



**IPCC REPORT into the Policing**  
**of**  
**the Countryside Alliance**  
**Pro-Hunting Demonstration**  
**on**  
**WEDNESDAY 15 SEPTEMBER 2004**  
**at**  
**Parliament Square, London**

## **EXECUTIVE SUMMARY**

On Wednesday 15 September 2004, there was large-scale public disorder in Parliament Square in Central London. A rally organised by the Countryside Alliance had gathered in Parliament Square from approximately 11am to protest against the Government's Bill to ban hunting with dogs.

It was estimated by the Countryside Alliance that 30,000-40,000 people turned up for this demonstration. The Metropolitan Police Service (MPS) who were expecting approximately 10,000, put the actual figure of people who attended at 20,000. There were 1,300 police officers involved in policing the demonstration.

It is clear that the vast majority of people attending the demonstration were not involved in any disorder, and indeed hundreds of police officers completed their tour of duty without witnessing any unlawful acts. However it is also apparent that a small number of people attending the demonstration were intent on getting through the police lines and to disrupt Parliament. During the morning and early afternoon, flyers were circulated amongst the crowd advising of a planned 'sit down' protest at 3.30 pm in the south east corner of Parliament Square.

The MPS planning for the operation included erecting barriers around the green in Parliament Square. Owing to the numbers of people attending the demonstration, at 12.33 pm, both the roads to the north and south of the grassed area of Parliament Square were made available to demonstrators and a single line of barriers was erected to prevent anyone from gaining access to the front of Parliament.

The single line of barriers made it more likely that this area would be attacked as a potential weak spot in the containment of the crowd and the protection of Parliament. Members of the crowd tried, from 1.30 pm, to pull the barriers away from the road, resulting in a series of minor skirmishes between police officers posted to the south east corner of the square and some of the demonstrators. By 3.00 pm the single line of barriers had been completely removed by the crowd and there were no obstructions preventing the demonstrators from coming face to face with police officers, who by this time had formed a line across the road junction.

By 3.00 pm there were attempts by the demonstrators to break through the police lines in the road to the north of the grassed area near to Westminster Abbey. The police officers responded to this attack and at 3.23 pm a police officer was captured on CCTV using his baton to strike a demonstrator.

It is clear that missiles were being thrown at the police lines. It is also clear that from 3.30 pm some of the demonstrators surged towards the police lines, there were attempts to breach the police lines, and a number of police officers used their batons to strike demonstrators on the head, causing injuries. On occasions officers are seen to be pinned back to the police vehicles being used as barriers. It is not surprising therefore that police officers chose to use force. They were entitled to use force to protect themselves, their colleagues and other demonstrators or members of the public from violence or to prevent protesters from invading Parliament.

It is also apparent that a number of demonstrators were unable, due to the volume of the crowd, to leave the area when the situation became violent, and some of the people injured in the demonstration were clearly not involved in any disorder. The violent scenes lasted for over two hours.

That evening the first complaints against the police were made to the Metropolitan Police Service, direct to the Independent Police Complaints Commission (IPCC) and to the Countryside Alliance.

We believe that there are lessons to be learnt for all parties involved; the Metropolitan Police Service, the Countryside Alliance, the Crown Prosecution Service, the protestors, individual officers and the Independent Police Complaints Commission. We intend to discuss any learning points with these groups after the publication of this report.

The decision to investigate the complaints against police officers independently was made by the IPCC the next day. It was based on the serious nature of the allegations being made by those injured, the number of allegations being made and the extensive

media coverage had created real issues of public confidence for the MPS. By the end of the day, 65 complaints had been received.

It was apparent from the outset that there would potentially be hundreds of instances of common assault or minor public order allegations. It was decided that the IPCC inquiry would be restricted to the investigation of allegations of serious assault only. It was felt that less serious allegations would be very difficult to investigate due to lack of evidence.

The event, at times, was extremely violent; missiles, including crush barriers, were hurled at the police lines. There were also clear attempts to break through the police lines and this could have been successful had it not been for the tactic of moving a line of police carriers across the junction of Parliament Square and St. Margaret's Street. There were, however, also examples of considerable force being used from the police lines towards the demonstrators. One member of the public received an injury which required some 12 stitches to the head.

## **MISCONDUCT CASES**

Complaints were investigated from 54 people who attended the demonstration who claimed to be injured by police officers and also from 119 people who attended the demonstration but were not injured. Forty people withdrew their complaints. The Metropolitan Police looked at over 60 alleged injuries to officers, but no members of the public were charged with any assault offences.

Thirty-one officers were served with Regulation 9 Notices advising them they were subject of complaint. Thirteen of the Regulation 9 Notices were withdrawn as evidence came to light that officers had acted properly. Nineteen were interviewed under caution.

Seventeen complaint files went to the Crown Prosecution Service who advised:

- No criminal proceedings 10
  - of which no disciplinary action 8
  - of which returned to MPS for disciplinary action 2

•	of which officer given ‘words of advice’	1
•	of which officer faced discipline tribunal	1
•	of which ‘not proven’	1
•	Summonses Issued	7
•	of which summonses withdrawn after issue	4
•	of which officers tried	3
•	of which acquitted	3
•	of which no disciplinary action	2
•	of which discipline tribunal	1
•	of which ‘not proven’	1

### **Conclusion and recommendations**

Incidents of public disorder on the scale of Parliament Square are very rare. Since September 2004 the MPS has policed hundreds of demonstrations without any disorder. It is clear that the MPS did not expect the numbers of demonstrators to attend the rally.

Under the Serious and Organised Crime and Police Act 2005, demonstrations in Parliament Square can now only be held after obtaining a licence from the Metropolitan Police.

The numbers of demonstrators will be able to be limited and should ensure that at any future demonstration in this area, the MPS will be able to erect a ‘Wapping box’ formation of barriers around the grassed area, and effectively control and limit the numbers of persons attending.

It is clear that a number of protesters received serious head injuries. The consequences of such acts could have been far more serious.

### **Recommendations**

- 1) *Serial Commanders hold an immediate debrief after public order situations to establish if batons have been used during the demonstration.*

- 2) *If similar situations occur to that which occurred in Parliament Square, when it is obvious that the use of batons has caused injury, procedures should be put in place which identify the officers who have used their batons, the batons should be retained by senior officers, and they should be correctly identified and exhibited, and should be stored in containers individually, which allows for further forensic examination if necessary. This procedure should be carried out before officers leave the scene, or go off duty.*
- 3) *The Gold or Silver Commanders should consider when planning resources for major incidents, including demonstrations, appointing a forensic manager as part of the Bronze command structure, to advise on any forensic, exhibit handling issues.*
- 4) *Police forces ensure that in such circumstances when batons are seized, the officers are issued with replacements to ensure that officer safety procedures are followed.*
- 5) *The MPS Public Order Training Department as a matter of urgency review the tactical options available to police when subject to attack at a police line with a view to minimising the risk of physical force being used by individual police officers and only as a last resort with consideration being given to all equipment now available.*
- 6) *The MPS give consideration to and model, as part of basic planning for demonstrations, the likely dynamics of movement of a crowd and ensure reasonable provision is made within the cordon for measures to prevent mass surge and designated escape routes for persons not wishing to be forced toward police lines. The measures would also be designed to prevent crushing. Additionally, outside the cordon, consideration should be given to the use of portable matrix information boards with large-scale displays to inform of the risk of crushing and the communication of police orders.*

The deployment of police officers in public order situations in the MPS is recorded by the use of a form 3166. This form should detail the officers involved and their deployment. The standard of completion of some of the form 3166 for the events was poor, and in some cases did not list the names of the officers in the serial.

**Recommendation**

- 7) *Supervisors responsible for completion of the form 3166 should ensure that they are completed accurately, and understand that the forms are an auditable document.*

The instruction for officers attending the demonstration on 15 September 2004 was that they would wear yellow jackets with black epaulettes containing their numbers. There were clear examples recorded on CCTV of some officers ignoring this instruction.

**Recommendation**

- 8) *Supervising officers in charge of units should ensure that officers wear the authorised clothing for the event as detailed in the operational order.*

A number of officers engaged in policing duties at the demonstration were unhappy over the delay in authorising the wearing of protective clothing.

