary presence of the Emergency Response Team (ERT), and the use of a police helicopter.

APEC (Canada) Report

APEC is an international summit held annually for countries situated around the Pacific Rim to come together to discuss trade and economic cooperation. In 1997, it was held in Vancouver, British Columbia. Eighteen world leaders attended, including President Suharto of Indonesia and President Jiang of China. Both China and Indonesia are known for the gross violation of human rights of their people. Areas were designated for protesters to demonstrate during the Summit, but closer to the actual start date of APEC these areas were drastically reduced. It was alleged that the Canadian Prime Minister had ordered the RCMP to keep the protesters out of sight of the visiting dignitaries so as not to embarrass them. During the policing of

APEC, protesters clashed with police. The result was 52 complaints of excessive force and inappropriate behaviour. These included inappropriate use of arrest, infringement on citizens' rights to protest, excessive use of pepper spray, assaults, removal of police identification, and inappropriate treatment of those arrested and detained at the Richmond Detachment.

APEC (New Zealand) Report

In 1999, the APEC summit was held in New Zealand. Much of what happened two years earlier in Vancouver repeated itself. Protesters gathered to demonstrate against the President of China regarding his violations of human rights and China's occupation of Tibet. Protesters lodged complaints against the police for moving them out of sight of the world leaders, using police sirens to drown out their chants, using formation marching to intimidate protesters and block them from view of the leaders, parking a bus in front of demonstrators to prevent them from being seen by leaders, and inappropriately arresting protesters. This event is of particular interest because of the many similarities to APEC 1997, but without the use of violence. The New Zealand Police were never accused of employing excessive force.

WEF Report

The WEF, a private organization based in Switzerland, conducts forums to discuss Information Technology and its effect on global trade. In 2000, a three-day forum was held in Melbourne, Australia for several hundred delegates from around the world, consisting mainly of business leaders and government representatives. Several hundred anti-globalization protesters attempted to prevent delegates from entering the site of the forum. Complaints were lodged against the police for violent

use of batons and police horses, punching, kicking, and dragging by the hair, verbal abuse and intimidation, and hiding and removing police identification.

Analysis

A critical analysis and review of each report will be conducted with the use of coding techniques. Coding will be done by studying the meaning in the text through the specificity and intensity of the words, and then grouping similar incidents together under the categories identified in the literature (see previous chapter). Each of the six reports will be analyzed with respect to the elements of policing discussed in Chapter One as being relevant to the use of excessive force, with the addition of an “Other” category to capture elements that fall outside the nine categories emerging from the literature.

Each report will be critically examined to establish the presence or absence of the elements of policing that are believed to have an impact on police excessive use of force (See Figure 2.1.). The factors will then be weighted according to how strong an impact each one had on the occurrence of the use of excessive force at each specific event. This will be determined by how often each factor was referred to within each report, the significance placed upon each factor, and the focus of the recommendations made by the investigators when determining the probable reasons that led to the use of excessive force. Each factor will be scored on a three-point scale where a score of two represents a factor that had a predominant effect on the use of force, a score of one represents a factor that had a moderate effect, and a score of zero represents a factor that received little or no mention in the report.

Figure 2.1. Analytical Grid: Presence of Factors (Sample)

	Report 1 AIDEX	Report 2 OPSEU	Report 3 NB – School	Report 4 APEC Canada	Report 5 APEC NZ	Report 6 WEF
Presence of Aggressive and Violent Protesters						
High Levels of Stress						
High Levels of Aggression						
Loss of Professional Self-Control						
Influence of Personal Problems and Attitudes of Individual Officers						
Influence of Peer Relations and the Police Sub-Culture						
Insufficient and Inaccurate Supervision						
Inadequate Training and Equipment						
Insufficient and Inaccurate Communication, Information, and Planning						
Other ¹						

¹ Includes political pressure on police to control protesters' actions and police fear of violent protesters.

A comparison will also be made of the frequency and strength of each factor across all six reports. Each factor will be ranked according to how often and how predominant each factor featured in relation to all events. This will be done according to the results of the three-point scale.

Chapter Three

FINDINGS

This chapter will analyze each report, in turn, with regards to the issue of whether the police used excessive force and the elements believed to have an impact on the excessive use of force at protest demonstrations. Each report will be examined in detail to learn what elements the investigators of each incident identified as contributing to the excessive use of force by police.

3.1. Report of Investigations into Complaints Arising from the Demonstrations held at AIDEX, November 1991

The first report to be analyzed is the Report of Investigations into Complaints Arising from the Demonstrations held at AIDEX, November 1991 (Mitchell, Australia) conducted and written by the Office of the Commonwealth Ombudsman in September 1993. With the assistance of the Internal Investigation Division (IID) of the Australian Federal Police (AFP), this investigation was conducted in response to the considerable number of complaints lodged against the AFP as a result of police actions during protest demonstrations against the sale of arms at the Australian International Defence Exhibition (AIDEX). The purpose of the Report was to

outline, examine, and learn from some of the more general experiences of the AIDEX demonstrations so that standing orders, crowd control techniques, and other police procedures can be evaluated, and enhanced, for the future (Office of the Commonwealth Ombudsman, 1993, p. 1-2).

Of the nine elements of policing hypothesized as contributing to police use of excessive force, five elements were discussed in the AIDEX report: presence of aggressive and violent protesters, loss of professional self-control, insufficient and inadequate supervision, inadequate training and equipment, and insufficient and inaccurate communication, information, and planning.

The results of the investigation conducted by the Commonwealth Ombudsman (1993), as well as the investigation completed by the IID, clearly indicate that during the protest demonstrations against AIDEX, the AFP were “confronted with a large group of people, some of whom, ...were intent on producing a conflict with ‘authority’” (Office of the Commonwealth Ombudsman, 1993, p. 3). Video recordings examined by the Office of the Commonwealth Ombudsman (1993) revealed incidents of some protesters behaving unlawfully. In fact, 40 police officers suffered injuries as a result of such behaviour including strains, skin grazes, bites, and broken bones. It is possible that police officers on duty during the AIDEX demonstrations who received such injuries at the hands of demonstrators were acting in self-defence or to protect others. It is unclear whether the officers who sustained injuries were the same officers who used excessive force to control protesters.

Professional self-control, while not referred to with the same words in the report, was a focus of the investigation. The Office of the Commonwealth Ombudsman (1993) acknowledged that some protesters attempted to bait police officers through verbal and physical attacks. The Commonwealth Ombudsman (1993, p.3) concluded that

It is the reasonable expectation of the community that [the AFP] will be trained to deal with provocation in a measured and responsible way.

I believe that it is against that standard that their actions ought to be judged, and not against an impossibly high standard of meek acceptance of any physical attack, nor against a standard which accepts that any verbal taunt or other confrontation is a basis for strong, immediate physical retaliation.

The Commonwealth Ombudsman (1993) acknowledged that the focus of the investigation and report was not on the conduct of all AFP officers who were on duty during the AIDEX demonstrations, but rather the conduct of those who behaved unprofessionally. He commends the AFP members who exhibited professional self-control and refers to their behaviour as “conducting themselves professionally and with constraint, at times in the face of hostility and abuse”; and as “generally show[ing] restraint in difficult times” (Office of the Commonwealth Ombudsman, 1993, p. 3; 5). The Commonwealth Ombudsman (1993) stated that a breakdown in police officer professional self-control during crowd control duty is a direct result of inadequate training and supervision and that

The principal thrust of the training philosophy in this area is that police must keep the peace and not contribute to the unrest by permitting themselves to be provoked or to overreact, for this only inflames the situation (Avery, 1981, cited in Office of the Commonwealth Ombudsman, 1993, p. 5).

Video recordings examined by the Office of the Commonwealth Ombudsman indicated that those police officers who were not “showing restraint” appeared not to be under any supervision; most notably when officers broke police lines. The Commonwealth Ombudsman (1993) described some AFP officers as appearing to react as individuals instead as part of an organized collective. As well, video footage showed some supervising officers themselves engaging in physical confrontations with protesters. This meant that these supervisors were no longer over-seeing the conduct of the officers under their command and were, in effect, demonstrating

behaviour that perhaps their officers believed to be acceptable. The Office of the Commonwealth Ombudsman (1993, p. 5) stated that

One possible, if not probable, consequence of a lack of supervision and command and control is the potential it creates for violent confrontation. The video evidence suggests that this potential was realized on some occasions.

One of the recommendations put forth by the Commonwealth Ombudsman (1993, p. 11) was to “ensure that there is adequate supervision and chain of command by senior officers in crowd control situations”. It is believed that the more visible, vigilant, and professional supervisors are, the less likely their officers will overreact or behave inappropriately.

The element of police officer training in crowd control was a strong focus of the report by the Commonwealth Ombudsman (1993). Investigations into the quantity and quality of training of officers on duty during AIDEX revealed that at least 50 AFP officers “with limited or no experience in demonstrations and crowd control situations, were called in at short notice to assist” in policing the public protest (Office of the Commonwealth Ombudsman, 1993, p. 5). In fact, one officer who was taking part in a drug course was reassigned to work 12-hour shifts at the demonstrations having been given a hasty briefing and no crowd control training whatsoever.

Video footage of protesters’ clashes with police showed various holds and removal techniques being applied to protesters in attempts to make them comply with police directives. The Commonwealth Ombudsman (1993, p. 6) concluded that “at times painful and potentially injurious holds were employed on compliant protesters” and that “some unorthodox techniques, for example, hair pulling, were evident”.

Video evidence depicted inappropriate uses of wristlocks, mandibular angle pressure (force applied to the jaw), and infra-orbital nerve (pressure applied to the eye area). As well, unacceptable holds were used such as hair pulling, dragging by the arms, kneeing, and ear pulling. The Commonwealth Ombudsman (1993) recommended that all police officers who may be assigned to crowd control duties be given adequate training in the use of appropriate restraint and removal techniques.

The use of batons and police dogs was also investigated. Video footage depicted two officers using their batons in a jabbing manner in an incident where no other officer drew his or her baton, leading examiners to conclude that no order was given to do so, nor was this level of response appropriate in this situation. The Commonwealth Ombudsman (1993, p. 8) recommended that, in the future, "clear written instructions should be issued on the carriage and use of batons" and that no batons are to be drawn unless "instructed to do so by a senior officer or when they are likely to be overpowered". With regards to the use of police dogs, it was recommended that whenever possible, police dogs should be kept well back from the demonstrations so as to avoid any accidental contact with protesters.

The Commonwealth Ombudsman (1993) determined that complaints made about the inappropriate uses of arrest were unfounded as investigations revealed that the use of arrest was a course of action legally consistent with the policing approach of the AFP. Complaints regarding the welfare of those held in custody were determined to be well founded and the AFP has since proposed renovations to the holding facilities. Complaints regarding the removal of police identification and refusal of officers to state names and identification numbers to protesters when

requested has made police officials aware of the inconsistency between AFP policy documents. The Complaints Act states that an officer need not give his or her name and number unless the person requesting such information intends to lay a complaint, while AFP General Order 13 states that an officer's identity must be given whenever requested.

After investigations into the AFP's preparation for policing AIDEX, the Commonwealth Ombudsman (1993) concluded that planning was inadequate. It was determined that the methods used for gathering and evaluating information regarding protesters and demonstrations were inaccurate and that available information was not effectively communicated to those in charge of the operation. For future demonstrations, it is recommended that discussions between police, demonstration organizers, and protesters be more frequent and more forthright so that all participants have a clear understanding of each other's intentions during the event (Office of the Commonwealth Ombudsman, 1993). As well, it is recommended that extensive debriefings be conducted following future operations on the scale of AIDEX to "ensure that lessons learnt are recorded for future guidance of planning officers" (Office of the Commonwealth Ombudsman, 1993, p. 4).

In conclusion, Report One identified the actions of protesters, the level of professional self-control, the amount of supervision, the quality of training and equipment, and the accuracy of communication, information, and planning as being relevant to the excessive use of force by police at protest demonstrations.

3.2. Report of the Commission of Inquiry into Events of March 18, 1996 at Queen's Park

The second report to be analyzed is the Report of the Commission of Inquiry into Events of March 18, 1996 at Queen's Park (Toronto, Ontario) published by the Ontario Ministry of the Attorney General in 1996. Unlike the other reports being studied, the investigation into the violence at a demonstration during the Ontario Public Service Employees Union (OPSEU) strike was not a result of public complaints against police actions, but instead was ordered by the Lieutenant Governor in Council, who declared the events of 18 March 1996 to be of "public concern" (Ontario Ministry of the Attorney General, 1996, p. 1). The OPSEU picket demonstration in Queen's Park resulted in clashes between police and protesters when protesters completely blocked the doors to the Provincial Legislature and some became verbally and physically abusive towards politicians and police. The main objective of the inquiry was to answer the question:

What steps can be taken to maximize the chances that it does not happen again, while preserving the important values of freedom of expression and of assembly, the right to engage in a lawful strike and the inviolability of the meeting place of our elected representatives? (Ontario Ministry of the Attorney General, 1996, p. 10).

Of the nine elements of policing hypothesized as contributing to police use of excessive force, four elements were identified in the OPSEU report: presence of aggressive and violent protesters, insufficient and inadequate supervision, inadequate training and equipment, and insufficient and inaccurate communication, information, and planning.

The Events

Results of the Commission's investigations into the events at Queen's Park revealed that OPSEU members had planned their demonstration without the knowledge, permission, or support from any police or government agency. Organizers did not consult with the Speaker of the House at Queen's Park, the Management Board Secretariat (the liaison between OPSEU and the Ontario government regarding bargaining and strike planning), the caucuses, the Ontario Provincial Police (OPP), or the Metropolitan Toronto Police Force (Metro). While police should have been aware of OPSEU's plans to hold a demonstration at Queen's Park through their own intelligence work, the violence that erupted on March 18, 1996 may have been avoided had OPSEU been more open and communicative about their intentions.

