

**A review of the criminal
justice system's preparedness
for exceptional or prolonged
public disorder**

June 2013

Criminal Justice Inspection
Northern Ireland
a better justice system for all





A review of the criminal justice system's preparedness for exceptional or prolonged public disorder

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List of abbreviations

ACC	Assistant Chief Constable
ACPO	Association of Chief Police Officers
AEP(s)	Attenuating Energy Projectile(s)
ALR	Armoured Land Rover (in the PSNI)
CJI	Criminal Justice Inspection Northern Ireland
DoJ	Department of Justice
HMIC	Her Majesty's Inspectorate of Constabulary
NIPB	Northern Ireland Policing Board
OSD	Operational Support Department (in the PSNI)
POSG	Public Order Strategic Group (in the PSNI)
POSTRA	Public Order Strategic Threat and Risk Assessment
PSNI	Police Service of Northern Ireland
PSU	Police Support Unit
TSG(s)	Tactical Support Group(s) (in the PSNI)



Chief Inspector's Foreword

'He who fails to plan is planning to fail' (Winston Churchill).

This report assesses how the criminal justice system is preparing to deal with the potential of serious, prolonged and widespread disorder associated around controversial parades, the flying of the Union flag, the G8 summit and other significant events which are due to take place in Northern Ireland during the next six months from June 2013.

Our history is littered with significant outbreaks of public disorder, which on occasions has verged on anarchy. In response, policing in Northern Ireland has developed a history and tradition for managing the impacts of such violence, and the wider criminal justice system has, to varying degrees, dealt with the eventual consequences.

However we are in a different era where successful public sector organisations now invest heavily in developing their strategic planning capability. It is no different for the police, and risk assessment and risk management processes are key influences in developing an overall strategy for dealing with significant events which may result in public disorder. There is an expectation that the strategic planning for such eventualities should be both extensive and up-to-date, and that issues such as capability, capacity and resilience are considered, together with the development of a broad range of contingency plans.

This report finds that significant effort is being applied by the Police Service of Northern Ireland (PSNI) in preparation for the forthcoming parading season and specific events. The PSNI has increased its own capacity, and has trained and equipped officers to step up into this specialist activity. In addition, police officers from other parts of the United Kingdom were, at the time of fieldwork, to be deployed in support of the PSNI to deal specifically with the G8 summit. The planning and negotiation required to arrive at this position was extensive and while more work needed to be done prior to the summit, we were satisfied with the progress that had been made.

The report highlights the need for an effective response from the wider criminal justice system to support the rule of law and to provide reassurance to the public that the agencies are working together to protect them and deal expeditiously with those who seek to de-stabilise our society.

We make a small number of recommendations for the Department of Justice (DoJ) to support the co-ordination of effort, and highlight to the PSNI some areas for improvement, for example to their risk assessment and risk management processes and how they could be better linked to operational practice and have a more effective communications strategy.

We have completed this inspection within a very tight time-frame so that the maximum benefit can be derived in advance of forthcoming events. This inspection was conducted by Derek Williamson, my sincere thanks to all those who made themselves available to assist.



Brendan McGuigan

Chief Inspector of Criminal Justice in Northern Ireland
June 2013



Executive Summary

Given recent incidents and the exceptional public events planned in the immediate and longer-term future in Northern Ireland, Criminal Justice Inspection Northern Ireland (CJI), considered it was timely to look at the justice system's preparedness for prolonged public disorder and the advanced pre-planning and readiness which must inevitably precede it.

While much of the drive and impetus in co-ordinating and leading responses to exceptional events of public disorder naturally fall to police, the expectation that other elements of the criminal justice system will support the efficient and effective administration of justice is axiomatic. The maintenance of public order has been described as part of the policing purpose. Similarly, public confidence in the criminal justice system's ability to deal with disorder efficiently and effectively must be regarded as a central tenet of that system. The other core agencies of the criminal justice system, such as the Public Prosecution Service and the Northern Ireland Courts and Tribunals Service, therefore have a key role to play in the overall management and confidence issues. The speed of the criminal justice system's response and the need for both the public and offenders to see consequences much more swiftly are central to that confidence.