**Recommendation**

- 9) *The MPS should review the procedure for authorising the wearing of protective clothing. This may include the authorisation levels being lowered to Serial Commanders.*

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## Chapter One

### INTRODUCTION

1. On Wednesday 15 September 2004 there was large-scale public disorder in Parliament Square in central London.
2. A rally organised by the Countryside Alliance had gathered in Parliament Square from approximately 11am to protest against the Government's Bill to ban hunting with dogs. This was a very significant time for those opposed to the Bill because it was to have its second reading in the House of Commons on this day. It is at the second reading of a Bill that issues of principle are debated, and winning a vote against the Bill at this stage would bring to an end its passage through Parliament. It was estimated by the Countryside Alliance that 30,000-40,000 people turned up for this demonstration. The Metropolitan Police Service (MPS) who were expecting approximately 10,000, put the actual figure of people who attended at 20,000. There were 1300 police officers involved in policing the demonstration.
3. It is clear that the vast majority of people attending the demonstration were not involved in any disorder, and indeed hundreds of police officers had completed their tour of duty without witnessing any unlawful acts. The Countryside Alliance's objective for that day was to peacefully make known their disquiet about the Hunting with Dogs Bill.
4. However it is also apparent that a small number of people attending the demonstration were intent on getting through the police lines. Indeed, during the morning and early afternoon, flyers were circulated amongst the crowd advising of a planned 'sit down' protest at 3.30pm in the south east corner of Parliament Square (see Appendix A).
5. It was on this same day that a number of protesters made their way into the House of Commons chamber and disrupted the proceedings, requiring a brief adjournment. The disruption occurred when five campaigners burst

into the Commons chamber to protest about the Hunting Bill. They were subsequently arrested, and received 18-month conditional discharges and were ordered to pay £350 in costs. This event makes it absolutely clear what was at stake and that the MPS had a very important task on this day. Whatever the differences of view there may be about hunting with dogs, MPs in the House of Commons needed to proceed with their debates and be able to vote on Bills without physical obstruction.

6. The MPS planning for the operation included erecting barriers around the green in Parliament Square; these were in the form of a double line of barriers known as a 'Wapping Box'. The term 'Wapping Box' relates to an industrial dispute at News International in 1977. The barriers are constructed to make them difficult to be lifted and thrown at police officers. Their principal function is to create distance between police lines and demonstrators, and they are designed to be incapable of movement when surges occur. The intention was to keep the people attending the demonstration within the grassed area – but if the crowds became too large, the contingency plan included the release of the roads to the north and south of Parliament Square to the crowd. Barriers would then be erected along the junction with the road in front of the Houses of Parliament. Owing to the numbers of people attending the demonstration, at 12.33pm both the roads to the north and south of the grassed area of Parliament Square were made available to people attending the demonstration and a single line of barriers was erected to prevent anyone from gaining access to the front of Parliament.
7. The single line of barriers made it more likely that this area would be attacked as a potential weak spot in the containment of the crowd and the protection of Parliament. Members of the crowd tried, from 1.30pm, to pull the barriers away from the road, resulting in a series of minor skirmishes between police officers posted to the south east corner of the square and some of the demonstrators. By 3.00pm the single line of barriers had been completely removed by the crowd and there were no obstructions preventing the demonstrators from coming face to face with

police officers, who by this time had formed a line across the road junction. To try to prevent the demonstrators from breaking through the police lines, the officers in charge of the operations reinforced the south east corner with extra officers and also used police vans to form a barrier immediately behind the officers.

8. By 3.00pm the road to the north of the grassed area near to Westminster Abbey contained several hundred demonstrators standing in front of the police officers. There were attempts by the demonstrators to break through the police lines, by applying physical pressure to the officers, and push their way through. There was a possibility that some of them would have made their way into the chamber and added to the disruption of the proceedings, possibly causing them to be abandoned. The police officers responded to this attack and at 3.23pm a police officer was captured on CCTV using his baton to strike a demonstrator.
9. The events were covered by CCTV and also by video footage from the media, private individuals attending the demonstration and police officers filming the scenes for evidential purposes. It is clear from this footage that missiles were being thrown at the police lines. It is also clear that from 3.30pm some of the demonstrators surged towards the police lines. There were attempts to breach the police lines, and a number of police officers used their batons to strike demonstrators on the head, causing injuries. On occasions during the attempts to break through the police lines, officers are seen to be pinned back to the police vehicles being used as barriers. In these circumstances it is not surprising that police officers chose to use force. They would have been entitled to use force to protect themselves, their colleagues and other demonstrators or members of the public from violence or to prevent protesters from invading Parliament. It is also clear that, whilst protecting Parliament, some officers were injured, and the bravery of many of the officers involved should be recognised.
10. It is also apparent that a number of demonstrators were unable, due to the volume of the crowd, to leave the area when the situation became violent,

and some of the people injured in the demonstration were clearly not involved in any disorder. According to the MPS investigation into the disturbance (Operation Ashcombe), approximately 60 police officers were also injured during the demonstration. The Countryside Alliance has questioned whether this figure is correct, however it is not the IPCC's function to investigate this issue.

11. The violent scenes lasted for over two hours, before the demonstration concluded and Parliament Square was cleared of demonstrators by the police.
12. The rally and the violent scenes were the subject of intensive press and media coverage, with many of the scenes being transmitted live on 24-hour news broadcasts, and the majority of the front pages of the national newspapers on 16 September covered the incident (Appendix B). Several MPs and peers witnessed the events and their aftermath.
13. From as early as the evening of 15 September, complaints against the police were made to the Metropolitan Police Service, direct to the Independent Police Complaints Commission (IPCC) and to the Countryside Alliance.

### **Lessons**

14. We believe that there are lessons to be learnt for all parties involved; the Metropolitan Police Service, the Countryside Alliance, the protestors, individual officers and the Independent Police Complaints Commission. We intend to discuss any learning points with these groups after the publication of this report.

## **Chapter Two**

### **THE METROPOLITAN POLICE AND COUNTRYSIDE ALLIANCE – PLANS AND STRATEGIES**

15. The Metropolitan Police Service has more experience than any other force in the country in the policing of demonstrations and public order events (which is not surprising given the 4000 events held in the capital each year), and the vast majority of these demonstrations are peaceful with no arrests. The MPS has established strategies for planning the policing of such events, and the pro-hunting demonstration of 15 September 2004 was no different.
16. The planned rally on 15 September 2004 in Parliament Square was the Countryside Alliance's eighth event to demonstrate their opposition to the proposed Hunting Bill. However, the timing of the second reading of the Bill in the House of Commons was unknown to them until approximately six days prior to 15 September 2004.
17. Members of the Countryside Alliance and other pro-hunting bodies realised that the second reading in the House of Commons might be their last chance for a show of opposition to the Bill.
18. Despite the claims made of the potentially serious implications to the lives of thousands of people connected to the Countryside Alliance and the large number of protestors planning to attend the rally, the MPS had no intelligence to suggest that the rally would be anything other than a peaceful, law-abiding demonstration. There had been skirmishes during the second reading of the previous Hunting Bill on 16 December 2002, when a few arrests were made. The return of the Hunting Act had caused anger and resentment amongst hunt supporters.
19. Members of the Countryside Alliance met with senior officers of the MPS prior to the day of the event. The Countryside Alliance had, through various outlets, appealed for a large turnout, and say they forecast an

attendance of 30,000 – 40,000 people. This is disputed by the MPS who believe the Countryside Alliance forecast figures of 10,000 and this is the figure that the MPS planned for.

20. The police command structure on the day was in accordance with the *Public Order Manual* and the recognised Gold, Silver and Bronze command units. In public order situations police operate a Gold, Silver and Bronze strategy. Gold is responsible for setting strategic aims, Silver devises the tactics to achieve those aims, and Bronze implements the tactics. The Gold Commander for the event was a very experienced police officer and he described his role as dealing with the strategic issues that arise when policing such an event, and also satisfying himself that the tactical plan and the operational delivery by colleagues was appropriate and in keeping with the overall strategic aim that had been set.

21. On 9 September 2004 a strategy meeting, chaired by the Gold Commander, was held at New Scotland Yard. During this meeting the command structure for 15 September was established and the strategic intentions were agreed, which were as follows:<sup>1</sup>

- To facilitate and police all lawful protest.
- To preserve the security of the Palace of Westminster, 10 Downing Street and other government premises.
- To preserve the security of the Prime Minister.
- To endeavour to maintain access to the Houses of Parliament under the Sessional Order.
- To prevent public disorder.
- To endeavour to ensure public safety.
- To prevent crime and take all reasonable steps to apprehend offenders if crime is committed.
- To minimise disruption to vehicles and pedestrian traffic.
- To minimise disruption to the life of the residential and business

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<sup>1</sup> From the Gold Commander's statement to the IPCC

communities.

22. At the start of each new Parliament both the House of Commons and the House of Lords issue various Sessional Orders that are intended to assist in the smooth running of both Houses of Parliament. Each House issues the standard direction to the Commissioner of the Metropolitan Police Service to ensure that, whilst Parliament is sitting peers and MPs can have free access to the Palace of Westminster to continue with Parliamentary business. The Commissioner in turn issues an Order to the Metropolitan Police Service, which sets out the requirement, the area that it affects, and the expectation that the Order will be upheld.
23. The affect of the Order is that there should be no obstruction of the roads and footways leading to and from the Palace of Westminster during the times when Parliament is sitting. This in turn means that large processions and static demonstrations should not be allowed if they are likely to cause obstruction. To a very large extent, police are usually successful in achieving this requirement. However, there have been occasions when severe obstruction has been caused. Contingency arrangements exist to assist peers and MPs to reach the Palace of Westminster and this is administered by the police stationed at the Palace of Westminster in conjunction with the various Whips' offices. However, the stance of the Metropolitan Police Service is that large processions will usually not be agreed to in the relevant area during the currency of the Sessional Order. If spontaneous events create an obstruction then every effort is made to reduce this to the absolute minimum commensurate with safety, thereby allowing the business of Parliament to progress as normally as possible. This was the situation that occurred on 15 September 2004.
24. The Silver Commander for the event was a Superintendent who devised a tactical plan to support the strategic aims.
25. At the meeting on 9 September a number of Bronze Commanders were also appointed, including a Superintendent who was responsible for

Parliament Square and the immediate area around it, and another Superintendent who was responsible for the police reserves.