OPSEU's plan for the March 18 demonstration was to impose a 15-minute delay on anyone seeking access through the East Door of the Legislative Assembly and to completely block access to the MacDonald Block until 2:00 p.m. Picketing got underway about 6:30 a.m. with Members of Provincial Parliament (MPPs) and staff gaining access after the imposed time delay. However, by 10:30 a.m. a complete blockage of both the MacDonald Block and the East Door was in effect. Where before protesters had been singing "We Won't Back Down" (Rapaport, 1999, p. 7) and allowing MPPs access after a time delay, they changed to chanting "Nobody In, Nobody Out" (Ontario Ministry of the Attorney General, 1993, p. 6). Demonstration organizers had not intended for this to occur, but "the mob mentality had taken over" (Ontario Ministry of the Attorney General, 1993, p. 39). As well, "[w]hile entering

the building, [MPPs] were subjected to a range of abuses, from being verbally harangued, to being spat upon, physically jostled and even bitten” (Ontario Ministry of the Attorney General, 1993, p. 39).

Members of the Crowd Management Unit (CMU) of the OPP were on-site just inside the doors where MPPs were gaining access. On two occasions, the CMU was deployed to make way for the MPPs (force was used) and escort them inside. Metro expressed concern at the way the CMU was handling the situation and requested that they be allowed to attempt a different tactic. Through interviews with both Metro and OPP officers, the Commission determined that the two police forces had held conflicting views of the protesters. Metro’s Superintendent Parkin testified that

...we expect[ed] emotions to be high and, from Metro’s point of view, that we would be going slow. By this, I meant that there’s a lot of these people worried about their jobs, worried about their houses, and their mortgages, and their futures, and this is not the type of people that the police would have problems with on a day-to-day basis. ...my officers weren’t being threatened by them (Ontario Ministry of the Attorney General, 1993, p. 75).

On the other hand, CMU members of the OPP were at the front lines where they were witnessing the verbal and physical attacks on MPPs attempting to enter the Legislature. Perhaps they interpreted the protesters’ intentions in a different manner than Metro because of these assaults and responded with what they deemed appropriate force for the situation. It is more likely, however, that OPP officers were affected by intelligence information gathered by the Regional Intelligence Coordinator (RIC) that OPSEU would use violence to prevent MPPs from entering the Legislative Assembly. An officer’s state of mind when dealing with protesters may be affected if he or she has an expectation that the crowd will be violent.

The Commission stated that one of the crucial factors that contributed to the violence on March 18 was the “lack of unified command of the police” (Ontario Ministry of the Attorney General, 1993, p. 6). What made the situation at Queen’s Park so unique is the complex relationship that the Legislature has with the OPP and Metro police forces. The Speaker of the House, while having no police training whatsoever, is responsible for the security of the Legislative Precinct. Six members of the OPP are permanently assigned to the Legislative Precinct along with 50 Ontario Government Protective Service (OGPS) special constables; together, they make up the Legislative Security Service (LSS). As well, the Queen’s Park Complex is situated within the district of Metro’s 52 Division which is responsible for general policing duties at Queen’s Park, including protest demonstrations. In fact, the 52 Division handles more than 300 demonstrations a year throughout its district, making it the “most experienced police force in Canada in assessing and dealing with large crowds” (Ontario Ministry of the Attorney General, 1993, p. 15). There is no formal contract setting out the duties of the OPP and Metro with respect to the Queen’s Park Complex, but it is generally understood that the OPP deals with events inside the Legislature while Metro handles those outside the buildings.

Concerning matters of security, the OPP members stationed at the Legislative Precinct report to both the Speaker of the House and up the OPP chain of command. “The end result, and one of the causes of the events of 18 March 1996, was that a police detachment, at least to some degree, sought the approval of and was under the direction of a civilian with no police or security training” (Ontario Ministry of the Attorney General, 1993, p. 14). Not only was there someone in a position of

authority with absolutely no experience handling such demonstrations, but there “never was a single commanding officer in charge of all the police forces on the field that day” (Ontario Ministry of the Attorney General, 1993, p. 38). According to Beene (1992), as discussed in Chapter One, crowd control situations often require an autocratic style of supervision where only one officer is in command and all orders come from him or her. This helps guard against confusion and inconsistency when policing demonstrations so as to avoid one squad of officers receiving one set of instructions on how to proceed with protesters and another squad being told something different.

With respect to the quality and quantity of training and equipment of police officers present on 18 March, the Commission concluded that there were significant differences between officers from Metro and officers from the OPP. The Commission found that while many OPP officers lacked practical experience when it came to policing public protest, some CMU members of the OPP present on 18 March had not even fully completed their CMU training. On the other hand, Metro has crowd control officers who have been specially trained and have appropriate equipment to handle demonstrations occurring at the Queen’s Park Complex. As well, Metro has more experience dealing with OPSEU and is more familiar with what to expect from its members. Perhaps this influenced the events of 18 March in situations where the CMU responded with force when dealing with protesters while Metro officers did not. Video footage depicted CMU officers using their batons, shields, and pepper spray to move protesters aside, while Metro was shown to keep

their batons holstered and only used their shields occasionally to help create a police cordon to allow MPPs access.

“A major and root cause of what occurred on 18 March 1996, however, is the almost total lack of real and meaningful communication or discussion between the parties who were to be involved” (Ontario Ministry of the Attorney General, 1993, p. 35). The Commission found that the violence that erupted at Queen’s Park during the OPSEU strike was a direct result of:

- ...(b) an almost complete lack of meaningful communication prior to the event by those who were to be participants as demonstrators, building occupiers, persons or groups seeking access and those charged with policing the day;
- (c) almost complete miscommunication and misunderstanding between those who did attempt to communicate or plan together;
- (d) faulty and/or unwise plans for the day by all of the parties including mistaken expectations as to who the “other side” was and/or what the other side intended or would do... (Ontario Ministry of the Attorney General, 1993, p. 5).

Neither the Speaker of the House, Metro, or the OPP shared intelligence information or their plans for dealing with the demonstration with each other, nor did they contact OPSEU to discuss what their intentions were. On the morning of 18 March, both Metro and the OPP held their own individual briefing with their officers. Metro officers were told that normal rules of picketing would apply and that it was their understanding that OPSEU members would be non-violent. OPP officers, on the other hand, were told there were special circumstances surrounding the rules for managing the picket lines because the demonstration was occurring at Queen’s Park and 18 March was the first day that the Legislature resumed. OPP officers were also informed that OPSEU would use violence and police were to “use as much force as

... necessary to ensure that MPPs get safe access” to the buildings (Ontario Ministry of the Attorney General, 1993, p. 37).

Although the CMU was to be used as a last resort, by 9:00 a.m. they had been deployed twice – neither time having consulted Metro first. Metro officers did not believe the use of the CMU was necessary and were concerned over how the protesters were being handled. Metro requested an opportunity to speak with OPSEU members about allowing MPPs access before the CMU were deployed again. Inspector Hope, commander of the CMU, agreed.

In Hope’s mind he then passed the lead role in MPP access operations for the day to Metro. Metro did not consider this to be the case and this added to the confusion (Ontario Ministry of the Attorney General, 1993, p. 38).

Further confusion was caused by the fact that the OPP never gave sufficient notification to the crowd when they were about to use force. “There was no clear communication as to what the OPP wanted nor warning as to the use of force or the other consequences of non-compliance” (Ontario Ministry of the Attorney General, 1993, p. 40). The Commission found that there was no time for protesters to comply with the police requests to move before they were pushed and shoved out of the way. As well, the “police appear to have failed to take into account the fact that the crowd did not have room at the access points to manoeuvre out of the way” even if they had wanted to (Ontario Ministry of the Attorney General, 1993, p. 129).

At the end of the day, a joint debriefing was held by the OPP and Metro. Officers agreed that “the downfall [of the operation] was the interplay between command and communications” (Ontario Ministry of the Attorney General, 1993, p. 140). Interestingly, the Speaker of the House had been present at the Legislative

Assembly the entire day and knew nothing of what had happened until he watched the evening news. Neither his own staff (OGPS) nor the OPP had informed him of the incidents.

The Recommendations

In conclusion, Report Two identified the actions of protesters, inadequate supervision, insufficient training and equipment, and inadequate communication, information, and planning as being relevant to the excessive use of force by police at protest demonstrations. The recommendations made in the OPSEU Report centred around future protest demonstrations at Queen's Park. The recommendations that directly affect the police at such demonstrations include the following:

- the Speaker of the House's responsibilities regarding security and policing services should be reduced;
- the responsibilities of policing Queen's Park should be shifted to rest solely with Metro, not the OPP, as Queen's Park is within Metro's jurisdiction and Metro is well experienced in handling demonstrations at Queen's Park;
- all security services related to Queen's Park should be reorganized under the title "Queen's Park Security" (QPS) and the director of QPS should have extensive training in crowd control;
- the facilities at Queen's Park should be improved to better equip the police to control demonstrations; for example, surveillance cameras, a communications centre for immediate contact with Metro Headquarters, and a loudspeaker system to communicate clearly with protesters.

- a liaison officer should be designated to communicate directly with the parties involved in a labour dispute, and advise protesters on what is considered lawful and unlawful behaviour on a picket line; and
- demonstration organizers should communicate with the QPS to reserve a time slot when they may protest at Queen's Park, and provide the QPS with contact names and phone numbers of the organizers and what activities are planned for the demonstration.

These recommendations pertain to the factors of policing identified in the OPSEU report. They refer to taking a more professional approach to security operations at Queen's Park (i.e., giving decision-making powers to officers more experienced in crowd control) and giving those officers extensive training. The recommendations apply to police equipment (i.e., surveillance cameras and loud speakers), communication methods (between police and protesters and within police organizations), and gathering information regarding protesters' plans and intentions at the demonstration.

3.3. Report with respect to the events of May 2 to 4, 1997 in the communities of Saint-Sauveur and Saint-Simon in New Brunswick

The third report to be analyzed is the Report with respect to the events of May 2 to 4, 1997 in the communities of Saint-Sauveur and Saint-Simon in New Brunswick conducted and written by the Commission for Public Complaints Against the RCMP in 2001. The Commission received 170 complaints regarding the actions of the RCMP as a result of clashes between police and residents of the two New Brunswick

communities during the protest demonstrations against the government decision to close local schools. The main objective of this investigation was to “determine whether the use of force was justified during these events and, if so, whether the amount of force, and in particular the use of certain intervention methods, were reasonable” (Commission for Public Complaints Against the RCMP, 2001, p. 4).

Of the nine elements of policing hypothesized as contributing to police use of excessive force, three elements were present in the New Brunswick report: presence of aggressive and violent protesters, inadequate training and equipment, and insufficient and inaccurate communication, information, and planning.

The Mitigating Factors

In December 1996, upon learning of the New Brunswick Government decision to close their local schools, La Découverte in Saint-Sauveur and Lorette-Doiron in Saint-Simon, the residents of these communities decided to organize “Save-Our-School” committees to “negotiate with government representatives and exert political pressure to influence the government to reverse its decision” (Commission for Public Complaints Against the RCMP, 2001, p. 13).

On Thursday, 27 March 1997, the community of Saint-Sauveur decided that “all lawful methods of applying pressure had been tried, in vain, and the time had come to do something more drastic” (Commission for Public Complaints Against the RCMP, 2001, p. 24-25). Residents of Saint-Sauveur implemented a boycott of La Découverte School by impeding school access of buses, students and teachers, and by parents refusing to send their children to school. The Superintendent of the School District complained to the closest RCMP detachment in Tracadie-Sheila and officers

were sent to the school to supervise the protesters. Although the demonstrations were carried out on school property, the traffic on Highway 160 (along which the school is situated and which is considered to be a major thoroughfare in the Acadian Peninsula of New Brunswick) was considerably disrupted. Demonstrations continued the following week after the long Easter weekend with much the same results, but discussions between the residents and the RCMP patrolling the demonstrations became increasingly tense. Corporal Laliberté testified that demonstrators had told him that

...the school is the soul of our village. ... We will blow it up or burn it down rather than lose it. ... You don't know us (the people of Saint-Sauveur), you don't know what we're capable of doing here in Saint-Sauveur. Taking our guns, if we have to, we have nothing left to lose (Commission for Public Complaints Against the RCMP, 2001, p. 25).

The Minister of Education stood by his decision to close the school. To show that they would not back down, on 17 April 1997 demonstrators completely blocked the flow of traffic by lighting a fire in the middle of Highway 160 and kept it burning until close to 9:00 p.m. When RCMP officers first approached the demonstrators to tell them they were behaving unlawfully, the crowd surrounded them and the officers chose to disengage. Later in the day, different officers arrived to check on the situation and found the demonstrators having a barbecue and were invited to share the food. Although the protest was peaceful, police were concerned that several of the demonstrators had their faces covered and that some members of the crowd were not from the area. As well, when the RCMP forensic identification van arrived to videotape the events, about 15 protesters – one carrying a shovel which he laid on the windshield of the van – approached the van and demanded the videotape. The officer

refused and moved the identification unit farther away from the demonstration. The following day, another fire was started, again blocking Highway 160. Local RCMP officers contacted RCMP Operational Support and government representatives in the provincial capital of Fredericton to “request assistance in resolving the conflict and to suggest that government leaders meet the demonstrators” (Commission for Public Complaints Against the RCMP, 2001, p. 27). The Minister of Education agreed to review the decision regarding La Découverte School and meet with the Committee on 2 May 1997.

The RCMP contacted the Minister’s Office to find out ahead of time what the decision would be so that they could prepare for the reactions of the community. The RCMP feared that there might be violence if the community did not receive the response they hoped for. On 1 May 1997, when he learned the Minister was maintaining his decision to close the school, Staff Sergeant Castonguay called in the Special Unit. At the time, it was the practice of the RCMP “J” Division (New Brunswick), in which the two communities are situated, to call out the Emergency Response Team (ERT) whenever the tactical troop was deployed, thus, the Special Unit consisted of a tactical troop, a tear gas unit, the ERT, an arrest unit, dog teams, and an identification unit. Reconnaissance flights by an RCMP helicopter began over Saint-Sauveur the following day.