The history of Northern Ireland is unfortunately replete with outbreaks of serious and/or prolonged events of public disorder, and Inspectors wish to make clear at the outset that street violence is not acceptable or inevitable in our society. It is not a legitimate form of response or protest to engage in unlawful activity of any kind, much less to engage in serious street disorder and riots. Rioting in any circumstances is not, as has been too often described in the past, '*recreational*'. There are choices and there are consequences.

In considering the PSNI's preparedness for the future, Inspectors reviewed the strategic planning surrounding issues such as capability and capacity, as well as resilience. The comments and findings of Inspectors firstly need to be put into the overall context of the PSNI being recognised as a world leader in the field of policing disorder, together with significant operational delivery and success in some of the most challenging circumstances conceivable. One of the further issues which may be obvious, but needs to be restated is that the level of capacity had been eroded over a period of time. The drivers behind this downsizing included fiscal pressures, the reduction in size of the overall police service, and a general trend towards accommodations and reducing tensions surrounding parades. These pressures inevitably meant that capability and capacity has been condensed. For example, while capacity in some other public order areas has remained largely constant, since 2000 the number of officers in front line public order units such as Tactical Support Groups (TSGs) has been reduced by around 46%. The overall reduction in the size of the police service has been in the order of 38% over a similar period.

However very recently, further resilience has been added to the overall public order capacity through significant increases, for example, in the dual purpose Armoured Land Rover (ALR) fleet and in part-time public order units. The latter comes primarily from increasing the Police Support Unit (PSU) capacity which is provided largely from officers working in police districts. In terms of capability all these officers are trained to exactly the same standards as their colleagues in TSGs. Inspectors were advised that it was the strategic intent to retain this capacity going forward. The strategic decisions in this regard were clearly apposite in view of forthcoming challenges. Indeed, in this period of uncertainty and in view of the inherent difficulties with mutual aid, Inspectors clearly support this strategic intent in the interests of maintaining public safety well into the future.

It must also be pointed out however, that maintaining this capacity in the PSNI will be challenging, and particularly so as overall police numbers continue to fall and fiscal pressures remain. In addition, the balance between maintaining this capacity in public order and the need to maintain both community policing and balancing the risks of serious harm from terrorism as well as serious and organised crime, will also be key.



Inspectors encourage the PSNI to consider how it can, in the longer-term, maintain and further enhance this more flexible organisation; with the ability to create a significant 'surge capacity' for public order. Ultimately, the ability to provide significant numbers of officers was the deciding factor in bringing the disturbances of August 2011 across Great Britain to an end. While we have not seen that manner of disturbance in Northern Ireland, it cannot be ruled out. It is also apparent that such a flexible model could create significant resilience should prolonged public disorder occur. Such a model will clearly also require finely balanced decisions and strategic choices in times of crisis regarding the priorities for the police service, the protection of the public and the maintenance of law and order. These implications require the widest possible advanced debate and discussion so as to avoid any surprises, should such a situation occur.

While recognising the overall successful achievements and delivery, in the course of fieldwork Inspectors considered there were some further areas for improvement in terms of the PSNI's preparedness. For example, in the governance surrounding public order it was apparent there were some areas where the strategic analysis and planning could be more strongly connected. The overall PSNI Service Strategic Assessment superficially referred to public order, while the Public Order Strategic Threat and Risk Assessment (POSTRA) and the Public Order Review contained insubstantial analysis of the public order threats, risks and opportunities. Despite clear evidence that professional judgement had been exercised and ultimately increased capacity was achieved, Inspectors' assessment was that decisions on capability and capacity had been largely driven by a reaction to events, rather than a considered longer-term analysis of threats, risks and weaknesses. In respect of critical incident management and the associated media strategies, Inspectors' judgements arising from recent experiences were that this left a concern that the early comprehension of events, their management and therefore the timing and consistency of messaging in such critical incidents, could be improved.