26. At 7.00am on the morning of 15 September 2004, the Gold Commander gave a briefing to his team, which was cascaded down to all officers involved in the operation. The briefing included the following points:<sup>2</sup>

- The Hunting with Dogs Bill [sic] is a 'big issue' for those demonstrating.
- The event is likely to attract large media coverage.
- It is OK for demonstrators to be angry, passionate and have strong feelings. It should be remembered that some of them were properly concerned about their livelihoods and are desperate, determined and strong.
- Remind colleagues that they are NOT the targets of the protest. It is Government they are attempting to influence. However, police can, on occasions, be seen as the symbol of the Government.
- All police actions are to be lawful, professional, proportionate, patient and pragmatic.
- Arrests are acceptable if they are necessary.
- Officers may use their personal protective equipment if it is necessary. However, it must be justified, evidenced and explained.
- Over-reaction is not acceptable.
- Please talk to the protesters.
- We must look professional in everything we do as well as being professional.

27. During this briefing the command team were updated in relation to intelligence to suggest that up to 20,000 protesters were now expected and were also informed that there had been arrests in the morning in relation to people abandoning vehicles in the vicinity of Parliament Square.

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<sup>2</sup> From the Gold Commander's statement to the IPCC

28. The MPS had powers under the Public Order Act 1986 in relation to section 12 and section 14 to regulate the demonstration. Section 12 confers powers on senior officers to impose conditions on processions (marches) which they reasonably believe are necessary to prevent serious public disorder, serious criminal damage or serious disruption to the life of the community. Section 14 gives much the same powers but, unlike section 12, the conditions the senior officer may reasonably impose on static demonstrations (rallies) are in this case limited to specifying:

1. the numbers of people who may take part
2. the location of the assembly
3. its maximum duration.

29. On 14 September 2004, the Silver Commander held a tactics meeting and agreed the following protocols with his Bronze Commander:<sup>3</sup>

- In the event of any disorderly conduct or other related problems, isolate, contain, arrest and dispersal would be the considered tactical options under these circumstances. The rationale behind this would be to assess all options and take the appropriate action necessary to deal with the situation.
- Bronze 2 to take the lead if section 12 or 14 of the Public Order Act 1986 powers are required for Parliament Square or the environs. Elsewhere, the highest ranking officer sent to deal with the group would use these powers. S12/14 use would be in consultation with the Silver Commander.
- Section 60 (powers to stop and search in anticipation of violence) was not authorised, but the Silver Commander agreed to review it based on the intelligence provided pre and during the event.
- Reserves would be deployed as usual practice with two or more PSU's [Police Support Unit's] deployed with a Chief Inspector for command and control purposes.

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<sup>3</sup> From the Silver Commander's statement to the IPCC

- Mounted Branch to be deployed to the sector under the direction of a Bronze Commander. The five principles of the Mounted Branch were discussed.
- A barrier plan was discussed and agreed to place [a] 'Wapping Box' configuration across the east of Parliament Square which is the section that faces the Palace of Westminster. This configuration would be continued along the south side for two-thirds of its length and on the north side to join up with the raised wall on Parliament Square. The Silver Commander also agreed a barrier configuration around the Palace of Westminster and adjoining streets.
- A contingency plan for any overspill for Parliament Square was discussed. Initially all protestors would be directed onto the grassed area in the centre of Parliament Square. The plan was to keep the traffic flowing for as long as it was safe to do so. This would help to keep the protestors on the grassed area of Parliament Square. Bronze 2 was to liaise with Silver Commander to implement the following contingency plan, if numbers exceeded capacity (estimated at about 8,000):
  - The south side of Parliament Square, the roadway and footpath outside Westminster Abbey.
  - The west side, in front of the Guildhall Court, the roadway and the footpath.
  - The north side, the roadway and footpath of Great George Street.

30. During the course of the events of 15 September 2004, the control room where the Silver Commander was situated learnt of a flyer being circulated amongst the crowd indicating acts of civil disobedience by members of a group called the Countryside Action Network. The flyer indicated that there would be a mass sit down in front of Parliament.

31. At approximately 12.00pm the overspill contingency plan was put into

effect for the south side of Parliament Square.

32. Throughout the course of the demonstration the Silver Commander kept a decision log outlining his instructions, and it was recorded at 12.16pm that barriers were to be erected at the junction of Parliament Square and St Margaret's Street to increase the crowd area outside Westminster Abbey.
33. Decisions 14, 15 and 16 of the Silver Commander's log also show that at 12.27pm additional resources were requested to contain the crowd. The additional resources included police officers on public order training at the MPS training centre at Gravesend and the Territorial Support Groups (a Central Operations Unit of the Metropolitan Police which specialises in crowd control). As the crowd surge grew, the Silver Commander also made a decision to use loud-speaker vans to assist the officers getting messages to the crowd to ease congestion. The organisers of the demonstration state they had sought permission to use a Public Address [PA] system, which included parking a lorry in the vicinity of Parliament Square with additional PA equipment, this request was refused by the MPS. The Countryside Alliance is of the opinion that the lack of effective communication became a contributory factor to the escalation of violence.
34. At 13.20pm the contingency plan for overspill on the north side of Parliament Square was implemented.

### **The Countryside Alliance Plan and Strategy**

35. The demonstration in Parliament Square on 15 September was the eighth demonstration outside Parliament organised by the Countryside Alliance and all the others previously had been peaceful. This demonstration was organised in the main by Tom England who is the Event Manager for the Alliance. The Alliance received six days' notice of the passage of the Hunting Bill, and therefore had limited time to liaise with the Metropolitan Police. However, Tom England, Simon Hart (Chief Executive), and a senior volunteer James Stanford, managed to meet with the police at New Scotland Yard on a number of occasions and formed what Simon Hart

believes to be a solid working relationship. The demonstration was planned to take place on the grass area of Parliament Square but due to numbers, the police opened the south and north roads to the protestors. Between 60 and 80 Countryside Alliance stewards were on duty during the demonstration, but Simon Hart and the Chief Steward Richard Dodd took the decision not to deploy them in the south east corner in a crowd calming capacity as none were trained in crowd management.

## Chapter Three

### A SUMMARY TIMELINE OF EVENTS

36. Contained within the appendices is a detailed timeline of the events in Parliament Square on 15 September 2004 (Appendix C). This information was obtained following an extensive study of CCTV, media material, police evidence and police helicopter footage, and video images from members of the crowd.

37. A succinct timeline is as follows;

- 10.20 First demonstrators arrive in Parliament Square.
- 12.00 Police report that Parliament Square (grassed area) is 90 per cent full.
- 12.11 Protestor arrested for breach of the peace.
- 12.20 North road given over to demonstrators in accordance with contingency plan.
- 12.28 Barriers arrive in south east corner.
- 12.29 First sign of disorder as objects are seen to be thrown at police lines.
- 13.21 Attempt made to break through the barriers at south east corner.
- 13.22 Barrier line broken in south east corner, some officers draw batons.
- 13.23 Protestor seen being hit on head by police officer with baton.
- 14.20 Five police vans moved across road junction at south east corner to form a barrier behind police lines.
- 15.13 Police reinforcements move to south east corner.
- 15.23 Protestor backs into police lines, surge by crowd towards police lines, officers draw batons, officers seen striking out with batons.
- 15.24–15.39  
Wide-scale disorder in south east corner, officers seen to strike protestors with batons, a police officer is seen to be dragged into crowd by demonstrators, fellow officer seen to rescue colleague. Protestor seen to throw object in officer's face. Many demonstrators seen with injuries to head.
- 15.39 Officers wearing protective clothing with helmets and visors seen in police lines.

- 15.43 Sit down protest in south east corner.
- 15.56 Surges of demonstrators continue from crowd towards police lines.
- 16.03 Officer seen without numbers on shoulder epaulettes, asked for his number by a demonstrator, however, he refuses to give his number.
- 16.11 Violent scenes still occurring as demonstrator is hit over the head with baton, causing injury.
- 16.34 All officers now wearing protective clothing.
- 16.53 Surges continue against police lines, objects being thrown at police lines.
- 17.50 Crowd moved from south east corner.
- 17.54 Violent clashes between police and demonstrators in south west corner.
- 18.00 Outbreaks of disorder continue to occur up to 20.28 when Parliament Square is eventually cleared of all demonstrators.