The Events in Saint-Sauveur

A community meeting was planned for 7:00 p.m. at La Découverte School on 2 May 1997 for the Save-Our-School Committee to relay the results of the meeting with the Minister. Over 200 people attended. Corporal Laliberté requested

permission for RCMP officers to attend the community meeting but was told by the Chair of the Committee that they could not attend and “that she could not guarantee their safety” (Commission for Public Complaints Against the RCMP, 2001, p. 31). At the meeting the residents learned that the government had not reversed its decision. The community was determined to continue their fight to keep the school open and decided that a peaceful march along Highway 160 that evening would be advantageous as many media personnel were present. “[T]he plan was to leave the school, walk along Highway 160 to the west, turn around and come back to the point of departure (the school), after which the participants would quietly return home” (Commission for Public Complaints Against the RCMP, 2001, p. 32).

About 200 people, including children, took part in the march, shouting, “We’re not giving up!” (Commission for Public Complaints Against the RCMP, 2001, p. 33). No one had their faces covered and no weapons were being carried. Although the protesters’ intention was not to block the roadway, the RCMP set up roadblocks at either end of the village to control the traffic on the highway and to ensure the safety of the demonstrators. Thérèse Albert of the Save-Our-School Committee remained at the school to speak with RCMP officers and advise them of the march. “[A]ccording to Ms. Albert, all Constable Robichaud said in response was that it was too late, and that the special unit was already on the way” (Commission for Public Complaints Against the RCMP, 2001, p. 34).

When the Special Unit arrived most of the demonstrators left the highway to gather on the school property. Those that remained to face the police “made all sorts of gestures to indicate their dissatisfaction to the police [and] hurled insults”

(Commission for Public Complaints Against the RCMP, 2001, p. 39). When police fired an initial smoke cartridge to check wind direction before firing tear gas, some demonstrators responded by throwing rocks at the police. The confrontation ended with several cartridges of tear gas being fired and a few residents being arrested before the rest of the protesters returned to their homes.

On 3 May 1997, residents of Saint-Sauveur gathered outside the general store to make placards stating their views on the closure of the school. RCMP officers came by during their patrols of the village and were subjected to harassment from the residents. In a separate incident, RCMP officers who were waiting outside the local church to speak with a member of the Committee were warned by protesters to leave as they were not welcome in the community. Some protesters rocked their police vehicle before the officers decided to leave the immediate area. "The police got the message that they were not welcome" (Commission for Public Complaints Against the RCMP, 2001, p. 49). That evening, close to 50 demonstrators gathered on Highway 160 between the general store and the fire station and proceeded to light another fire. Some had their faces covered and several were not known to live in the community. There were also reports of a tire placed in the middle of the road and a mattress tied to a telephone pole outside the school; both set alight. RCMP received information that demonstrators had threatened to blow up the bridge near the church, that stolen dynamite was hidden in the nearby woods, that someone in the crowd had a paper bag with grenades, and that the volunteer firefighters had been warned not to extinguish the fires that had been set. As a result, the Special Unit was recalled to Saint-Sauveur where they set up their headquarters at La Découverte School.

On 4 May 1997, the RCMP requested that the members of the Save-Our-School Committee attend an emergency meeting. The Committee was informed that the RCMP had received information that some demonstrators were armed and as a result the Special Unit had been recalled to deal with the situation. The RCMP asked the Committee to cease the demonstrations. Following this meeting, the Committee called all the residents of Saint-Sauveur to meet to discuss their intentions. The residents agreed to stop their demonstrations. That evening the Committee and the RCMP held a joint press conference at the school to announce that the community would no longer be blocking Highway 160 and would find more peaceful means of protesting the closure of their school. As a result, the Special Unit was deemed no longer necessary and they began to pack their equipment to leave the area.

The Events in Saint-Simon

Meanwhile, the Caraquet RCMP Detachment had received a call that Saint-Simon demonstrators had started a fire burning on Highway 335 to Saint-Simon. An officer had responded but protesters threw rocks and shouted insults at him until he retreated and called for back up. At this point the order was given for the Special Unit to go to Saint-Simon. During the period of events occurring in Saint-Sauveur, demonstrations had also been taking place in Saint-Simon but on a smaller scale. But on 4 May 1997, the Minister of Education confirmed that Lorette-Doiron School would also be closed and protesters began to demonstrate on the highway. The arrival of the Special Unit did not deter all protesters. One person lit and threw a marine flare toward police while others heaved rocks and chunks of asphalt. The confrontation ended with several cartridges of tear gas being fired, four dog teams

being deployed (three of whom bit protesters), and several residents being arrested. Following these incidents, investigators revealed, 75 per cent of police officers involved failed to comply with directives to complete incident reports.

The Recommendations

The Commission for Public Complaints Against the RCMP (2001) made several recommendations regarding the deployment of the Special Unit and the use of tear gas and Police Service Dogs. Investigation of the incidents that occurred between the 2nd and the 4th of May 1997 led the Commission for Public Complaints Against the RCMP (2001, p. 127; 126) to declare that while the use of the Special Unit in Saint-Simon was “justified”, its deployment in Saint-Sauveur was “premature”. The Commission (2001, p. 126) stated that a “regular troop could have made sure the demonstrators were heading [back] to the school” rather than using a tactical troop to force them back. The Commission for Public Complaints Against the RCMP (2001, p. 169) recommended that “the Commissioner of the RCMP ensure operational commanders have the qualifications and training essential to tactful decision-making in crowd control situations” and that “tactical operation commanders should receive special training on analysing circumstances justifying deployment of the tactical troop”. As well, intensive training programmes should be developed for all police personnel involved in the deployment of the tactical troop to ensure that all members comply with RCMP policy.

Regarding the use of tear gas the Commission (2001, p. 126) reported that “No tear gas inventory control procedure exists, nor is there any procedure to account for the number of tear gas cartridges used at any demonstration”. The Commission

(2001) recommended that RCMP policies and the *Tactical Operations Manual* be adapted to include such an inventory so as to make officers more accountable to the amount of tear gas that is deployed.

Other recommendations made by the Commission for Public Complaints Against the RCMP (2001, p. 170) regarding training and equipment stated that RCMP guidelines for dog handlers be reviewed and modified to “ensure the dog handlers are properly trained to intervene in demonstration[s]” and to ensure that Police Service Dogs are to have direct contact with protesters only in “exceptional situations”.

Following the investigations into the events that took place in Saint-Sauveur in early May 1997, the Commission for Public Complaints Against the RCMP (2001) found that police communication with protesters was insufficient and ineffective, intelligence information gathered regarding protesters’ intentions was inaccurate, and the overall planning of the operation was hasty.

Firstly, the RCMP had not been in touch with the Save-Our-School Committees before 2 May 1997; therefore, they had no idea of the residents’ intentions. The RCMP officers in charge of the situation failed to comply with RCMP policies when they did not attempt “to establish a dialogue with the instigators of the demonstrations to convince them to carry out their protests lawfully” (Commission for Public Complaints Against the RCMP, 2001, p. 167). Communication is essential to maintaining good relationships. “It is of key importance that RCMP members maintain a good relationship with the communities they serve” (Commission for Public Complaints Against the RCMP, 2001, p. 168).

Second, not only was there “no evidence [on 2 May] that there were weapons or even any agitators” and the RCMP had “absolutely no reliable police intelligence giving the police force reason to anticipate armed resistance”, but also the police did not give the crowd ample warning that the Special Unit was on their way (Commission for Public Complaints Against the RCMP, 2001, p. 38; 135). Two police officers attempted to order the crowd to disperse and inform the protesters of the imminent arrival of the Special Unit but did so without a loudspeaker. The result was that hardly anyone heard them over the din of the crowd and some witnesses stated that the police even gave up trying to deliver the message. The two times that the tactical troop was deployed (once each in Saint-Sauveur and Saint-Simon), the only warning they gave the crowd was to strike their batons against their shields as they advanced. The Commission for Public Complaints Against the RCMP (2001) concluded that neither crowd was given adequate warning to disperse nor sufficient time to do so which goes against RCMP policy.

Recommendations by the Commission for Public Complaints Against the RCMP (2001) regarding communication by police during protest demonstrations include the following:

- officers in charge of tactical operations should encourage clear and open communication with protesters as to each other’s intentions;
- the RCMP “J” Division (New Brunswick) should organize meetings with representatives of Parents’ Committees in Saint-Simon and Saint-Sauveur to develop “a strategy for rebuilding trust between the communities and the RCMP” (The Commission for Public Complaints Against the RCMP, 2001, p. 168); and

- the RCMP policy that protesters be made aware of police intentions to deploy the tactical troop and use tear gas before doing so be enforced, and ensure that protesters have sufficient time to leave the area if they so wish.

In conclusion, Report Three identified the actions of protesters, the quality of training and equipment, and inaccurate communication, information, and planning as being relevant to the excessive use of force by police at protest demonstrations. Other recommendations made by the Commission for Public Complaints Against the RCMP (2001) that are directly related to the excessive use of force include:

- the practice of summoning the ERT whenever the tactical troop is deployed should be discontinued; instead, the decision should be made on a case-by-case basis; and
- ensure that all officers involved in tactical operations are wearing name tags and that the requirement to record their activities while on duty is enforced so as to ensure accurate documentation of events and officer accountability.

These recommendations pertain to the factors of policing identified in the New Brunswick – School report. They refer to increasing the quality and quantity of crowd control training (including the use of Police Service Dogs) and establishing a procedure to make police officers more accountable for using tear gas. The recommendations apply to communication methods (between police and protesters) and the decision to deploy the tactical team.

3.4. Report into the complaints relating to RCMP conduct at the events that took place at the UBC campus and the Richmond RCMP Detachment during the Asia Pacific Economic Cooperation Conference in Vancouver, B.C., in November 1997

The fourth report to be analyzed is the Interim Report into the complaints relating to RCMP conduct at the events that took place at the UBC campus and the Richmond RCMP Detachment during the Asia Pacific Economic Cooperation Conference in Vancouver, B.C., in November 1997 conducted and written by the Commission for Public Complaints Against the RCMP in 2001. “The actions of the RCMP in response to the protesters [were] the subject of 52 formal complaints and those complaints are the subject of this report” (Commission for Public Complaints Against the RCMP, 2001, p. 1).

Of the nine elements of policing hypothesized as contributing to police use of excessive force, five elements were present in the APEC report: presence of aggressive and violent protesters, high levels of police stress, high levels of police aggression, inadequate training and equipment, and insufficient and inaccurate communication, information, and planning. The presence of political pressure and police officer fear of protester violence was also evident.

The Events

The 1997 APEC conference was held in Vancouver 19-25 November. In keeping with APEC tradition, the leaders and their senior advisors met in a retreat-like setting on the last day of the conference. This was held at the Museum of Anthropology on the University of British Columbia campus. Of the 18 world leaders who participated in the conference, Indonesia’s President Suharto and China’s

President Jiang received the most negative attention due to the gross violation of human rights in their respective countries. Many people came to protest against APEC and, more specifically, against Suharto and Jiang. Because the last meeting was held on a university campus, the RCMP expected many students to take part in the demonstrations.

RCMP officers who acted as liaison with protester groups described most of the protesters “in high spirits, well organized and peaceful”, although, one group called APEC Alert raised some concern (Commission for Public Complaints Against the RCMP, 2001, p. 115). APEC Alert’s “bitter and hostile” attitude “spilled over into antagonism and ill will towards the police and made the policing task far more difficult than it otherwise would have been” (Commission for Public Complaints Against the RCMP, 2001, p. 116).

The Fence Breach

On 25 November 1997, close to 3,000 protesters marched up the Main Mall to the security fence by the campus flagpole as part of the “Crash the Summit” demonstration. They were chanting, “Students are here to keep the peace – watch the actions of police” (Commission for Public Complaints Against the RCMP, 2001, p. 109). When the protesters reached the fence they began to climb on the concrete base and pull on the fence.

It collapsed almost immediately, trapping beneath it some of the protesters and some others who had rushed in from the sides when they saw the calamity at hand. Bedlam broke out, pepper spray was dispersed, arrests were made and tensions rose as the police struggled to gain control (Commission for Public Complaints Against the RCMP, 2001, p. 109-110).

Demonstration organizers and protest marshals were able to calm the crowd down and have protesters sit on the ground while the fence was sorted out. But about 10-15 minutes later, groups of protesters had decided that they would advance towards the police to be peacefully arrested. The Commission for Public Complaints Against the RCMP (2001, p. 307) found this decision by protesters to be “extremely irresponsible” as the “volatile situation...made it impossible for the police to know and understand what to expect”. An RCMP officer testified that while these groups of protesters were approaching the police line to be arrested, other protesters were pushing up against the police, banging into them, grabbing onto them, and throwing things at them including a water bottle, a stick, and spraying a substance from an aerosol container in their direction.

Shortly after this incident a protester named James Pond attempted to climb the flagpole. When RCMP officers approached to advise against it for his own safety, another protester, David Malmo-Levine, blocked them. Mr. Malmo-Levine refused to let the officers by to speak with Mr. Pond and expressed his refusal using obscenities. When officers tried to arrest Mr. Malmo-Levine for obstruction he locked his hands together and shouted to the crowd to do the same. “Protesters who wish to obstruct the police will close in and lock arms with each other to surround the police officers as they prevent the police from carrying out their duties” (Commission for Public Complaints Against the RCMP, 2001, p. 225). One of the officers testified that during this confrontation, protesters pushed against him and some grabbed onto his arms and legs. The officer used pepper spray to make the protesters back off so that they could carry out the arrest.

Later in the afternoon, protesters again breached the security fence. This time, one protester stepped out of the crowd that was milling about the fence and began to tear off the plastic ties that connected the chain link fencing to the fence posts. After three of the ties had popped off, the protester began to push the fencing over. When others realized what he was doing, three more protesters jumped on the fence and helped to push, in total, 30 feet of the chain link fence to the ground.