In the policing context, Inspectors were also concerned and highlight here that the resources and space necessary to ensure that these lessons and the strategic planning necessary will need to be carved out from the very significant operational pressures now being faced, especially by the PSNI. Inspectors considered part of the explanation for weaknesses identified in strategic planning were the absence of resilience in some areas, as well as operational priorities. It was clear that the PSNI invested considerably in operational de-briefing and learning, and the interruptions were largely created by operational tempo and pressures to provide front-line resilience, rather than any lack of will.

However, despite some of these limited areas for improvement, the broader conclusions of Inspectors from this review were positive. While the review concentrated on preparedness and pre-planning, it was apparent that the operational and tactical handling of public order matters was broadly highly regarded.¹ Most notably is the fact that during recent disturbances there were, in fact, no serious injuries and relatively minor damage. While there were some disturbing scenes and conspicuous frustrations, the PSNI managed overall to contain the situation and are significantly engaged in bringing offenders to justice. This was against a backdrop where other policing demands continued to be met and in no small part due to the strategic decisions to enhance capacity.

In examining the response of the wider criminal justice system, it was also apparent to Inspectors that there were no existing criminal justice system-wide contingencies/protocols for exceptional or prolonged events such as that arising from the protests and disorder seen in December 2012 and January/February 2013. Inspectors found the majority of agencies tended to treat these matters as part of 'business as usual' and this could create risks. There was a very clear message arising from this review which has resonance across all areas of the criminal justice system. This was that there is a strong need both for the public and for offenders to see consequences much more quickly. The absence of an agreed plan could therefore lead to piecemeal responses, gaps and the inefficient and ineffective delivery of justice.

¹ For example, see the commentary of the Northern Ireland Policing Board in their report to the Board Committee that the events were well-planned, that human rights standards were effectively applied and that the decision making process was within a strict framework which itself complied with the Human Rights Act 1998, (2012).



Specifically, in respect of the wider criminal justice system response, Inspectors considered that the Criminal Justice Delivery Group, assisted by the DoJ, should develop and lead a Critical Incident (Contingency) Strategy aimed at providing a co-ordinated and swift response across the criminal justice system to incidents of exceptional or prolonged public disorder, and which may have an adverse impact on public confidence. A second and related recommendation is that there is a need for the resulting prosecution cases to be fast-tracked through the criminal justice system.

Coincidentally, the strategic planning and co-ordination across the criminal justice system had, by default, significantly improved as a result of recent events and demands primarily surrounding the G8 summit. There was significant evidence of very positive inter-agency working and a sense of '*rising to the challenge*' which could be contrasted with the '*business as usual*' approach described for other events. Inspectors considered the extensive and exceptional planning for the G8 summit, some of the learning from this and the recent flag related disturbances, now need to be absorbed and applied for the future.



Recommendations and Areas for improvement

Strategic recommendations

The Criminal Justice Delivery Group supported by the DoJ should develop and lead a Critical Incident (Contingency) Strategy aimed at providing a co-ordinated and swift response across the criminal justice system to incidents of exceptional or prolonged public disorder which may have an adverse impact on public confidence (Paragraph 2.76).

As part of the recommendation at paragraph 2.76 and wider work on fairer faster justice, the DoJ should produce proposals for how, within the criminal justice framework, matters of exceptional public interest such as widespread and/or very serious disorder can be fast-tracked through the criminal justice process (Paragraph 2.67).

Operational recommendations

The PSNI should conduct a more rigorous and comprehensive strategic threat and risk assessment for public order which should include the wider strategic contexts, such as matters of workforce composition, finance and other demands (Paragraph 2.35).

Areas for improvement

The proposed PSNI resilience review and/or a further more comprehensive public order threat and risk analysis, should address the risks of, and the alternatives to, excessive periods of continuous duty (Paragraph 2.38).