38. The events of 15 September 2004 escalated very quickly from minor skirmishes into periods of extreme disorder. The surge of protestors towards the police lines clearly placed a number of law abiding protestors in danger. Protestors would have had their exit route blocked by the Wapping Box on the North side and the railings of St Margaret's Church on the South side, thereby preventing a large number of people escaping from areas of conflict. The officers policing the demonstration have a responsibility for ensuring a safe environment for demonstrating.

39. The issue of the number of people attending the demonstration has already been discussed, and the strategy for excess numbers of demonstrators was put into effect. This of course led to the face-to-face confrontation between police officers and demonstrators. The question of what other tactics were available to the police commanders must be addressed. In practice, the expert in public order tactics is the MPS itself. For this reason the specialist Public Order Training Department of the Metropolitan Police has been consulted, and in its view there were no other tactics available for the police to use at the time without escalating the use of force, such as the use of horses, vehicle tactics or baton guns:

“Horses – Mounted Branch officers were deployed nearby but every time they came into view of the crowd, the situation became more inflamed. Apparently some of the group of demonstrators do not like to see the horses being utilised in this way; additionally they do not fear close contact with horses, as they tend to work or have dealings with them on a regular basis and therefore know how to handle them. During this demonstration, the crowd was pushing against the barriers, so it would have been very difficult to use the horses to distance the crowd.”

“Vehicle tactics – Police vehicles were strategically placed outside Parliament in a static line to strengthen our position behind the police lines, should the crowd have broken through the barriers. However, the other vehicle tactics would not have been a viable option due to the close proximity of the crowd and police officers.”

“Baton guns (Attenuating Energy Projectiles – AEPs) – were not available for use at this event. Resource levels for this event would have been based on intelligence and risk assessments. Baton guns were not requested”. Baton guns would not have been requested in this instance as they are used only as a ‘less than lethal option’ in circumstances where firearms might be required. This level of disorder was not anticipated on 15 September 2004 at Parliament Square.

“Water cannons may have been a viable option to distance the crowd, however, this was not an option available to us at this time.” Water cannons were not an option as the MPS did not have any at that time.

40. It is noted the MPS made no reference to the tactical deployment of dogs in public order situations.

41. Following the events in Parliament Square during the afternoon of 15 September 2004 there were a number of complaints received. The disturbances were broadcast by BBC News 24, ITN and Sky TV and the story received wide coverage in all news bulletins that evening. It was also

linked to the invasion of the House of Commons by demonstrators from the pro-hunting lobby. There was also extensive coverage in both the national and the regional newspapers on following days.

42. On the evening of 15 September 2004, complaints had been received concerning the alleged behaviour of some police officers engaged in the operation. The complaints were made directly to the MPS, IPCC and also to the organisers of the event, the Countryside Alliance.

43. On 16 September 2004 the IPCC decided to independently investigate the complaints made against MPS officers in relation to their conduct on 15 September at Parliament Square.

## **Chapter Four**

### **THE IPCC INVESTIGATION AND OUTCOMES**

44. The decision to independently investigate the complaints against police officers was made by the Deputy Chair of the IPCC, Mr John Wadham, on 16 September 2004. The decision was based on the serious nature of the allegations being made by those injured, the number of allegations being made and the fact that extensive media coverage had created real issues of public confidence for the MPS. Complaints were received by people injured, people witnessing the events whilst in Parliament Square, and a large number of people making complaints after viewing the media coverage (see later for a full breakdown). By the end of 16 September 2004, 65 complaints had been received.
45. Despite the IPCC being just a few months old at the time of the Parliament Square demonstration, and some of the investigations staff having had little experience in the investigation of alleged criminals in the public order context, the IPCC felt the quality and diverse experience of its staff was more than sufficient to undertake an investigation of this size and nature.
46. On the afternoon of 16 September 2004, a meeting was held between senior members of the IPCC, including the Commissioner in charge, the Senior Investigator, and senior officers from the Metropolitan Police Directorate of Professional Standards (DPS). The purpose of this meeting was to ensure proper lines of communication, and to ensure that the requirements of the Police Reform Act 2002, in relation to the recording of complaints, were met.
47. A matter of concern at this meeting was the realisation that there had been no forensic evidence seized on the day in relation to the police batons which had clearly been used and some of which would have been likely to contain blood samples from injured parties. This matter will be addressed in Chapter Six where we outline our recommendations.

48. Following the handover of responsibility for the investigation of complaints from the MPS to the IPCC, a scoping exercise was carried out to gauge the potential size of the operation. The decision was made to focus on the main issues, namely the allegations of excessive force used by police during disturbances, and to pass back to the MPS responsibility for investigating other complaints.
49. In order to identify the time and scene parameters for the investigation, the video tapes produced by the MPS helicopters were examined, and as a result the terms of reference outlined were applied to the investigation.

### **IPCC Methodology**

50. From the outset it was clear that there would be many hundreds of potential witnesses who resided in every county of England and Wales and in Scotland.
51. It was also apparent that many of the witnesses / complainants had travelled to London on coaches organised by the Countryside Alliance and other bodies. Therefore it was highly likely that there would be many further witnesses identified as a result of obtaining statements from initial complainants / witnesses.
52. An added factor to the IPCC investigation was the ongoing Metropolitan Police Service investigation into criminal allegations made against members of the pro-hunting demonstration. It was clear that the MPS investigation (Operation Ashcombe) and the IPCC investigation would both rely on similar evidence, such as the CCTV evidence. During the first week of the IPCC investigation a meeting was held with the Senior Investigating Officer (a Detective Chief Inspector) and a Memorandum of Understanding was drawn up to ensure effective lines of communication both ways, and to ensure that neither investigation was hampered (see Appendix D).
53. It was also apparent that some of the complainants in the Operation

Ashcombe investigation would be potential suspects in the IPCC investigation and complainants in the IPCC investigation would potentially be suspects to the MPS. The Senior Investigator for the IPCC (in consultation with the IPCC Commissioner) made the decision that should complainants to his inquiry be suspects for criminal offences of serious assault then their details would be provided to the Operation Ashcombe investigation. This decision was criticised in certain areas of the media, and by members of the Countryside Alliance who attended the demonstration, however the Senior Investigator's rationale was that although it was crucial to retain the confidence of witnesses and those alleging assault by the police, it was also in the public interest that serious assaults on police officers should be properly investigated.

54. Within a matter of days, the nature of allegations ranged from common assault (section 39 of the Criminal Justice Act 1988) to unlawful wounding, and assault occasioning actual bodily harm (sections 20 and 47 respectively of the Offences Against the Person Act 1861). It was apparent from the outset that there would potentially be hundreds of instances of common assault or minor public order allegations. It was decided within the terms of reference (Appendix E) that the IPCC would be restricted to the investigation of allegations of serious assault only. It was felt that less serious allegations would be very difficult to investigate because the victim would have been less likely to have any forensic evidence of the assault, less likely to have made a complaint and less likely to have noted the details of the event. In addition, the IPCC had to take into account the evidence of the use of violence by so many protesters, and the difficult task that the police had on the day. In practice, the IPCC took the view that the investigation of less serious assaults would have been disproportionate in the relation to events, disproportionate in relation to the effect on the officers being investigated and a disproportionate use of IPCC resources and public money.

55. As can be seen from the extensive timeline produced, the event, at times, was extremely violent; missiles, including crush barriers, were hurled at

the police lines. There were also clear attempts to break through the police lines and this could have been successful had it not been for the tactic of moving a line of police carriers across the junction of Parliament Square and St. Margaret's Street. There were however, also examples of considerable force being used from the police lines towards the demonstrators. A number of serious head injuries were recorded; one particular member of the pro-hunting crowd received an injury that required some 12 stitches.

56. As in many public disorder situations, it is often the case that when a section of the crowd cannot escape from the trouble areas, disputes break out between the police and the demonstrators; this was very apparent on 15 September 2004. There were numerous complaints regarding members of the crowd being pushed from the rear into the police lines and the officers taking preventative action to stop the crowd breaking their lines.

57. From an examination of the CCTV and still photographs, it was clear that members of the media were caught up in the areas of conflict and at least two photographers received head injuries.

58. The investigation was also subject to a review by the Police Ombudsman for Northern Ireland (PONI). The process of reviewing major operations is a well-tested procedure within the police service. The aim of a review is for an independent body to examine the investigation and to make recommendations on areas where the investigation could be more focused or advise on further lines of enquiry that will achieve the object of the investigation. The review commenced on 13 December 2004 and was an initial fact-finding visit, which included a scene visit, examination of the lines of enquiry and personal interviews with key staff, and the report was subsequently submitted.

59. As with many reviews in major investigations, the Reviewing Officer was able to give valuable support and advice to the Senior Investigator. There were many recommendations contained within the report that the

organisation has taken forward to improve its resilience.