High Stress

The 1997 APEC conference was the “largest planning event that the RCMP had undertaken” (Supt. Wayne May cited in the Commission for Public Complaints Against the RCMP, 2001, p. 14). It involved 23,000 people including close to 2,300 RCMP officers. The Commission for Public Complaints Against the RCMP (2001, p. 168) cautions that “[i]t must always be borne in mind that the RCMP had an enormous responsibility to ensure the safety” of the 75 Internationally Protected Persons (IPPs) and should something have happened to one of them “the RCMP would be subject to intense criticism”. Needless to say, the RCMP was under considerable stress to make sure that the APEC conference ran smoothly.

Adding to the stress was the fact that several of the senior officers on 25 November were only assigned to their positions days before the conference, giving them insufficient time to familiarize themselves with the operation and fulfill their responsibilities. As well, on the morning of the 25th, the buses that were to transport the police to the UBC campus were misrouted and as a result “only 30 to 40 of the 131 officers who were expected had arrived” for the briefing (Commission for Public Complaints Against the RCMP, 2001, p. 103). Those officers who had been

appointed as Zone Commanders who were absent for the briefing had to be replaced on short notice. Those who were selected as replacements had been given no training or operational information save for the information given at the briefing.

During APEC, the Commission for Public Complaints Against the RCMP (2001, p. 283) acknowledged that senior officers were “under considerable stress” due to their encounters with a federal government representative and the realization that there were considerable gaps in their planning. (Both factors will be discussed below). With regards to one of the most publicized incidents involving protesters at APEC, the use of pepper spray by S/Sgt. Hugh Stewart at Gate 6, the Commission for Public Complaints Against the RCMP (2001, p. 356 & 365) has acknowledged that S/Sgt. Stewart was “a man under stress”. Supported by testimony from other RCMP officers, the Commission recognized that there was considerable pressure put upon Stewart to clear the roadway for the impending departure of the world leaders from the UBC campus. This stress may have affected S/Sgt. Stewart’s actions when dealing with protesters.

During the confrontation between police and protesters at the site of the first breach of the security fence, the Commission for Public Complaints Against the RCMP (2001, p. 310) found that “[t]here is no question but that the police dealt aggressively with the...people with whom they were engaged in this face-to-face confrontation”. According to angry-aggression theory, as discussed in Chapter One, police officers who experience more threatening and violent behaviour than the average person are more likely to interpret events as threatening, and respond aggressively. In this incident, according to the constitutive rules of anger, the police

were physiologically aroused, likely by their involvement in the security for APEC and even more so by the actions of the protesters. Along with their legal responsibility for controlling the crowd, the police attributed their arousal to the violence and misbehaviour committed by the protesters and, according to the regulative rules of anger, rationalized the amount of force that the protesters “deserved”. The Commission for Public Complaints Against the RCMP (2001, p. 310) stated that no fault was found for the “aggressive stance they [the police] took under the circumstances”, but that “[u]nquestionably, the amount of pepper spray released was considerable”. It seems that while the Commission for Public Complaints Against the RCMP (2001, p. 310) believes that the RCMP may have used more pepper spray than was absolutely necessary to deal with the protesters in this particular incident, they found that the aggression of the police was understandable due to the chaos and that “the police conduct was appropriate to the circumstances”.

Police Training

Some of the incidents during the APEC conference that were acknowledged as being a source of stress to the RCMP had much to do with inadequate training of RCMP officers on duty. As mentioned previously, several of the senior officers were assigned to their positions just days before the conference. This included the Deputy Site Commanders “who had no background whatever in APEC planning” and who were given “major decision-making roles in the front line on campus on November 25 without adequate involvement or training to prepare them for the senior roles assigned to them” (Commission for Public Complaints Against the RCMP, 2001, p. 433). As well, the last minute reassignments of Zone Commanders “who were not

adequately prepared for their roles and who were not properly integrated into the command structure” are a reflection of poor planning (to be discussed below). Cpl. David Flamank was one of the replacement Zone Commanders selected on 25 November. Cpl. Flamank testified that he had “no training or experience dealing with crowds or demonstrations” and that he “received no instructions about what to do if crowds formed in an area within or adjacent to his zone” (Commission for Public Complaints Against the RCMP, 2001, p. 104).

With regards to the pepper-spraying incident at Gate 6, the Commission for Public Complaints Against the RCMP (2001) questioned why some of the 40 police officers present at the scene did not attempt to physically remove the few protesters who remained seated on the roadway using the “open hand” technique instead of deploying pepper spray. This would have been consistent with the concept of “economy of force” which dictates the escalation of the level of force according to the situation (Commission for Public Complaints Against the RCMP, 2001, p. 353). Three of the Quick Response Teams (QRT), who were under the command of S/Sgt. Stewart, were amongst the officers at Gate 6. As a result of its investigation, the Commission for Public Complaints Against the RCMP (2001, p. 378) discovered that the QRTs, which were assembled one week before the APEC conference, only “received a few hours’ instruction on matters such as crowd control, pain and compliance holds, use of collapsible stretchers, and passive resistance techniques”, and that none of the teams had ever trained together. According to Acting Sgt. Jay Quinlan, who testified at the Public Hearing, “a group of officers who had not trained together would take longer to accomplish their goal than would a group that had

trained together” (Commission for Public Complaints Against the RCMP, 2001, p. 380).

Police Planning

“[A]spects of police performance on and around November 25 fell below an acceptable and expected standard of competence, professionalism and proficiency” (Commission for Public Complaints Against the RCMP, 2001, p. 47). This was a direct result of poor planning, inadequate communication, and insufficient information.

Firstly, the “two top security planning roles” of Federal Security Coordinator and Division Operations Commander were assigned to one person, Supt. Wayne May (Commission for Public Complaints Against the RCMP, 2001, p. 25). This created a conflict of interest, as a Division Operations Commander is responsible for developing a security operational plan, which the Federal Security Coordinator then approves or rejects. Supt. May, in effect, developed and approved his own plan.

Second, “...those who had been involved in planning for APEC security for up to two years were without a command role when it came time to put the planning into practice...” (Commission for Public Complaints Against the RCMP, 2001, p. 25). This meant that Supt. May and his Deputy Division Operations Commander, Insp. William Dingwall, had no decision-making authority during the APEC conference. This caused confusion as to who actually was in charge, and gave decision-making powers to people who had had no input in the planning of the security operations.

Third, the belief that a meeting could be held in a “retreat-like” setting on a university campus in the middle of term was “seriously mistaken” (Commission for Public Complaints Against the RCMP, 2001, p. 58). Past APEC leaders’ retreats had been held at locations removed from the public’s access, such as an island, an abandoned naval base, and a castle. To expect privacy at UBC when school was in full swing was naive. Further, in marking the boundary lines for the security fence and the areas in which protesters could demonstrate, the space in front of Green College was overlooked. Green College, a residence for graduate students located across the street from the law school building, had shown obvious signs of opposition to APEC in the days leading up to the conference. For example, one window displayed a sign lit by Christmas tree lights which read: “FUCK APEC” (Commission for Public Complaints Against the RCMP, 2001, p. 107). Yet no one thought to include the area in front of Green College in the secure zone despite the fact that it gave protesters much closer access to the motorcade route.

Fourth, the appointments of the Site Commander and Deputy Site Commanders so close to the conference start date did not give them enough time to adequately prepare for their roles and responsibilities. Nor did the assembling of the QRTs merely a week before the conference give them any time to train together as one unit. As well, the last minute replacements of Zone Commanders at UBC, due to the absence of more than half the police officers at the briefing, contributed to the confusion. Many police officers, including Zone Commanders, were not familiar with the UBC campus. In fact, some of the police officers were not familiar with Vancouver or its surrounding communities either. Several of the complaints lodged

by protesters were of inappropriate treatment while in custody, including an unnecessarily long drive to the RCMP Richmond Detachment, inadequate food, being held for an excessive length of time, and female prisoners being unnecessarily strip searched.

The Commission for Public Complaints Against the RCMP (2001, p. 391) found that the reason the trip to the Richmond Detachment took so long was because the driver “was unfamiliar with Richmond and had never seen the RCMP Detachment”. Apparently, he was given the task of driving the prisoners without the opportunity of having a practice run. He unknowingly passed by the Detachment twice. The Commission for Public Complaints Against the RCMP (2001) attributed this confusion to inadequate planning. Regarding the inappropriate treatment of protesters while at the Richmond Detachment, the Commission for Public Complaints Against the RCMP (2001) determined that the Richmond Detachment had never been notified that they would be receiving prisoners during APEC and were completely unprepared to handle the influx of protesters. The Commission for Public Complaints Against the RCMP (2001, p. 399) determined that the RCMP officers at the Richmond Detachment “did their very best to cope with the chaotic situation thrust upon them”. The one complaint that was substantiated was the inappropriate strip searching of female prisoners.

Cst. Watson and Guard Fraser (both female) strip searched all 15 female prisoners arrested and booked into the Richmond Detachment during APEC. None of the 16 male prisoners were subjected to strip searches. The Richmond Detachment “zero tolerance” search policy stated that all prisoners must be searched and that if a

metal detector was not used a strip search was to be conducted. It was understood that unless a prisoner was “an obvious non-risk...a [person] booked into the cells at Richmond Detachment would have been required to undergo a strip search” (Commission for Public Complaints Against the RCMP, 2001, p. 405-406). According to the Commission for Public Complaints Against the RCMP (2001), Cst. Watson and Guard Fraser were not informed that the prisoners were all students, most of whom were participants of a “negotiated arrest” process and not high-risk prisoners. The Commission for Public Complaints Against the RCMP (2001, p. 423; 424) concluded that “the strip searches conducted at the Richmond Detachment were far from justified” and that the “[m]ajor responsibility for the events at the Richmond cells on November 25 must rest with the planners who failed to advise Richmond Detachment of the role it would play that day”.

Fifth, members of the RCMP “succumbed to government influence and intrusion in an area where such influence and intrusion were inappropriate” (Commission for Public Complaints Against the RCMP, 2001, p. 438). These incidents were the early take-over of the museum and grounds and removal of the tents from the property, and carrying out the reduction in size of the demonstration area. As well, RCMP members were influenced by those opposed to the flying of the Tibetan flag, including the Chinese Consulate in Vancouver, and wrongfully removed the flag.

Sixth, the fence used to mark out the secure zone was defective. Supt. May selected the fence for APEC but Supt. Thompsett, the Site Commander, was responsible for its inspection. The fence was installed on 22 November and it was

inspected on 23 November. Supt. Thompsett discovered and corrected one of the deficiencies (the fact that the bottom of the fence could be lifted up, providing enough space between the base and the fencing for someone to crawl through), but was not aware of the other two deficiencies until the fence was breached on 25 November. These included the inadequate plastic ties that attached the wire fencing to the poles, and the absence of horizontal wiring across the bottom, middle, and top to stabilize and reinforce the fence. While officers realized that the fence was substandard, they were of the opinion that there would be a police line between protesters and the fence which would protect against any security breaches.

Seventh, making the last-minute decision to allow protesters unobstructed access to the fence was sheer folly. About 30 minutes prior to the arrival of the student march to the fence, a decision was made to move the police line aside, based on information that the protesters “intended simply to approach and blow bubbles through the fence” (Commission for Public Complaints Against the RCMP, 2001, p. 122-23). When protesters found they were allowed direct access to the fence, several of them jumped onto the concrete base and began to pull on the wire fencing causing it to collapse immediately. The Commission for Public Complaints Against the RCMP (2001, p. 110) stated

The decision to allow the protesters direct access to the security fence may have been the most significant of many policing decisions that were made that day. The circumstances surrounding its making speak volumes about the inadequate state of police readiness to deal with a demonstration that they had known for some time was scheduled to take place at this location and at this time.

Eighth, RCMP knew that anti-APEC groups were planning to blockade all the available exits along the motorcade route, yet there existed no contingency plan if all

exits from the UBC campus were blocked by protesters. When the decision was made that the leaders would be departing through Gate 6, S/Sgt. Stewart was given six minutes to clear the roadway. He was two minutes away from the area when the order was given. When S/Sgt. Stewart and his QRT arrived at Gate 6, none of the officers already there informed him that the protesters were calm, peaceful, and acquiescent; many of whom had already expressed their willingness to clear the roadway if asked to do so. Instead, without discussion with the Operations Commander present at the gate as to what method would be used to clear the roadway, "S/Sgt. Stewart, with his eye on his watch, moved in to accomplish the task that had been so hastily devised, communicated and assigned to him" (Commission for Public Complaints Against the RCMP, 2001, p. 343). It seems that nobody except C/Supt. Stephen French, a policing expert called from the United Kingdom to testify at the hearing, thought that "the first tactical option would be to stop the motorcade from coming to that area until it could be secured" (Commission for Public Complaints Against the RCMP, 2001, p. 356).

Nowhere in the entire litany of events reviewed in this report is the inadequacy of the police planning and delivery of the security package for the leaders' meeting more apparent than in the position the police found themselves around 3:30 p.m. on November 25 when they realized that all the exit routes had been blocked and they had no contingency plan for addressing the resulting crisis. The unnecessary pepper spraying of protesters was a direct result of that inadequacy.

Another factor of policing that the Commission for Public Complaints Against the RCMP (2001) recognized in their report was police officer fear of protester violence directed against them. One example is the incident of Mr. Malmo-Levine being arrested for obstructing police from reaching the flag pole and calling to his

fellow protesters to link arms and prevent the police from carrying out their duties. S/Sgt. Stewart, who was attempting to arrest Mr. Malmö-Levine, testified that he believed he was going to be mobbed by the crowd when protesters began to grab at his jacket while surrounding him. One protester attached himself to S/Sgt. Stewart's lower leg and only let go when S/Sgt. Stewart kicked out to throw the protester off. The Commission for Public Complaints Against the RCMP (2001, p. 226) found that S/Sgt. Stewart's "use of pepper spray...was entirely reasonable given the dangerous situation in which he found himself".

Another incident where RCMP officers expressed fear for their safety was at the first breach of the security fence. Some members of the QRT were trapped underneath the fence when protesters pushed it over. Sgt. McLaren stated he was concerned that the crowd would trample him in the confusion of the moment. Cpl. Carr testified that

I was afraid for my – my safety, my life, in fact, it was – probably one of the scariest times of my career (Commission for Public Complaints Against the RCMP, 2001, p. 304).

The confusion that was caused with the fence coming down was made worse by the protesters who gave the police merely 10 minutes before initiating contact with them again for the purpose of being peacefully arrested. The Commission for Public Complaints Against the RCMP (2001, p. 310) acknowledged that in this situation

The police did not know what was going to happen. Recent events were clearly in their minds. ... [The situation] was tense and it was scary.

Approximately 120 protesters expressed a wish to be peacefully arrested. They were lined up in rows of 10 to 12, facing the police line, and proceeded to bump

into the officers just enough to warrant civil disobedience. The RCMP had already explained to one of the demonstration organizers that to accommodate such a large number of symbolic arrests would severely limit police resources for carrying out security duties. The result was a standoff between police and protesters that continued for more than an hour. The Commission for Public Complaints Against the RCMP (2001, p. 314) recognized that “the crowd was then dangerous and that the police were at risk”. S/Sgt. Stewart stated:

.... This struck me as a group of people – a human block of 15,000 plus pounds that was going to push through the police line to the fence. And I was very, very nervous. The members [of the police] were very, very nervous (Commission for Public Complaints Against the RCMP, 2001, p. 314).

Political Interference

There is no doubt that representatives of the federal government of Canada interfered with the security operation during APEC. Firstly, the Canadian government “paid significant attention to Indonesia’s threatened boycott and made substantial efforts to ensure President Suharto’s attendance” (Commission for Public Complaints Against the RCMP, 2001, p. 49). Even Suharto’s formal invitation from Prime Minister Chrétien to attend the APEC Conference read differently than the other invitations. A paragraph was inserted into his invitation, part of which stated: “I have directed my officials to spare no effort to ensure that appropriate security and other arrangements are made for your stay in Canada as our guest” (Commission for Public Complaints Against the RCMP, 2001, p. 51). While the Commission for Public Complaints Against the RCMP (2001, p. 52) stated that “the efforts...to allay President Suharto’s security concerns were proper, acceptable, and to be expected”, it

does show that keeping Suharto appeased was on the minds of those involved in security.

In the weeks leading up to APEC, there were discussions on the size of the demonstration area in front of the law school building that would be made available for protesters on the UBC campus. UBC requested it be enlarged from its original size as it was thought that more room was needed for protesters to congregate. Supt. Thompsett and UBC Professor Pavlich agreed on a larger area that would be designated by the security fence. Instead of the originally proposed 20 feet from the law school building, they agreed on 84 feet. This new boundary line for the fence became known as the "Thompsett/Pavlich" line. When Mr. Jean Carle from the Prime Minister's Office heard of the change he "objected vigorously" (Commission for Public Complaints Against the RCMP, 2001, p. 63). Mr. Carle's behaviour was described as "authoritarian" when he was witnessed yelling at a UBC representative to push the line back to 41 feet. While Mr. Carle claimed the area would be unsafe, the RCMP testified that the Thompsett/Pavlich line presented no safety concerns.

UBC President Martha Piper wrote a letter to the Prime Minister expressing her concern at the reduced size of the demonstration area, and requesting the reinstatement of the Thompsett/Pavlich line. "Without bringing President Piper's letter to the Prime Minister's attention, Mr. Carle replied to it in his own name" on the Prime Minister's Office letterhead stating that security issues would determine the security line and that no previous agreement had been reached (Commission for Public Complaints Against the RCMP, 2001, p. 67). Mr. Carle testified that he had requested input from Supt. May when drafting the letter. The Commission for Public

Complaints Against the RCMP (2001, p. 70) found that “the reference to security concerns and the suggestion that no agreement had been reached were dishonest” and that “Supt. May should have declined to become involved in the drafting of the letter when his participation was requested”. The Commission for Public Complaints Against the RCMP (2001, p. 150) found that “Mr. Carle demanded that the size of the ‘demonstration area’ be reduced in order to accomplish his own agenda and...reject[ed] his explanation that the reduction was necessary to ensure the safety of the protesters”.

Mr. Carle became involved again in security operations when he requested that the security perimeter on the UBC campus at the Museum of Anthropology be enlarged so as to prevent any loud noises from protesters disrupting the last APEC meeting. While expert witnesses testified that it is acceptable for police to consider non-security issues when establishing a perimeter, the Commission for Public Complaints Against the RCMP (2001, p. 75) found that “Mr. Carle’s actions were motivated by a drive to shield the 18 leaders from the sights and sounds of peaceful protest so that Canada could produce the ‘retreat-like’ atmosphere for the leaders’ meeting which had become traditional for the last day of the annual APEC conference”.

The week before the APEC meeting at UBC protesters set up a tent city on the campus. Approximately 10 protesters moved their tents from the main campsite to a small hill directly behind the Museum of Anthropology. UBC, the property owner, allowed the tenters to remain, but “Mr. Carle was emphatic that the protesters had to be removed from the museum site” as he was worried about vandalism (Commission

for Public Complaints Against the RCMP, 2001, p. 87). The Government of Canada was scheduled to take control of the property on the night of 24 November and not before. Supt. May stated that “there were no security reasons for an early takeover” and he felt that to do so may provoke the protesters (Commission for Public Complaints Against the RCMP, 2001, p. 90). UBC agreed to sign an amendment to the License Agreement that extended the

‘secure zone’ to include the ‘Museum of Anthropology *and grounds*’. The letter agreement also gave the Minister ‘full control’ of the museum and grounds beginning at 6:00 p.m. on November 22, as opposed to 12:00 p.m. on November 24 (Commission for Public Complaints Against the RCMP, 2001, p. 95, emphasis in original).

Once the agreement was signed, the Canadian Government asked the RCMP to remove the tenters immediately. The Commission for Public Complaints Against the RCMP (201, p. 101) found “that, in this instance, the federal government, acting through the Prime Minister’s Office, improperly interfered in an RCMP security operation” and that Sections 1 and 2(b) of the Charter were violated with respect to the rights of the protesters.

The third example of political interference with the RCMP’s security operations for APEC is the removal of the Tibetan flag from the top of the UBC Graduate Student Society building. The President of the Graduate Student Society, Mr. Kevin Dwyer, told the RCMP that banners protesting APEC would be hung from the building and that the Tibetan flag would be flown from the top. Supt. Thompsett agreed that they could do so as it posed no security threat. But many people, including the UBC Chinese Students and Scholars Society and the Chinese Consulate in Vancouver, were opposed. The President of the Chinese Students and Scholars

Society, Mr. Cong Jin Lu, called Mr. Dwyer to demand the removal of the flag. When he was told the flag would remain, Mr. Lu threatened he would do whatever it took to remove it.

On the evening of 24 November the RCMP received a call stating that there would be violence at UBC if the Tibetan flag was not removed. The next morning, the Chinese Consulate contacted the RCMP to complain that the flag was still flying. “Obviously there had been some direct or indirect communication between the initial informant and the Chinese Consulate about the removal of the flag” (Commission for Public Complaints Against the RCMP, 2001, p. 248). The Commission for Public Complaints Against the RCMP (2001, p. 248) concluded that it is

alarming that the Chinese Consulate was in contact with the informant and took steps to influence the RCMP to remove the flag. ...that intervention raises the possibility that the informant provided his “information” to the RCMP Detachment at the request of the Chinese Consulate. ...[the Commission would like] to make it very clear that the RCMP must not tolerate interference by foreign diplomats or officials into security matters, particularly where the constitutional rights of Canadian citizens are at stake.

The Recommendations

In conclusion, Report Four identified the actions of protesters, police stress, police aggression, the quality of training, accurate and insufficient communication, information, and planning, police fear, and political pressure as being relevant to the excessive use of force by police at protest demonstrations. The Commission for Public Complaints Against the RCMP (2001) made the following recommendations regarding future demonstrations:

- police should emphasize peaceful protesters’ rights to “see and be seen” (Commission for Public Complaints Against the RCMP, 2001, p. 446);

- refrain from using a university campus if delegates wish to meet in a private, retreat-like setting;
- RCMP should ensure a command structure that integrates both planning and operational responsibilities;
- refrain from assigning several senior roles to one person to allow for “checks and balances and accountability” (Commission for Public Complaints Against the RCMP, 2001, p. 447);
- all officers interested in supervisory roles during crowd control events should participate in a comprehensive training programme;
- QRTs should be assembled with sufficient time before the public order event to train together;
- officers taking part in crowd control events should be well-briefed beforehand;
- “...legal advice should be made available to officers charged with producing documents and policies that impact on *Charter* or other rights of citizens” (Commission for Public Complaints Against the RCMP, 2001, p. 448);
- police should continue to engage protest groups in discussions about upcoming public order events;
- police should warn protesters of their duties (for example, clearing a roadway) and advise them of how they intend to carry out those duties and the consequences should protesters not comply. Police should also give protesters sufficient time to comply before taking further action;
- RCMP policy should be modified so that strip searches conducted of individuals in custody occur only after all relevant factors have been considered;

- there should be a clear understanding between the Canadian Government and the RCMP regarding the “terms of agreement of and responsibility for the delivery of security services at public order events” and that the RCMP “are to brook no intrusion or interference whatever from government officials” (Commission for Public Complaints Against the RCMP, 2001, p. 451); and
- the RCMP are to “brook no intrusion or interference whatever from foreign diplomats or consular officials when meeting responsibilities of providing security services to the Canadian public” (Commission for Public Complaints Against the RCMP, 2001, p. 452).

These recommendations pertain to the factors of policing identified in the APEC report. They refer to increasing the quality and quantity of crowd control training of all officers taking part in public order events, especially QRT members and those in supervisory roles. Planning and operational responsibilities are a key part of the command structure and these duties should not be separated. The recommendations apply to communication methods between police and protesters and extensive briefings of police personnel on security operations to avoid confusion. The recommendations state that political interference will not be tolerated and that police have access to legal advice and information when the *Charter* is involved.

3.5. Inquiry into matters relating to the visit of the President of China to New Zealand in 1999

The fifth report to be analyzed is the Inquiry into matters relating to the visit of the President of China to New Zealand in 1999 conducted and written by the

Justice and Electoral Committee of the New Zealand House of Representatives in December 2000. This inquiry came about as a result of public complaints that the civil rights of New Zealanders were quashed when police stifled “Free Tibet” protesters from being seen and heard by Chinese officials, particularly President Jiang during his visit for the APEC conference and afterwards. “It was reported that, at various demonstrations, protestors had been moved out of the President’s sight, buses had been placed between the President and protestors and police sirens had been used to drown out the noise of the protestors” (Justice and Electoral Committee, 2000, p. 8). At the forefront throughout this inquiry was “the importance of the freedom of protest in New Zealand and the need to protest and uphold the fundamental civil rights and liberties of New Zealanders, and the importance of ensuring adequate protections for foreign dignitaries visiting New Zealand” (Justice and Electoral Committee, 2000, p. 9).

Of the nine elements of policing hypothesized as contributing to police use of excessive force, three elements were present in the New Zealand report: high levels of police officer aggression, insufficient and inadequate supervision, and insufficient and inaccurate communication, information, and planning. The presence of political pressure was also evident.

The Events

The President of China was in New Zealand 9-15 September 1999 for the APEC conference held in Auckland, and for State visits to Wellington and Christchurch. Throughout the President’s stay in New Zealand, “a number of protests occurred, directed at China’s involvement with Tibet and having a common theme of

“Free Tibet” (Justice and Electoral Committee, 2000, p. 7). Around the world, many people disagree with China’s occupation of Tibet and the treatment of the Tibetan people. Demonstrations against the Chinese government, such as the ones held in New Zealand, are a source of embarrassment to the Chinese. Internationally, there have been several incidents where “Free Tibet” protesters demonstrating against China have been pushed back out of sight of the President, such as:

In the United Kingdom, media reports stated that “Free Tibet” protestors had Tibetan flags confiscated by the Police. At a protest in Cambridge, buses appear to have been parked in front of protestors. ... In Australia, media reports suggest that efforts were made to keep protestors out of sight of the President, while pro-China protestors were encouraged to continue their protests. ... In Switzerland it was reported that the President reacted angrily to seeing demonstrations about human rights and China’s policy on Tibet. He is reported to have told the Swiss President, Ruth Dreifuss, “you have lost a friend” (Justice and Electoral Committee, 2000, p. 8-9).

The Justice and Electoral Committee (2000) found evidence of aggressive behaviour by the police when dealing with protestors. There were several incidents where police insisted protestors move back and away from the roadways and buildings where the President of China was scheduled to pass by or enter. On some occasions, police actions were “forceful and aggressive” (Justice and Electoral Committee, 2000, p. 19). “Protestors were forcefully pushed; those who sat down were picked up and dragged along” (Justice and Electoral Committee, 2000, p. 19). As well, police used formation marching tactics that the Justice and Electoral Committee (2000, p. 26) found to be needlessly intimidating: “...given the protests were peaceful, the use of a formation marching-type approach was unnecessarily aggressive, counter-productive and ill-considered”.

With respect to police officer supervision, the Justice and Electoral Committee (2000) expressed concern regarding the adequacy of some supervisors in certain circumstances. For instance, at one demonstration in Christchurch the services of four private security guards with no formal police training were enlisted to help control protesters; two were placed in the front lines. The Committee (2000) is disturbed that this was allowed to take place and that the supervisor, Inspector Lawry, was not aware of their presence until police were already engaged in moving protesters back. "Inspector Lawry acknowledged to us that the security guards' lack of training and experience could have contributed to increased tension in relationships between the Police and protesters" (Justice and Electoral Committee, 2000, p. 26).