60. The IPCC was also committed to ensuring any good learning points were fed to the MPS. Two such areas were quickly defined: firstly the failure of some officers to comply with an instruction to wear black epaulettes on their yellow fluorescent jackets, thus ensuring easy identification. This is a managed issue; a sergeant is attached to a unit of six constables and this should be a relatively easy task to comply with.
61. Secondly, details of the deployment of officers in public order situations are contained within form 3166. The quality of some of these documents left a lot to be desired; namely officers not being correctly identified and details of deployments not being supplied. It is hoped that by advising the MPS of these issues at the time, it will have the opportunity to take action as required.
62. Liaison with officers from the MPS during this investigation varied. A letter was sent to all the officers on duty within the timescales of operation advising them of the IPCC investigation, and the details of this letter were shared with the Police Federation (Appendix F). Following the issue of the letters, a number of officers voiced their concerns that this was an attempt by the IPCC to circumnavigate the Police Regulations. This was never the intention.
63. Owing to their experience, the Territorial Support Groups (TSGs) are frequently involved in public order situations and, as such, a number of the officers interviewed by the IPCC were attached to various TSGs. During the course of the investigation the use of single points of contact within the TSGs proved to be valuable for the IPCC. This meant that enquiries could be conducted in a professional manner.
64. It was clear that some of the allegations made against police officers were of a criminal nature; therefore, at an early point within the investigation, the Crown Prosecution Service was consulted. Whilst this generally

worked well, there are areas of improvement that could be borne in mind for future investigations.

65. On 16 September 2004 the following IPCC resources were available for the investigation into the complaints received following the disturbances in Parliament Square: one Senior Investigator, two Deputy Senior Investigators and 10 Investigators. The IPCC at this time did not have the staff to operate a major investigations room; therefore, two police officers were seconded from Thames Valley in addition to staff recruited from agencies.

66. Owing to the geographical area, a number of actions to obtain statements were passed to the IPCC regional offices closest to where the people lived.

## **Chapter Five**

### **MISCONDUCT CASES**

67. The investigation into the policing of the pro-hunting demonstration in Parliament Square on Wednesday 15 September 2004 generated a considerable amount of material. More than 400 exhibits were seized and logged, and more than 1,000 witness statements taken. In total, the investigation dealt with more than 2,500 documents.

68. Furthermore, on the Home Office Linked Major Enquiry System (HOLMES) database, entries were created in respect of nearly 1,500 individuals and, as a result of the information received, more than 1,000 'actions' were generated, each tasking Investigators with specific enquiries.

69. Given the volume of material generated, statistical analysis can be a particularly useful tool when considering this case. This chapter contains some of the statistical data relating to the investigation, and commentary upon it. It is presented in a logical series of sections, each of which deals with a particular aspect of the investigation, ranging from 'Complaints and Complainants' to 'Regulation 9 Notices and Interviews' and 'The Crown Prosecution Service'.

70. The data in this chapter is presented in what is hoped to be an accessible format, covering the key points likely to be of interest to most readers.

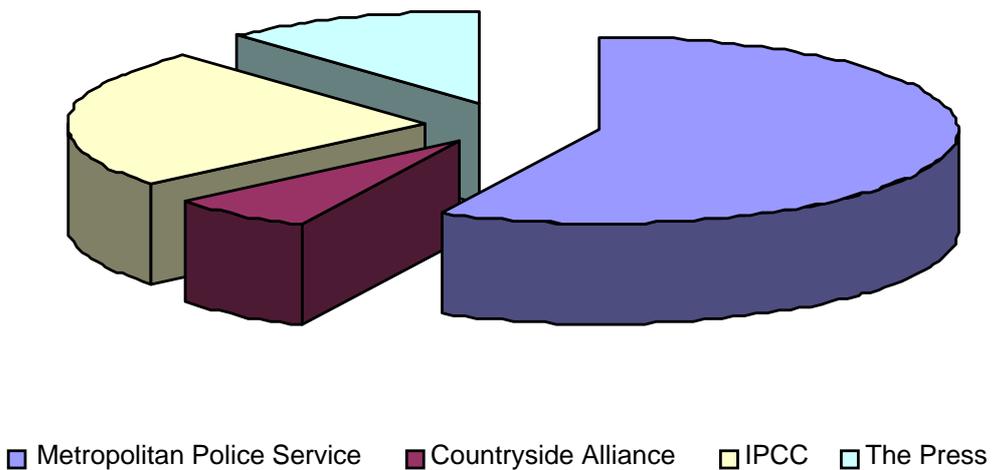
#### **Complaints and Complainants**

71. The investigation received complaints from 425 complainants. In total, the IPCC investigated allegations of more than 40 serious head injuries.

72. There were four agencies to which initial complaints were made (some complainants contacted more than one of these). Below is a table showing those agencies and the number of complaints received by each:

- Metropolitan Police Service 258
- The Countryside Alliance 29
- IPCC 109
- The Press 54

**Figure 1:** The relative proportion of initial complaints made to different bodies



**Initial Contact with the IPCC**

73. Initial complaints recorded by the IPCC fell within one of two groups. The first group of complainants approached the IPCC with the intention of pursuing a complaint; the second group decided to pursue a complaint after having been contacted by the IPCC. In most cases this was the result of their names being put forward as potential witnesses or complainants by other witnesses.

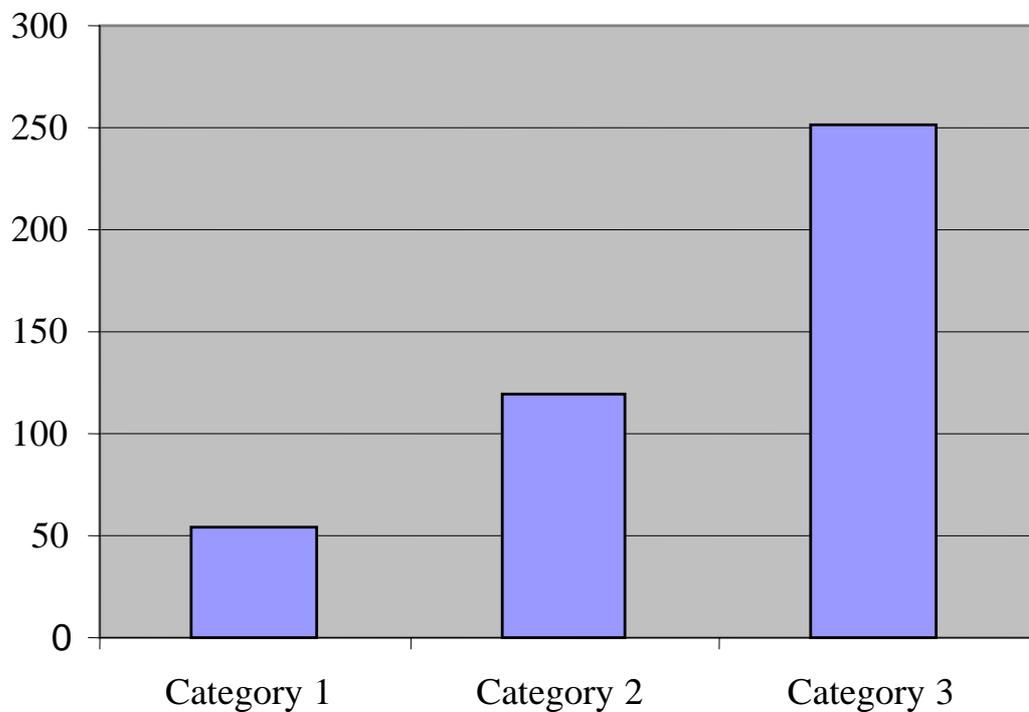
**Further Categorisation**

74. The complainants were also sorted by other criteria. This was partly to prioritise the way in which complainants were dealt with, and partly because, under the Police Reform Act 2002, the IPCC did not have jurisdiction to deal with some categories of complaints, namely those who were neither at the scene (such that they could not have witnessed it directly) nor adversely affected by it. These categories (with a brief

description of their parameters) and the numbers therein are detailed below:

- **Category 1** attended the demonstration and claimed to be injured by police officers 54
- **Category 2** attended the demonstration but were not injured 119
- **Category 3** did not attend the demonstration 252

**Figure 2:** The different complainant categories



### **Withdrawal of Complaints**

75. The investigation was a continuous process, and during the course of it a number of complainants withdrew their initial complaints. Of the initial 425 complainants, 40 decided that they did not wish to pursue their complaints. That figure was made up of 10 from Category 1 and 30 from Category 2.

## **The Police**

76. As well as the members of the public attending the demonstration, there were approximately 1,300 officers present. Individual HOLMES database records were created in respect of 458 of these.

77. In addition to the Category 1 complainants, a number of police officers reported injuries. Investigation into police officers' injuries was outside the jurisdiction of the IPCC investigation, and they were investigated by the MPS, as part of Operation Ashcombe, along with other allegations of criminal acts committed by the public. Operation Ashcombe looked at more than 60 alleged injuries to officers, but no members of the public were charged with any assault offences.

## **The Investigation Timetable**

78. The investigation was divided into three phases:

- **Phase 1** dealt with those officers who were identified early in the investigation, and those who were being investigated in respect of offences subject to a six-month limitation period for the commencement of proceedings. Ten files were submitted to the Crown Prosecution Service by the end of this phase, i.e. mid February 2005.
- **Phase 2** dealt with those officers who were initially unidentified and were investigated in respect of more serious offences (such that the limitation period did not apply). Seven files were submitted to the Crown Prosecution Service by the end of this phase, i.e. mid July 2005.
- **Phase 3** dealt with non-criminal matters (i.e. misconduct).

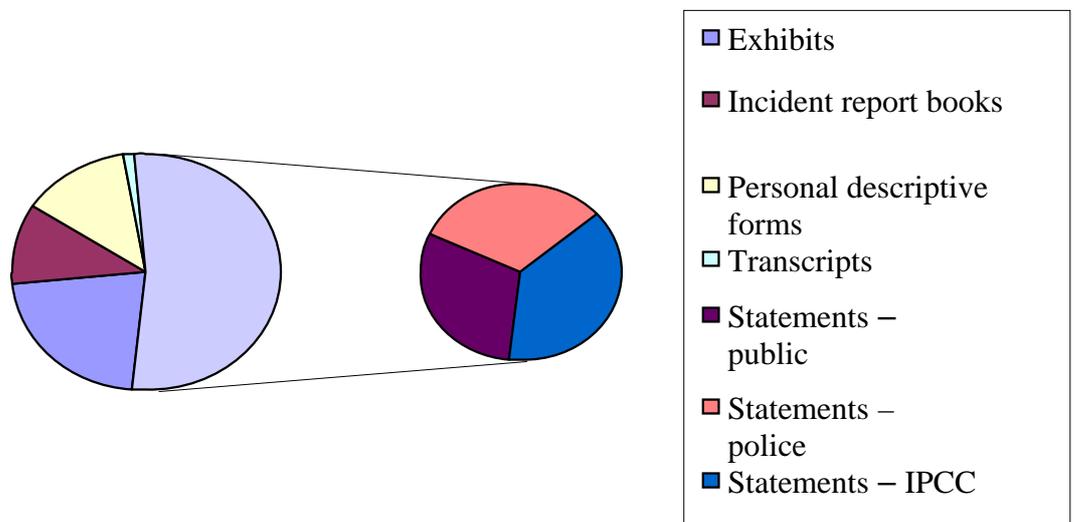
## **Evidence Gathering**

79. During the course of the investigation, a considerable amount of evidence was gathered, much of which was in the following forms:

- Police officers' incident report books 226
- Witness statements:
 

Members of the public	335
1. Police	342
2. IPCC staff	405
3. Total	1082
- Exhibits 447
- Personal descriptive forms 272
- Interview transcripts 23

**Figure 3:** Sources of information received in the investigation



### Regulation 9 Notices and Officer Interviews

80. Regulation 9 Notices are the notices with which police officers must be served when they are under investigation. Their purpose is to alert officers to that fact, in order to protect their rights. Police officers are served such notices when they are being investigated in respect of either criminal or misconduct matters. Regulation 9 of the Police (Conduct) Regulations 2004 states:

“9. The investigating officer shall as soon as is practicable (without prejudicing his own or any other investigation of the matter) cause the officer concerned to be given written notice:

(a) that there is to be an investigation into the case;

(b) of the nature of the report, complaint or allegation;

(c) informing him that he is not obliged to say anything concerning the matter, but that it may harm his defence if he does not mention when questioned or when providing a written response something which he later relies on in any subsequent proceedings under these Regulations;

(d) informing him that he may, if he so desires, make a written or oral statement concerning the matter to the investigating officer or to the appropriate authority and that if he makes such a statement it may be used in any subsequent proceedings under these Regulations;

(e) informing him that he has the right to seek advice from his staff association or any other body; and

(f) informing him that he has the right to be accompanied by a police officer, who shall not be an interested party, to any meeting, interview or hearing.”

81. There were 31 officers who were served with Regulation 9 Notices in connection with the disturbances. Two of those officers were served with two notices, and one was served with three. 13 of the Regulation 9 Notices were withdrawn as evidence came to light that the officers had acted properly.

82. Of the officers who were served with Regulation 9 Notices, 19 were interviewed under caution (16 in respect of criminal and misconduct matters, and three in respect of misconduct matters only).
83. Of the officers served with Regulation 9 Notices, a number of files were passed to the Crown Prosecution Service (discussed below). In addition, there was one matter that was returned to the MPS, as it was apparent to the IPCC that criminal proceedings were not appropriate because the member of public involved in the incident could not be identified. The officer involved accepted a written warning issued in respect of his use of force. A written warning is the disciplinary sanction immediately prior to a disciplinary hearing. The officer accepting a written warning must admit/accept the substance of the warning. This sanction remains in place for 12 months.

#### **The Crown Prosecution Service**

84. In deciding whether cases should be submitted to the Crown Prosecution Service, the IPCC had to consider whether any criminal offences may have been committed. In order to do so, it was important to bear in mind the relevant criminal law justifying the use of force.
85. Officers may rely on the provisions of section 3 of the Criminal Law Act 1967. This provision allows a person to use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large. Section 3 also reflects the common law defences of self-defence and defence of another.
86. In addition, section 117 of the Police and Criminal Evidence Act (PACE) 1984 provides that an officer may use reasonable force, if necessary, to exercise any power provided by PACE. The exception to that is if the power contained within PACE requires the consent of someone other than a police officer, for instance, the power to hold an identification parade.

87. The IPCC worked closely with the Crown Prosecution Service to ensure a consistent and effective approach to possible prosecutions. After the submission of files to the Crown Prosecution Service, the IPCC worked very closely with it to consider what (if any) further information was required, and to ensure that the Crown Prosecution Service was kept informed of all the developments within the investigation.
88. There was considerable consultation between the IPCC and the Crown Prosecution Service prior to charging any officer, to ensure that only those officers in respect of whom the evidence was sufficiently robust to meet the Crown Prosecution Service's strict threshold were charged (a number of officers were interviewed under caution, but the Crown Prosecution Service quite properly decided that there was insufficient evidence to charge).
89. In order for an officer to be interviewed under caution there only has to be reasonable suspicion that they have committed an offence. However when the IPCC has completed the investigation into a specific incident, the question of whether the file should be sent to the Crown Prosecution Service is considered. Schedule 3 Para 23 of the Police Reform Act 2002, states: "On receipt of the report, the Commission shall determine whether the report indicates that a criminal offence may have been committed by the person whose conduct was the subject-matter of the investigation. If it determines that the report does so indicate, shall notify the Director of Public Prosecution of the determination and send him a copy of the report".
90. This is a relatively low threshold for the IPCC to apply and means that, in practice, many of the cases that the IPCC are compelled to refer to the CPS will never meet the higher criteria that the CPS will need to apply before initiating a prosecution.
91. The Crown Prosecution Service is an independent body. It undertakes the prosecution of cases in the Criminal Courts. The Crown Prosecution