At a demonstration in Wellington outside Government House, there is evidence of police officers interfering with protesters who were displaying the Tibetan flag. One officer "scrunched up the flag [a protester] was holding and forcibly held it" as the Chinese President's motorcade drove by (Justice and Electoral Committee, 2000, p. 16), while two other officers "stood on the protestors' flags, which were still on the ground [spread out next to them], and placed themselves between the protestors and the President's car" (Justice and Electoral Committee, 2000, p. 17). Regarding these incidents, New Zealand Police Inspector Stenhouse (planning officer and operation commander) commented that these actions were based on "the decision of the officer involved" and that "[t]he action was not in the spirit of my instructions prior to the operation, and I believe it is unfortunate it happened" (Justice and Electoral Committee, 2000, p. 29). If Inspector Stenhouse had made it clear in his instructions prior to the operation that police were not to

interfere with protesters' non-violent forms of demonstration, why did several incidents, like the ones described above, occur? The Justice and Electoral Committee (2000, p. 29) has noted that

...some front-line police officers still insist that their operational decisions were appropriate and that they would proceed in the same fashion if a similar situation were to present itself again. It is as a consequence of this attitude that we suggest that police operational guidelines be made available to all police officers.

The Justice and Electoral Committee (2000) suspect that not all New Zealand Police officers have a clear understanding of the rights of protesters nor of their responsibilities when policing protest demonstrations. The Justice and Electoral Committee (2000) believes that this misinterpretation or unawareness of the New Zealand policing guidelines and the New Zealand Bill of Rights may have contributed to police actions such as reneging on protester boundary agreements, giving no warnings or explanations as to why protesters had to be moved out of sight, and inappropriately arresting protesters during the Chinese President's visit. The Justice and Electoral Committee (2000, p. 49) concluded that, "if all the police officers involved in policing 'Free Tibet' protests had clearly understood their rights and responsibilities, they would have been able to react more appropriately to pressure put on them by Chinese officials and senior officers".

Political Pressure

There is no doubt that Chinese officials exerted pressure on the New Zealand Police to prevent "Free Tibet" protesters from being seen and heard by the President of China. Both police officers and protesters gave evidence to support this claim.

Police believe that Chinese officials were most concerned with preventing the President from seeing placards and Tibetan flags.

Chinese officials also put pressure on the Police by refusing to accept police advice about what they could and could not do. For example, Chinese officials hired buses, apparently for the purpose of parking in front of protestors, despite having been told by the Police that it would not be appropriate for buses to be used for these purposes (Justice and Electoral Committee, 2000, p. 21).

Police response to political pressure from the Chinese government varied from demonstration to demonstration. In Auckland, for example, there is evidence of police refusing to bow to Chinese officials' demands to remove protestors and in one incident a police officer physically restrained an official who was trying to grab a banner from a protester. In Wellington, however, "there seems to have been an explicit pre-determined intention to prevent the President from unwanted exposure to protestors" (Justice and Electoral Committee, 2000, p. 22).

The planning officer and operations commander for the State visit of the President to Wellington, Inspector Stenhouse, gave verbal instructions to officers that "protesters were to be moved from the sight and hearing of the President, if that was legally possible. If moving protestors was not a legal option an attempt was to be made to shield them from the President's view" (Justice and Electoral Committee, 2000, p. 22).

The Justice and Electoral Committee (2000) found that during the Chinese President's visit to New Zealand, political pressure was applied to the New Zealand Police Force which contributed to the targeting of "Free Tibet" protestors "over and above other protestors and the general public" (Justice and Electoral Committee, 2000, p. 22), targeting the Tibetan flag, moving protestors out of the President's line of sight, using buses and sirens to screen and drown out protestors, and inappropriately making, and threatening to make, arrests.

The Recommendations

In conclusion, Report Five identified police aggression, the amount of supervision, inaccurate communication, information, and planning, and political pressure as being relevant to inappropriate actions by police at protest demonstrations. Recommendations to the New Zealand Government by the Justice and Electoral Committee (2000) regarding future demonstrations include:

- stating policing guidelines in a clear and concise manner that is widely available so as to inform all police officers and protesters of their rights and responsibilities;
- establishing frank communications between New Zealand and the countries of visiting dignitaries regarding each country's interpretations and expectations of protection of their dignitaries and to explain the limitations placed on the police and the government by the New Zealand Bill of Rights;
- clarifying the constitutional boundaries between the police and the Government of New Zealand;
- re-drafting the police policy on demonstrations to ensure the advocacy for freedom of expression and freedom of peaceful assembly are paramount in making security operational decisions; and
- ensuring detailed and comprehensive discussions take place between the New Zealand Government and the police regarding future visits of foreign dignitaries well in advance of their arrivals.

These recommendations pertain to the factors of policing identified in the APEC report. They refer to ensuring a clear understanding of the rights of protesters and the

responsibilities of police. The recommendations apply to communication methods between police and the New Zealand Government and police and visiting foreign dignitaries. The recommendations state that political interference will not be tolerated.

3.6. Investigation of police action at the World Economic Forum demonstrations September 2000

The sixth report to be analyzed is the Investigation of police action at the World Economic Forum demonstrations September 2000 (Melbourne, Australia) conducted and written by the Ombudsman in June 2001. Although the Ombudsman received numerous complaints regarding police action during the WEF, many of them “expressed the view that they were not so concerned to ensure accountability of the individual police members who engaged in the allegedly improper action as they were to ensure accountability of the decision makers upon whose orders they were, presumably, acting” (Ombudsman Victoria, 2001, p. 4).

Of the nine elements of policing hypothesized as contributing to police use of excessive force, five elements were present in the WEF report: presence of aggressive and violent protesters, influence of personal issues and attitudes, influence of peer relations and police sub-culture, inadequate training and equipment, and insufficient and inaccurate communication, information, and planning. Also evident was the presence of police officer fear of protester violence.

The Events

Melbourne, Australia hosted the World Economic Forum between 11 and 13 September 2000 at the Crown Towers Hotel and Casino. Several hundred delegates from all over the world took part in discussions on Information Technology and how it affects global trade. Protesters clashed with police when they attempted to block the participants from entering and exiting the hotel. Several hundred people turned out to demonstrate against globalization. At the forefront was a group that called itself the S11 (September 11) Alliance.

The WEF Operation Order assessed the threat level as “medium” because protest demonstrations were expected and “there [was] likely to be an intent to commit acts of violence and to disrupt normal functions” (cited in Ombudsman Victoria, 2001, p. 25).

Protester Violence

The first clash between protesters and police occurred about 8:00 a.m. on 11 September a short distance from one of the entrance gates to the casino. Video footage depicts a police vehicle and a red sedan that attempted to gain access, but were stopped by a group of protesters who linked arms, blocking the entrance. A stand-off ensued which attracted more protesters to the scene. Police, who were on the inside of the gate, forced their way out through the protesters and formed a cordon along the police vehicle. “Protesters were vocal and persistent, and a great deal of pressure was applied to the cordon as protesters attempted to re-enter the area which had been cleared between the vehicle and the [gate]” (Ombudsman Victoria, 2001, p. 54).

The police cordon was unable to withstand the pressure and protesters flooded into the open space to again block the path of the vehicle. Protesters also began to attack the red sedan, beating on the trunk and sides. As well, one protester climbed onto the roof of the car and caused considerable damage. Police began to forcefully eject protesters from around the vehicles as they re-established the cordon. Protesters were not passive. They “vigorously resisted being removed” (Ombudsman Victoria, 2001, p. 54). Mounted police then approached to help control the crowd. They were successful in separating the protesters from the police cordon which allowed both vehicles to enter the gate. “It is very apparent [from the video footage] that the crowd was unhappy about the successful entry of the vehicles” (Ombudsman Victoria, 2001, p. 55). Mounted police then continued to herd the protesters away from the gate. “During this manoeuvre hands can clearly be seen to be grabbing at the reigns [sic] of at least one of the horses” and one police officer reported an “attempt by two male demonstrators to dismount her by grabbing and pulling on her left leg” (Ombudsman Victoria, 2001, p. 55; 56).

A couple of blocks away another confrontation took place between police and protesters. Three police motorcycles on their way to the police station had been surrounded by protesters. Fortunately, one of the two Force Response Units (FRU) was standing by in a parking lot about 20 feet away. The FRU, consisting of 54 members plus 36 general policing officers, formed a cordon around the motorcycles to allow them to move out. Another stand-off ensued with the crowd that had grown to over 300 protesters.

About an hour later police received reports that the car carrying the Premier of Western Australia to the Forum had been surrounded by protesters. A team of six police officers was sent to the site to negotiate the release of the vehicle, but they were unsuccessful. Protesters began to climb onto the car and deflate the tires. The negotiating team “came under increasing pressure from the crowd pushing towards the car and began to be crushed” (Ombudsman Victoria, 2001, p. 63).

The FRU was called in at “level 4” (batons out) to put a cordon around the car with the mounted police bringing up the rear to make a path for the car to move out. Polystyrene foam barriers that were in the area were pushed or thrown by protesters into the paths of the police horses, causing at least one horse to lose its footing and fall to the roadway. The officer on the fallen horse was forced to lead her horse through the crowd on foot where she was subjected to “verbal and physical abuse in which she was jostled and some protesters attempted to take the reins from her grip” (Ombudsman Victoria, 2001, p. 68). There are reports of a protester who

was seen to bite a capsule which then sprayed what was then believed to be blood over himself and the FRU members. The protester was seen to spread the “blood” on his face and forehead prior to screaming out that he had been assaulted by police (Ombudsman Victoria, 2001, p. 65).

After this incident had been resolved, 12 members of the FRU were sent to get bottles of water for the rest of the team. On their return with the water, protesters attempted to steal the bottles from the FRU, sparking another confrontation. As a result of this incident and a few others later in the day, the police realized that the crowd knew which uniforms were that of the FRU and were targeting them. There were “signs of crowd organization to the extent that protesters had been highly

mobile, had good communications and the FRU had been identified and targeted” (Ombudsman Victoria, 2001, p. 107).

Several more incidents involving protester violence occurred throughout the duration of the WEF including breaking through police cordons, climbing on police vehicles, banging on bus windows of delegates, and smashing windows in both police vehicles and delegates’ buses. There were reports of protesters throwing projectiles such as nuts, screws, marbles, ball bearings, rocks, glass, paint bombs, eggs, beer bottles, horse manure, and condoms filled with urine. There were reports of protesters verbally abusing police, “making threats to members such as ‘I know where you live’, ‘I’m going to say you did such-and-such’, and threatening police members with civil action with taunts such as, ‘You’ll lose your house’” (Ombudsman Victoria, 2001, p. 181). Some police officers nearly had their batons taken from them when protesters attempted to grab them. One of the senior officers of the FRU stated that in his 24 years with the Victoria Police he had never experienced a more aggressive and violent crowd.

There were two references made to personal issues and attitudes of police officers within the Report of the Ombudsman (2001) that may have affected the behaviour of the police during the policing of the WEF. Firstly, police officers complained that the meals with which they were provided were “late, not hot, not enough, and generally below standard” (Ombudsman Victoria, 2001, p. 49). Second, the officers involved in the first incident with protesters where a police vehicle and a red sedan were blocked from entering the Forum were all coming off the night shift.

Hunger and fatigue are two variables that can have a negative impact on one's attitude and behaviour.

One of the most publicized images of the WEF in Australian media is that of two police officers leaning down over a barricade swinging their batons at the protesters below. According to the Ombudsman Victoria (2001), this behaviour, when looked at in context, was proper to the circumstances whereas the actions of another officer at the same incident were clearly excessive.

Police Misconduct

On the evening of 12 September, protesters had blocked the exit from the Forum from which the delegates' buses were attempting to leave. The FRU were sent in to clear a path for the buses. Sergeant Mark Reid and five other officers were sent out first as they had received information that there was a man in the crowd with a small child on his shoulders whom the police wished to remove from the scene for the child's safety. When Sergeant Reid climbed over the barriers separating the police from the protesters he was "swamped by the crowd" (Ombudsman Victoria, 2001, p. 135). Two Senior Constables saw Sergeant Reid go down and jumped up onto the barriers, yelling and motioning to the crowd to "redirect some of the crowd's attention away from Sergeant Reid" (Ombudsman Victoria, 2001, p. 135). A third Senior Constable who saw Sergeant Reid go down "stated that he saw members of the crowd kicking and punching Reid" and concerned for Reid's safety he began to jab at the crowd with his baton (Ombudsman Victoria, 2001, p. 136). He soon felt that this was not effective and "resorted to overhead baton strikes" in a two-handed chop

motion from his elevated position on top of the barriers (Ombudsman Victoria, 2001, p. 136).

There is evidence of further misconduct by police officers during the WEF that may have been influenced by the sub-culture of policing. There were incidents where “a very high proportion of police were not wearing name tags” (Ombudsman Victoria, 2001, p. 181). All officers had been directed to display name tags and each had been given an information sheet regarding major international events in which stated name tags must be worn. Deputy Commissioner O’Loughlin stated that while some officers had had their name tags stolen by protesters, many officers had removed them. The Ombudsman Victoria (2001, p. 183) believes that this practice “could not have become so widespread as it apparently was without the tacit approval of the sub-officers directly supervising members” and that “it is possible...that some members were emboldened by the relative anonymity afforded by the removal of the nametag”.

Police Training

The FRU has its own training facility and FRU members take part in ongoing training in “crowd and riot control, close personal protection, witness protection and negotiation” (Ombudsman Victoria, 2001, p. 50). Training sessions are conducted at least six times a year in conjunction with the Mounted Branch, who themselves take part in general training exercises once a week. The regular members of the Victoria Police who were on crowd control duty at the WEF received two four-hour sessions prior to the event. Senior officers participated in a two-day training course. Nonetheless, “[t]he evidence clearly shows there were errors of fact and judgment

made by police in the execution of some strategies” (Ombudsman Victoria, 2001, p. 193).