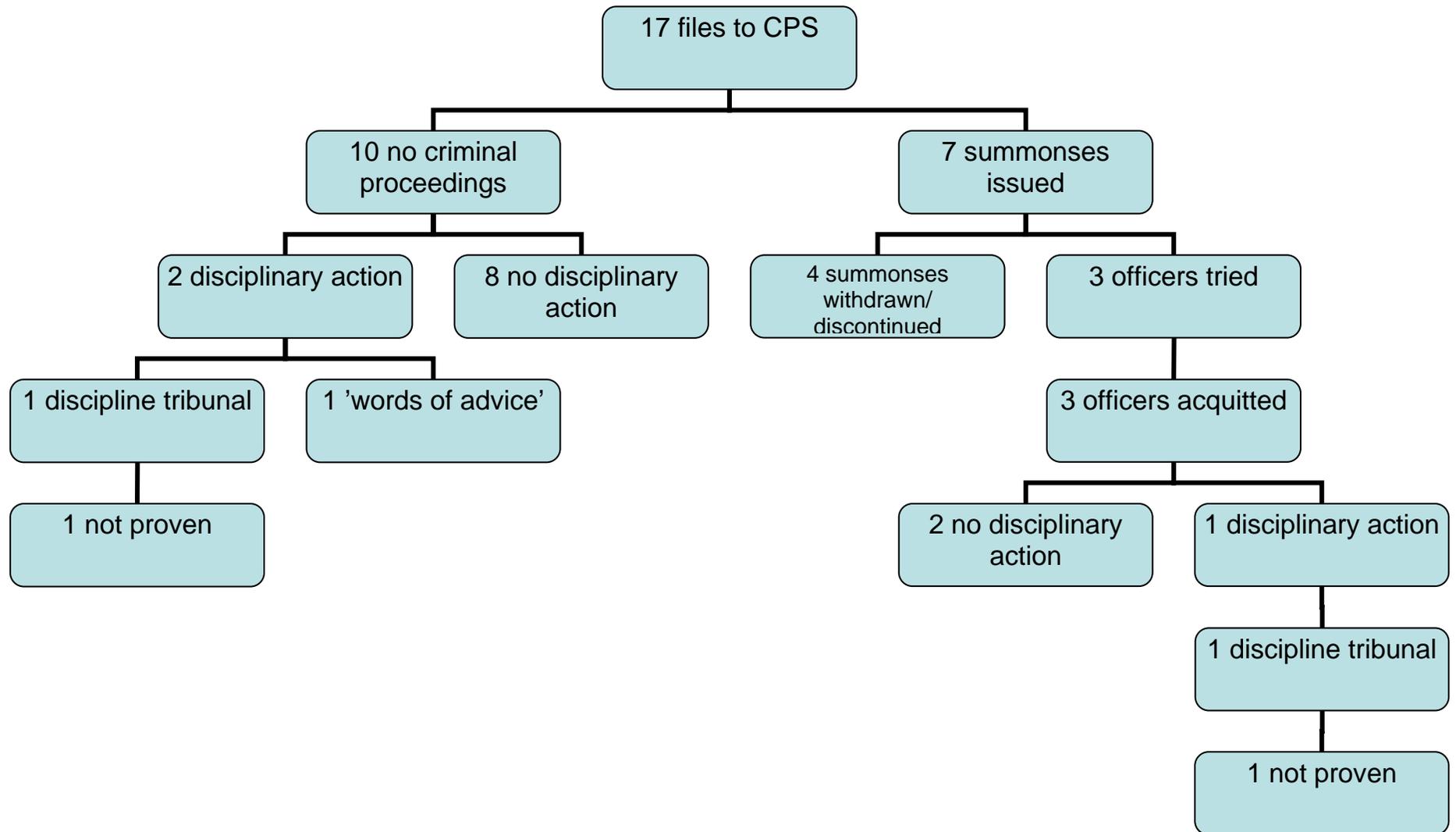
Service will undertake a review of the evidence and determine whether the evidence meets the standard to undertake a prosecution. The Crown Prosecution Service has a higher threshold when deciding whether to prosecute; it has to be of the opinion that there is a realistic prospect of conviction. The test for interviewing suspects under caution and for whether or not to initiate a prosecution are generic and apply to anyone subject to an investigation not just applicable to police officers in that position.

92. In relation to misconduct tribunals, whilst the Commission has the power under Schedule 3 Para 27 to direct the Appropriate Authority ( in this particular case, the appropriate authority was the MPS) to hold a misconduct tribunal, however, it is for the tribunal panel to decide on the case after either hearing evidence or representations on behalf of all parties.

93. There were 17 complaints in respect of which officers could be identified and sufficient evidence gathered to submit files to the Crown Prosecution Service, in accordance with section 23 of Schedule 3 of the Police Reform Act 2002. Of those, the Crown Prosecution Service feedback was:

•	No criminal proceedings	10
•	• of which no disciplinary action	8
•	• of which returned to MPS for disciplinary action	2
	• of which officer given ‘words of advice’	1
	• of which officer faced discipline tribunal	1
	• of which ‘not proven’	1
•	Summons issued	7
•	• of which summonses withdrawn after issue	4
•	• of which officers tried	3
	• of which acquitted	3
	• of which no disciplinary action	2
	• of which discipline tribunal	1
	• of which ‘not proven’	1

**Figure 4:** Chart showing the outcomes of files submitted to the Crown Prosecution Service



94. The IPCC received a number of complaints of assault by Police Officers. The role of any investigation is to obtain all available evidence, which will include witness statements, medical statements, CCTV and photographic evidence. Following the gathering and assessment of the evidence, a decision will be made whether it is necessary to interview any officer who is suspected of having been involved in the specific incident. The interview will be conducted under caution. The officer is reminded of his legal rights which include the right to have a legal representative available throughout the interview.
95. Below is a précis of the cases in which a summons was issued, and/or in which a discipline hearing was held:

**PC A**

96. PC A was charged with assault; it was alleged that he had used unreasonable force against a protestor, Mr W — he was seen on video footage punching the complainant in the face.
97. PC A was tried at the Magistrates' Court, where he was found not guilty. The District Judge concluded that, in light of PC A's evidence that he was assisting colleagues, and in light of evidence from an expert witness (called by the defence) who said that PC A had used an approved technique, the District Judge could not be sure that PC A was acting unlawfully.
98. The IPCC then had to consider whether the officer should face misconduct proceedings. In the light of the video evidence and further evidence provided from an expert witness instructed by the IPCC, the IPCC concluded that the officer should face disciplinary proceedings.
99. At the disciplinary hearing an application was made by the officer's representative that the hearing should not proceed. This was made on the basis that it would be unfair for the hearing to take place as the officer had been acquitted at the Magistrates' Court after a trial of the same evidence

and facts. They relied upon paragraph 3.40 (a) of the Home Office Guidance on Police Unsatisfactory Performance, Complaints and Misconduct Procedures.

100. The presenting officer submitted that there was a distinction between what was tried at the criminal court and the matter now before the tribunal. It was submitted that, in any event, the panel was not bound by the Home Office guidance but was instead bound by the Court of Appeal case of R (Redgrave) v Metropolitan Police Commissioner [2002] EWHC 1074 (Admin) which indicates that there is no bar to the bringing of disciplinary hearings in respect of a charge has been subject to an acquittal at the criminal court. It was further argued that the officer's representatives had not demonstrated that the continuation of the proceedings in these circumstances would cause should prejudice to the officer and that it would be unfair to proceed.

101. The panel acceded to the application and the case was dismissed. The IPCC is currently considering whether to take a judicial review of this decision.

#### **PC B**

102. PC B was charged with assault occasioning actual bodily harm; it was alleged that he had used unreasonable force against a protestor, Miss X.

103. It was the Crown's case that PC B had unlawfully struck Miss X in the face with his baton, causing a cut to her lip. PC B denied that allegation.

104. PC B was tried at the Crown Court, where he was found not guilty by a jury.

105. The IPCC decided that PC B should not face disciplinary proceedings.

## **PC C**

106. PC C was charged with assault occasioning actual bodily harm; it was alleged that he had used unreasonable force against a protestor, Mr Y.
107. It was the Crown's case that PC C had unlawfully struck Mr Y on the head with his baton, causing a cut to his head. At court, PC C denied this, explaining that he did not believe that his baton made contact with Mr Y.
108. The Crown's case was that video evidence showed PC C hitting Mr Y. The defence's case was that the video did not show that PC C's baton made contact with Mr Y's head, and that there were other batons being wielded at the time which may have done so.
109. PC C was tried at the Crown Court, where he was found not guilty.
110. The IPCC decided that PC C should not face disciplinary proceedings.

## **PC D**

111. PC D was brought before a discipline tribunal on a misconduct charge. It was alleged that PC D was in breach of the Police Conduct Regulations in that he had used excessive force when dealing with a protestor, Miss Z.
112. It was the presenting officer's case that PC D had unnecessarily pushed the complainant in the back, causing her to fall to the ground, which resulted in facial injuries.
113. The presenting officer relied on video and photographic evidence which it asserted showed PC D push the complainant, and upon witness testimony which it argued proved that the use of such force was unnecessary, as she was not a threat. The officer's case was that Miss Z was a threat and that the force used by the officer was necessary and proportionate.

114. The tribunal held that PC D had not breached the code of conduct, and that the force he had used was reasonable in the circumstances.

#### **PC E**

115. PC E was charged with assault occasioning actual bodily harm; it was alleged that he had used unreasonable force against a press photographer, Mr A.

116. Initially, it was thought that PC E unlawfully struck Mr A with his baton, causing a cut to his head. However, further IPCC enquiries, made when more video evidence came to light, caused the Crown Prosecution Service to review its decision, at which time it decided not to pursue a prosecution.

117. The IPCC decided that PC E should not face disciplinary proceedings.

#### **PC F**

118. PC F was charged with two offences: assault occasioning actual bodily harm and unlawful wounding. The first related to an allegation that PC E used excessive force when dealing with a protestor, Mr B, in that he hit him on the head with his baton, thereby causing a cut; the second related to an allegation that PC F used excessive force when dealing with a protestor, Mr C, in that he hit him on the head with his baton, thereby wounding him.

119. Following the issue of the summonses, the defence provided the IPCC with some enhanced video footage that cast doubt on whether it was a blow from PC E that caused Mr B's wound. On receipt of that footage, and in light of further inquiries from the IPCC, the Crown Prosecution Service reconsidered both cases, taking into account a number of factors, and discontinued both charges.

## **PC G**

120. PC G was charged with assault occasioning actual bodily harm; initially, it was alleged that he had used unreasonable force against a protestor in that he struck him on the head with his baton causing a cut.

121. However, as part of its ongoing review process, the IPCC reconsidered the evidence and a closer inspection of the footage showed the incident in a different light. That information was highlighted to the Crown Prosecution Service who decided that, as a result of this and a number of other factors, proceedings should be discontinued.

122. The IPCC decided that PC G should not face disciplinary proceedings.

## **PS H**

123. PS H was charged with assault occasioning actual bodily harm; initially, it was alleged that he had used unreasonable force against a protestor, Mr E, in that he struck him on the head with his baton causing a cut.

124. Further expert evidence came to light which indicated that the officer's actions were justified in the circumstances. The Crown Prosecution Service reconsidered the matter and discontinued proceedings.

125. The IPCC decided that PS H should not face disciplinary proceedings.

## **PC I**

126. One further 'case' that is worthy of mention relates to an officer about whom many complaints were received. A number of people contacted the IPCC to express their concern about the actions of an officer whom they felt was leading an indiscriminate baton charge against protestors. It is possible that part of the reason that this officer received so much negative comment was that this particular incident received a high level of exposure in the media, and the officer was particularly distinctive due to the colour of his hair.

127. At first glance, there was no obvious justification for that officer's use of force. However, when the IPCC obtained the media companies' unused material, it became apparent that the officer in question was acting quickly and decisively (and with a risk to his own safety) to assist a police colleague who had become isolated from the police line and was, at that time, at great risk of serious injury: he had been dragged into the crowd where he was being held by protestors, one of whom had his arm around the officer's neck, and hand over his mouth. As such, the evidence obtained in the IPCC investigation demonstrated that the officer's actions were justified.

128. During the investigation into the policing of the pro-hunting demonstration in Parliament Square on Wednesday 15 September 2004, the IPCC received over 400 complaints from a number of different sources. Over 150 of these fell within the investigation's terms of reference and these were sorted by the nature of the complaint, resulting in a category of injured complainants numbering 54. In respect of the complaints, over 30 identified officers were investigated, and served with Regulation 9 Notices.

129. A large amount of evidence was then gathered. This resulted in about half of the Regulation 9 Notices being withdrawn. Most of the officers who remained subject to Regulation 9 Notices were then interviewed. Following this, the IPCC decided that one should be referred to the Metropolitan Police Service, so that they could deal with disciplinary matters. Seventeen other cases were then referred to the Crown Prosecution Service. Ten of those were discontinued as far as criminal matters were concerned, but two of those ten matters were returned to the MPS for discipline, one of which proceeded to a discipline tribunal, at which the matter was found to be not proven. The other received 'words of advice'.

130. With regard to the remaining seven, summonses were issued. Four of these were later withdrawn, but the other three proceeded to trial. All three of those officers were acquitted. With regard to two of them, it was felt that discipline proceedings were not appropriate in the circumstances. With regard to the other, a discipline hearing was held but the case did not proceed following a successful application by the officer's representatives that it would be unfair to do so. This case was therefore dismissed.

131. It is worthy of note that at the conclusion of a trial of an officer who was acquitted on a charge of assault occasioning actual bodily harm at the Crown Court, His Honour addressed the jury, and stated the following:

“You have now heard a good deal of evidence about this case; you have also seen the video and DVD recordings of certain events at this time. Thanks to the skill and diligence of those preparing this case, you now have an opportunity to weigh up the evidence in a manner in which you would not if people had not been going through all of these photographs so carefully.”

## Chapter Six

### CONCLUSIONS AND RECOMMENDATIONS

132. Incidents of public disorder on the scale of those that took place in Parliament Square are very rare. Since 15 September 2004, the MPS has policed hundreds of demonstrations without any disorder. It is clear that the MPS did not expect the number of demonstrators that attended the rally and, as such, were unable to erect sufficient barriers in the south east corner once the contingency plan had been brought into force.
133. Under section 132 of the Serious and Organised Crime and Police Act 2005, demonstrations in Parliament Square can only be held after obtaining a licence from the Commissioner of the Metropolitan Police. That provision came into force after the Parliament Square demonstration, on 1 July 2005.
134. Within the provisions of this Act it is possible to limit the number of demonstrators. This should allow the MPS, in any future demonstration, to erect a 'Wapping Box' formation of barriers around the grassed area, and effectively control and limit the number of persons attending.
135. It is clear that a number of protestors received serious head injuries. The consequences of such acts could have been far more serious.
136. The forensic awareness of the officers involved at the demonstration on 15 September 2004 in Parliament Square appears to have been very limited. It must have been obvious to the Bronze Commanders, unit and Serial leaders, that batons had been used by some police officers which had led to serious head injuries being caused. Yet not one baton had been seized for forensic examination.
137. **Recommendation**
- 1) Serial Commanders should hold an immediate debrief after public order situations to establish if batons have been used during the demonstration.

2) If similar situations occur to that which occurred in Parliament Square, when it is obvious that the use of batons has caused injury, procedures should be put in place which identify the officers who have used their batons, the batons should be retained by senior officers, and they should be correctly identified and exhibited, and should be stored in containers individually, which allows for further forensic examination if necessary. This procedure should be carried out before officers leave the scene, or go off duty.

3) The Gold or Silver Commanders should consider when planning resources for major incidents, including demonstrations, appointing a forensic manager as part of the Bronze command structure, to advise on any forensic, exhibit handling issues.

4) Police forces should ensure that in such circumstances when batons are seized, the officers are issued with replacements to ensure that officer safety procedures are followed.

138. The MPS has considerable experience in dealing with large-scale public disorder. The incidents that occurred in Parliament Square were rare, in that hundreds of protestors surged towards the police lines. The vast majority of police officers were clearly acting in a lawful manner, as they were trying to protect themselves, their colleagues and also prevent the demonstrators from gaining access to Parliament.

139. There is an inevitability, on occasion, that demonstrators and police will find themselves in direct confrontation, particularly where there is violent intent on the part of the former to break through the police line. In circumstances where the line has to be held, police subject to attack and behind barriers have few tactical options other than the use of batons. The use of batons carries significant risk of serious injury, particularly to the head. The MPS have responded to the IPCC with advice that limited options were available (water cannons were not available) but it is

important that tactical options other than sheer physical force- with inherent dangers – be explored as a matter of urgency. The prime concern is to ensure that lawful protest can be undertaken with minimal risk of serious injury to demonstrators or police officers.

140. **Recommendation**

5) The MPS Public Order Training Department as a matter of urgency review the tactical options available to police when subject to attack at a police line with a view to minimising the risk of physical force being used by individual police officers and only as a last resort with consideration being given to all equipment now available.

141. Evidence suggests a minority of those attending the rally in Parliament Square were intent on causing disorder. The viewing of CCTV footage reveals that some of the surges towards the police lines in the SE corner of Parliament Square were initiated from the rear of the crowd, possibly by persons wanting to break through the barriers and that otherwise peaceful demonstrators were not able to leave the area and involuntarily got caught up in the surges. Owing to the noise of the demonstration and the ‘funnel’ effect of the Wapping Box along the South side of Parliament Square, demonstrators had no opportunity to understand what was occurring or to hear any police announcements.

142. **Recommendation**

6) The MPS give consideration to and model, as part of basic planning for demonstrations, the likely dynamics of movement of a crowd and ensure reasonable provision is made within the cordon for measures to prevent mass surge and designated escape routes for persons not wishing to be forced toward police lines. The measures would also be designed to prevent crushing. Additionally, outside the cordon, consideration should be given to the use of portable matrix information boards with large-scale displays to inform of the risk of crushing and the communication of police orders.

143. The deployment of police officers in public order situations in the MPS is recorded by the use of a form 3166. This form should detail the officers involved and their deployment. The standard of completion of some of the form 3166 for the events of 15 September 2004 was poor, and in some cases did not list the names of the officers in the serial.

144. **Recommendation**

7) Supervisors responsible for completion of the form 3166 should ensure that they are completed accurately, and understand that the forms are an auditable document.

145. The identification of uniformed police officers can normally be confirmed by the officers wearing their number and borough letters on their epaulettes. The instruction for officers attending the demonstration on 15 September 2004 was that they would wear yellow jackets with black epaulettes containing their numbers. There were clear examples recorded on CCTV of some officers ignoring this instruction.

146. **Recommendation**

8) Supervising officers in charge of units should ensure that officers wear the authorised clothing for the event as detailed in the operational order.

147. It is apparent from documentation, statements, incident report books and form 3166 that a number of officers engaged in policing duties at the demonstration were unhappy over the delay in authorising the wearing of protective clothing. The decision to authorise officers wearing protective clothing was taken by the Silver Commander, through consultation with Bronze Commanders on the scene, and by viewing CCTV footage.

148. **Recommendation**

9) The MPS should review the procedure for authorising the wearing of protective clothing. This may include the authorisation levels being lowered to Serial Commanders.