In the afternoon of 11 September, senior officers held a meeting to discuss how they would ensure the safe and swift departure of the delegates’ buses from the Forum. It was decided that 300 officers would be needed to effectively carry out the operation, but there was not a sufficient amount of batons to go around. The decision was made that the FRU would give up their long batons to regular policing members and instead would use “the controversial side-handled batons” – the presence of which was subsequently mentioned in several of the written complaints to the Ombudsman (Ombudsman Victoria, 2001, p. 85).

The Ombudsman Victoria (2001) found that, overall, the majority of police officers conducted themselves appropriately with respect to the use of force, but there were individual acts of excessive force committed by officers during the WEF. The Ombudsman Victoria (2001, p. 117) described them as “opportunistic and undisciplined acts by individual members”. These acts, such as “overhead baton blows, kicking, [and] unauthorized holds ... were not a part of the strategies which involved the use of force, [and] were not in accordance with instructions” (Ombudsman Victoria, 2001, p. 193). Much of the video footage that depicts police unnecessarily using their batons shows a regular long-baton, indicating that they were general policing members (who had the least amount of training) and not FRU.

Police Planning

After investigations into preparations for policing the WEF, the Ombudsman Victoria (2001) concluded that planning, for the most part, had been thorough. The

exception was on the morning of Tuesday, 12 September when police executed the plan to get delegates' buses into the Forum.

The decision was made to use the same plan as had been successfully carried out the night before when buses exited the Forum. Five hundred and fifty-eight officers were on duty at "level 4" (with batons drawn) as intelligence gathered by police predicted that there would be more protesters and, thus, more resistance to the police. The plan entailed police remaining out of sight until the buses were two minutes away from the entrance gate. The FRU were instructed to come out first and force their way through the crowd to form a cordon up both the right and left sides. Transit police were to come next, followed by general policing members to clear out any remaining protesters left in the intersection and then reinforce the FRU's cordons. The securing of the intersection had to be done quickly to avoid giving the crowd time to rally more protesters and to avoid the buses having to stop, whereby making them easy targets. "What followed was the scene which has been shown time and again of riot-helmeted police walking through the seated crowd, some stepping between protesters, some falling over, others clearly less choosy about where they step" (Ombudsman Victoria, 2001, p. 113).

The Ombudsman Victoria (2001, p. 120) concluded that while it was an adequate plan, "[t]he problem was that the assumptions upon which it was constructed, although reasonably based on the experiences of Monday, appear to have been elevated to the status of immutable fact by the time the plan was executed on Tuesday morning". The protesters who had attempted to block the buses from leaving the night before had all been standing in the intersection, whereas the crowd

of close to 100 on Tuesday morning were all sitting with their arms and legs linked together. The FRU deployed at 7:10 a.m.; the last record of an inquiry or a report on the number of protesters at the gate and nearby was at 6:19 a.m. At no point was the information ever communicated to the police responsible for forming the cordons and clearing the intersection that the protesters were sitting down and that there were far fewer protesters in the area than there were police officers. "...[W]hen the police emerged from the valet carpark they were irrevocably committed to a plan which had not been compared with, let alone modified to meet the reality" (Ombudsman Victoria, 2001, p. 123). It resulted in injuries of many people who were trampled by police in the execution of their plan.

Another factor of policing that the Ombudsman Victoria (2001) recognized in the report was police officer fear of protester violence directed against them. Several senior officers expressed the view that the protesters at the WEF were the most violent and aggressive they had experienced during their careers. Some incidents which were recognized as being particularly frightening were the female officer who was almost pulled off her horse by people in the crowd, officers who were surrounded and trapped by the crowd, officers whose batons were nearly taken from them while trying to keep protesters back, and when protesters made threats about knowing where officers lived and that they would be taking civil action against the officers for their actions during the WEF. As well, those who had not taken part in a crowd control situation before "found it very frightening" (Ombudsman Victoria, 2001, p. 73).

In conclusion, Report Six identified the actions of protesters, influence of personal issues and attitudes, influence of peer relations and police sub-culture, inadequate training and equipment, inaccurate communication, information, and planning, and police officer fear as being relevant to the excessive use of force by police at protest demonstrations. Strangely, the WEF report did not offer any recommendations as to how the Victoria Police and the FRU might avoid similar incidents from happening at future protest demonstrations.

Chapter Four

DISCUSSION AND CONCLUSION

Discussion

The results of the analysis of each report regarding the presence of the elements of policing that are believed to have had an impact on police excessive use of force at each event are shown in the Analytical Grid in Figure 4.1.

As evident in the Analytical Grid, the most common factor was Insufficient and Inaccurate Communication, Information, and Planning. This is an interesting finding as there appears to be a gap in the literature with respect to this factor and, more specifically, with respect to the significance of this factor in relation to possible excessive use of force by police. Considering it was the only factor present within all six reports there appears a need to pay greater attention to the overall planning of security operations, to the collection and analysis of information regarding protest groups, and to communication within police forces, between different police forces, and between police and protesters. The next two most common factors were the Presence of Aggressive and Violent Protesters and Inadequate Training and Equipment which were present in five of the six reports. Interestingly, it was the New Zealand APEC report where neither of these two factors were identified. It should be taken into consideration that the absence of these two factors may have contributed to the lack of police violence. The least common factors were High Levels of Stress, Loss of Professional Self-Control, Influence of Personal Problems

Figure 4.1. Analytical Grid: Presence of Factors

	Report 1 AIDEX	Report 2 OPSEU	Report 3 NB – School	Report 4 APEC Canada	Report 5 APEC NZ	Report 6 WEF
Presence of Aggressive and Violent Protesters	✓	✓	✓	✓		✓
High Levels of Stress				✓		
High Levels of Aggression				✓	✓	
Loss of Professional Self-Control	✓					
Influence of Personal Problems and Attitudes of Individual Officers						✓
Influence of Peer Relations and the Police Sub-Culture						✓
Insufficient and Inaccurate Supervision	✓	✓			✓	
Inadequate Training and Equipment	✓	✓	✓	✓		✓
Insufficient and Inaccurate Communication, Information, and Planning	✓	✓	✓	✓	✓	✓
Other ¹				✓	✓	✓

¹ Includes political pressure on police to control protesters' actions and police fear of violent protesters.

and Attitudes of Individual Officers, and Influence of Peer Relations and the Police Sub-Culture as they were present in only one report respectively. One reason for this may be that the investigators at each event did not always consider these four factors.

As described in Chapter Two, the factors of policing that were present within each report were weighted on a three-point scale according to the effect each factor appeared to have had on the behaviour of the police during the separate events. A score of two represents a factor that had a predominant effect on the use of force, a score of one represents a factor that had a moderate effect, and a score of zero represents a factor that was not mentioned in the report. The results of the scoring on the three-point scale are shown in the Scoring Grid in Figure 4.2.

The most predominant factor in the AIDEX report was Inadequate Training and Equipment. The most predominant factor in the OPSEU, New Brunswick – School, and Canadian APEC reports was Insufficient and Inaccurate Communication, Information and Planning. The most predominant factor in the New Zealand APEC report was Political Pressure. The most predominant factor in the WEF report was the Presence of Aggressive and Violent Protesters.

The Commonwealth Ombudsman (1993), who investigated police actions at AIDEX, concluded that breakdowns in command and control of security operations are usually a result of inadequate training and poor supervision. The report focused on the lack of experience policing public order events of many of the officers on duty during AIDEX and of the complete absence of any crowd control training of at least 50 officers called in on short notice. The majority of complaints lodged against the AFP were for inappropriate restraining holds and misuse of batons and police dogs

Figure 4.2. Scoring Grid

	Report 1 AIDEX	Report 2 OPSEU	Report 3 NB – School	Report 4 APEC Canada	Report 5 APEC NZ	Report 6 WEF
Presence of Aggressive & Violent Protesters	1	1	1	1	0	2
High Levels of Stress	0	0	0	1	0	0
High Levels of Aggression	0	0	0	1	1	0
Loss of Professional Self-Control	1	0	0	0	0	0
Influence of Personal Problems & Attitudes of Individual Officers	0	0	0	0	0	1
Influence of Peer Relations & the Police Sub-Culture	0	0	0	0	0	1
Insufficient & Inaccurate Supervision	1	1	0	0	1	0
Inadequate Training & Equipment	2	1	1	1	0	1
Insufficient & Inaccurate Communication, Information, & Planning	1	2	2	2	1	1
Other ²	0	0	0	1	2	1

Scoring Key: 2 = Predominant effect; 1 = Moderate effect; 0 = Not mentioned

² Includes political pressure on police to control protesters' actions and police fear of violent protesters.

which the Commonwealth Ombudsman (1993) attributed mainly to the officers' insufficient training.

According to investigators of the OPSEU, New Brunswick – School, and APEC reports, the factor that had the most impact on why police used excessive force was inadequate planning, poor communication, and inaccurate information. This is an interesting finding in that the three Canadian events included in this study all experienced a similar problem. The OPSEU report involved the Metro Toronto police and the OPP, while both the New Brunswick – School and the APEC reports involved members of the RCMP. It seems the RCMP, indeed all police forces charged with controlling major demonstrations, would be wise to study the intricacies of the successes and failures of past public order events, particularly the strategies for communication, information, and planning.

The New Zealand APEC report was unique to this study as it was the only one that did not involve police violence, but rather allegations of stifling public protest. Considering this fact, it is somewhat surprising that the New Zealand APEC report was not the report with the least amount of factors determined to have contributed to the behaviour of the police. This honour goes to the New Brunswick – School report which determined that just three factors had had an impact on police actions. The New Zealand report is also unique in that it is the only report whose predominant factor was included in the “Other” category, that of political pressure.

Two major differences that made the New Zealand event stand apart from the other five events, besides the absence of police excessive use of force, were the absence of aggressive and violent protesters and the apparently adequate training and

equipment of the New Zealand Police. The report concluded that most of the protesters that were targeted by police to shield the President of China from seeing or hearing dissent were Tibet supporters, many of them Buddhist followers who practice non-violence. None of them behaved unlawfully and they even complied with police directions that were, in fact, in violation of their civil rights as New Zealanders.

Training of officers who were to be on duty during APEC and the state visits by President Jiang began early on. Delegation Security Teams (DST) were nominated and selected from across Police Districts and were trained together. A full day of briefing and further training occurred just prior to the APEC conference so it would be “fresh in their minds” (New Zealand Police, 1999, p. 22). The New Zealand Police also engaged in desktop exercises that covered many possible scenarios of security operational problems or breaches. According to the New Zealand Police Operation APEC99 After Action Report (1999, p. 8), one of the reasons the security of the conference ran so smoothly was the “strong emphasis placed on learning” from the “international police community...[of] their successes and failures”. Those involved in the planning of APEC 1999 were in attendance at APEC 1997 in Vancouver and spoke with members of the RCMP and the Vancouver Police Department about their experiences.

The protesters who participated in demonstrations against the WEF were by far more aggressive and violent than the protesters at the other events included in this study. They not only attempted to shut down the Forum through blockades of the entrances to the hotel and attacks on the vehicles transporting the Forum delegates,

but they also physically and verbally attacked the police. They showed both organization and determination in carrying out these attacks.

The predominant factors were ranked in order from having the greatest to the least impact on police behaviour at the six separate events (See Figure 4.3.). Insufficient and Inaccurate Communication, Information, and Planning was ranked first as it not only appeared in all six reports, but was also the predominant factor in the OPSEU, New Brunswick – School, and Canadian APEC reports. Presence of Aggressive and Violent Protesters and Inadequate Training and Equipment tied for second ranking as both factors appeared in five of the reports and both were the predominant factor in the WEF and AIDEX reports respectively. The “Other” category was ranked fourth as Political Pressure and Police Fear were present in three of the reports (both appeared in the Canadian APEC report) and Political Pressure was deemed the predominant factor in the New Zealand APEC report. While Insufficient and Inaccurate Supervision also appeared in three of the reports, it was ranked fifth as it was not considered a predominant factor at any of the events. High Levels of Aggression was ranked sixth as it was present in two of the reports and not predominant in any of them. The other four factors of High Levels of Stress, Loss of Professional Self-Control, Influence of Personal Problems and Attitudes of Individual Officers, and Influence of Peer Relations and the Police Sub-Culture tied for seventh ranking as they each were present in only one report and none of them were predominant factors.

Figure 4.3. Rank-Ordering of Factors

FACTOR	RANK
Insufficient and Inaccurate Communication, Information, and Planning	1
Presence of Aggressive and Violent Protesters	2
Inadequate Training and Equipment	2
Other ³	4
Insufficient and Inaccurate Supervision	5
High Levels of Aggression	6
High Levels of Stress	7
Loss of Professional Self-Control	7
Influence of Personal Problems and Attitudes of Individual Officers	7
Influence of Peer Relations and the Police Sub-Culture	7

³ Includes political pressure on police to control protesters' actions and police fear of violent protesters.

Limitations

There are several limitations to this study. Firstly, a sample size of more than six reports would give a more representative portrayal of which factors are the most common and which have the most impact on whether police will use excessive force when policing protest demonstrations. In order to obtain additional inquiry reports, future researchers on this topic may wish to further explore other countries' history of public order events or, considering the increasing number of demonstrations being held across the globe, wait until future clashes with police produce official inquiries, and thus, more reports for comparison.

Second, while the investigators of the events where police are alleged to have used excessive force were responsible for determining the reasons for police behaviour, those reasons were coded according to categories drawn from the literature in this area. There was a gap in the literature regarding the importance of communication, information, and planning on the success of policing protest demonstrations, and the term "professional self-control" is not found in the existing literature. It is possible that differences with respect to terminology may be responsible for any discrepancies; for example, the existence of "Loss of Professional Self-Control" was inferred from the Ombudsman's comments with respect to "dealing with provocation" in the AIDEX report.

Third, the scoring and ranking of the nine factors of policing is subjective. They were completed according to this author's assessment of the importance each report allocated to each factor. This was done on the basis of how often each factor was referred to within each report, the significance placed upon each factor, and the

focus of the recommendations made by the investigators. It must be acknowledged that this study lacks inter-rater reliability and the associated caveats with regards to validity that this may create.

Fourth, the possibility exists that all the factors of policing that have been discussed in this study were not taken into account by the investigators of each event. Perhaps the absence of certain factors within the reports is because they were never entertained or acknowledged by investigators as having an impact on police behaviour. Without an intimate understanding of how the investigators structured their investigation (i.e. what factors they concentrated on, what factors they never considered) and without delving into the psyche of every single police officer on duty during each event to see what made him or her behave the way they did, it is difficult to be certain all relevant factors associated with the excessive use of force by police received appropriate consideration.

Conclusion

The relative mobility of individuals over the years has increased due to more readily accessible transportation, making it easier for protest participants to attend demonstrations. Thus, the numbers of people traveling great distances to take part in protest demonstrations are increasing, as are the general numbers of protesters at any given demonstration. Such large crowds require more police officers who have been sufficiently trained in crowd control situations.

If police are to avoid violent clashes with protesters it is imperative that police organizations pay special attention to what causes this kind of outcome. One way of doing this is by studying the successes and failures of past events. By examining

what factors may have led to the breakdown in crowd control by other police organizations as well as their own organization, officers will have a better understanding of what areas of policing need to be concentrated on in order to avoid future confrontations and the occurrence of excessive use of force.

Della Porta & Reiter (1998) state that reorganizing the structure of the police to model the military's emphasis on discipline and control may assist police in preventing the excessive use of force. According to Reiner (1991, cited in della Porta & Reiter, 1998, p. 11-12),

In violent confrontation, a 'non-militaristic' response (i.e., without adequate training, manpower, coordination, and defensive or even offensive equipment) could mean that injuries will be multiplied. This doesn't just mean injuries to the police, but also to others who will suffer from undisciplined and excessive violence from constables who lose their cool or their courage.

The nine factors examined in this study are all controllable by the police. The levels of police officer stress, aggression, and professional self-control, the influences of personal problems and attitudes and peer relations and the police sub-culture are all elements that can be handled within the police organization. There should exist programmes and counselors to assist officers who are experiencing problems that affect their job performance as well as providing all officers with primary intervention methods so they are able to cope with and combat their problems before they reach a critical stage.

The level of supervision, quality of training and equipment, and adequacy of communication, information, and planning are all elements of policing that the organization is capable of ensuring are carried out according to a professional standard. Finally, while the actual presence of aggressive and violent protesters is

beyond the control of the police, they still control the situation and are able to manipulate the atmosphere of the demonstration to either incite the protesters further or calm them down. Recently, a peaceful symbolic demonstration was held in Ottawa, Ontario at Parliament Hill against the G-8 Summit that took place in Kananaskis, Alberta. One reason which may have contributed to why things ran so smoothly may have been the fact that police handed out bottles of water to thirsty protesters while patrolling the demonstration area. This conciliatory gesture gave protesters no legitimate reason to attack the police. If protesters perceive that aggressive and violent behaviour toward benevolent and impartial police will not be tolerated by the public and will only hinder their cause, they will often refrain from engaging in such behaviour (Inspector Wayne Hanniman, personal communication, April 2002).

Policing protest demonstrations and other public order events will continue to present challenges to the police. Different causes will attract different types of protest groups and the police must be prepared to handle all of them. The more that is understood about what leads to the excessive use of force by police, the greater the opportunity for taking steps to prevent it.

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Appendix ALIST OF ABBREVIATIONS

AFP – Australian Federal Police

AIDEX – Australian International Defence Exhibition

APEC – Asia Pacific Economic Cooperation

CCTV – Closed Circuit Televisions

CMU – Crowd Management Unit

DST – Delegation Security Teams

ERT – Emergency Response Team

FRU – Force Response Unit

IPPs – Internationally Protected Persons

LSS – Legislative Security Service

MPPs – Members of Provincial Parliament

OGPS – Ontario Government Protective Service

OPP – Ontario Provincial Police

OPSEU – Ontario Public Servants Employees Union

QPS – Queen’s Park Security

QRT – Quick Response Teams

RCMP – Royal Canadian Mounted Police

RIC – Regional Intelligence Coordinator of the OPP

UBC – University of British Columbia

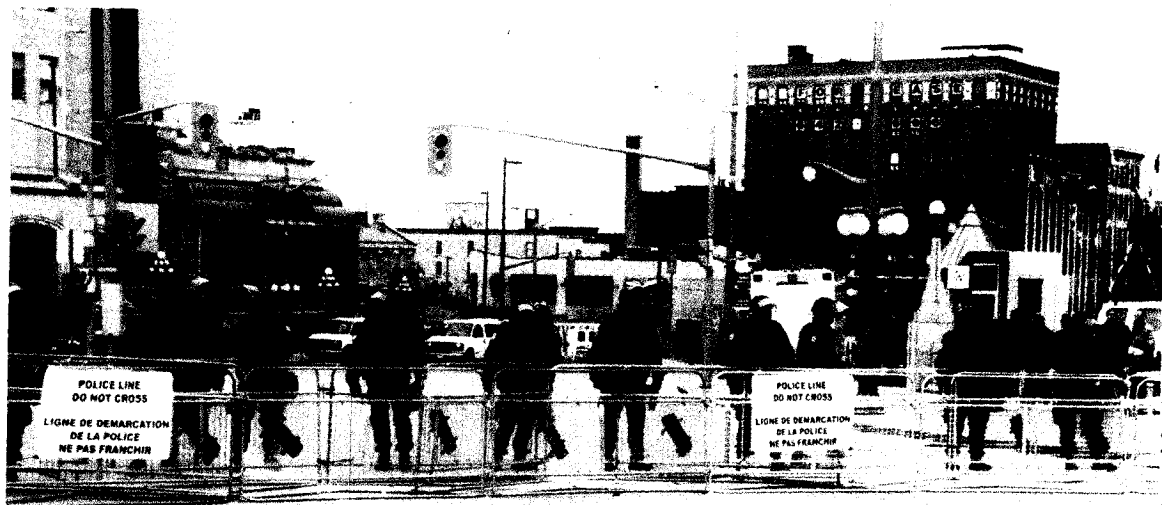
WEF – World Economic Forum

Appendix B

PHOTOGRAPHS FROM G-20, NOVEMBER 2001, OTTAWA, ONTARIO

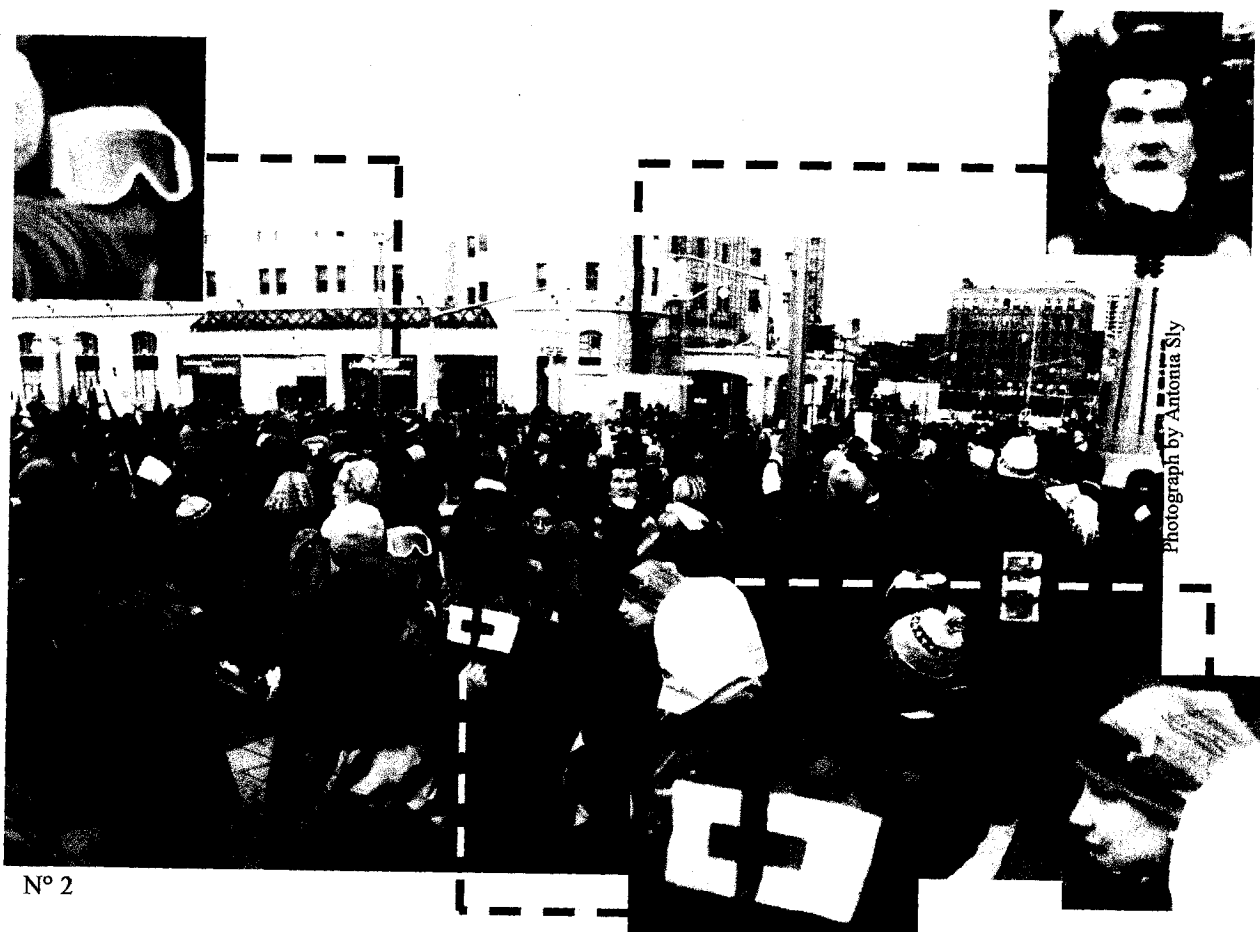
The following photographs were taken by this author and a friend, Denis F. Lambert, at the G-20 Summit held in Ottawa, Ontario in November 2001. We attended one afternoon of the demonstrations against globalization in downtown Ottawa to get a sense of what both police and protesters may face during a protest demonstration. Eight photographs have been included to illustrate such things as the protective clothing and equipment worn by police and some protesters, some of the weaponry used by police to control protesters, and the intention by some protesters to commit civil disobedience by actions such as tearing down a police boundary fence.

Some images have been enlarged to give the reader a better idea of the forethought some protesters give to avoiding the effects of tear gas and pepper spray, the actions police may take to control protesters, and one method by which the police ensure accountability of their officers.



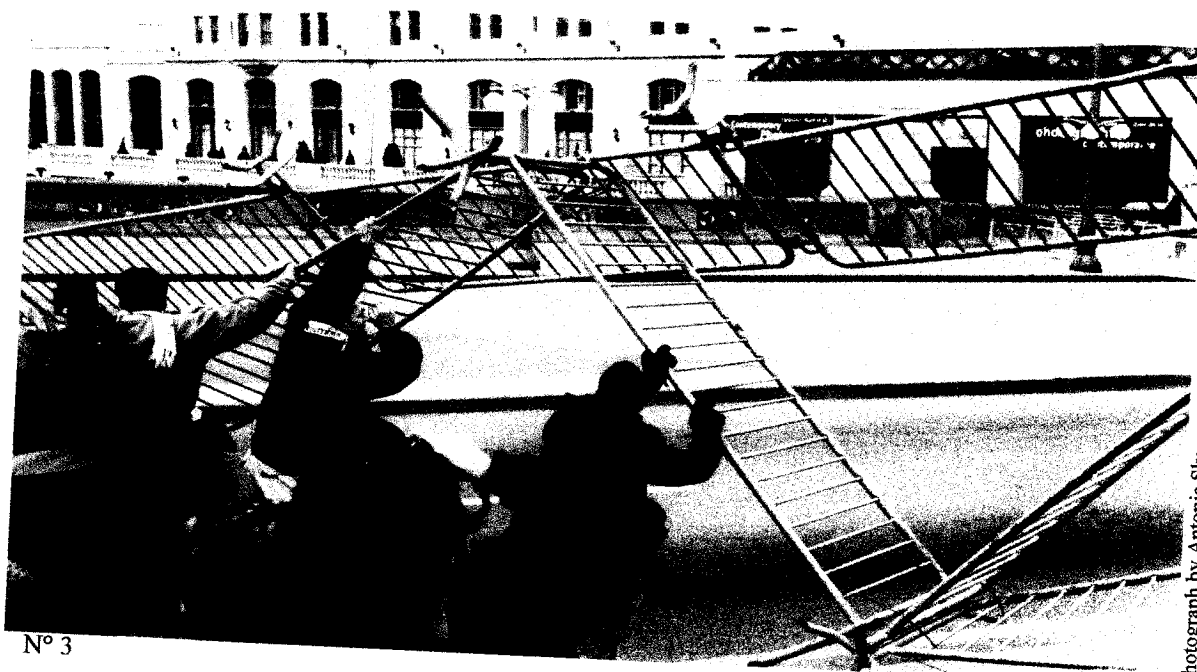
Photograph by Antonia Sly

Nº 1



Photograph by Antonia Sly

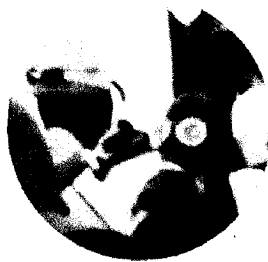
Nº 2



Photograph by Antonia Sly



Photograph by Antonia Sly



Photograph by Antonia Sly

N° 5



Water Cannon



Photograph by Denis Lambert

N° 6



Photograph by Denis Lambert

N° 7



Photograph by Denis Lambert

N° 8