The PSNI should look at ways in which tactical effectiveness in situations of serious public disorder can be managed while maintaining the freedom of the press (Paragraph 2.50).

The PSNI should conduct an expeditious overall critical review of performance from recent events. Any learning should be applied moving forward in the context of a clear action plan to ensure delivery (Paragraph 2.54).

Specific to G8 planning and in order to ensure that there is connectivity of strategic intent across the criminal justice system:

- the Criminal Justice Delivery Group should agree and establish overarching objectives for the criminal justice system; and
- planning assumptions (as soon as these can reasonably be stated) should be shared across the criminal justice system (Paragraph 2.84).



Section



Inspection report

CHAPTER 1:

Introduction and background



Background

- 1.1 This inspection examines the preparedness of the criminal justice system to deal with exceptional, spontaneous or prolonged public disorder with emphasis on pre-planning and readiness to meet the challenging circumstances. Although the inspection was aimed at the strategic response of the criminal justice system, the most recent period of prolonged street protests and public disorder and the G8 summit on 17 and 18 June this year, provides an opportune moment to look at the preparedness and response of the criminal justice system to these type of events.
- 1.2 Such events have unfortunately been an all too common feature of our society, with the most recent street protests and disorder, which commenced in December 2012, surrounding the flying of the Union flag at Belfast City Hall. There were also separate outbreaks of serious public disorder in both 2012 and 2011. In respect of the flag protests and disorder the Chief Constable told the Northern Ireland Policing Board (NIPB) in early March 2013 that the costs to the PSNI alone stood at some £20m. In 2011 members of the NIPB's Human Rights and Professional Standards Committee were briefed that the cost of policing parades and associated public disorder during the period 1 April – 31 August 2011 stood at £5.7m. In addition, the human costs of street disorder in terms of the numbers of police officers injured runs into several hundred with over 150 injured in the recent flag protests alone. While the vast majority of these injuries are relatively minor and most officers invariably continue with their duties, a small number are much more serious and can sometimes be life changing. The impact of these on police officers and their families should not be underestimated.
- 1.3 Although the history of Northern Ireland is unfortunately replete with outbreaks of serious and/or prolonged events of public disorder, Inspectors do not accept that street violence is either acceptable or inevitable in our society. It is not a legitimate form of response or protest to engage in unlawful activity of any kind, much less to engage in serious street disorder and riots. Rioting in any circumstances is not, as has been too often described in the past, 'recreational'. The costs in terms of police officers injured, the financial damage to the economy together with our international reputation, is unacceptable. Similarly, the criminalisation of our young people in such circumstances should also raise concern for responsible parents. Nor is it acceptable that we place our police service in this difficult space and then expect it to deal with the consequences and the inevitable criticisms of either a lack of action on the one hand, and heavy handedness on the other.
- 1.4 While the recent events in Northern Ireland may be considered a key catalyst for this review, it is also clear that there is the potential, based on recent history, of further such exceptional events in the coming months and years. This includes, the parades season of 2013 and beyond, as well as the G8 summit in June 2013, and looking further forward to a series of commemorations and events beyond that between now and 2016.



- 1.5 While this review is essentially forward looking, in part, the planning for such exceptional and/or prolonged public disorder events will need to have been in place well in advance - to have anticipated the needs, to have assessed the capability and capacity and to address any gaps. This review also set out to assess these matters and consequently had to examine some historical issues and evidence.
- 1.6 The review was a snapshot in time, and was designed to offer a level of reassurance that the expected strategic planning concerning public order events was in place. As stated, it is essentially forward looking, and indicative of planning for the immediate future and years to come. It is not definitive or predictive of outcome in respect of specific events. It is certainly not predicting disorder, and as we commented earlier disorder is not inevitable - it is a societal and individual choice which can be avoided.

Positioning and expectations

- 1.7 Clearly, much of the drive and impetus in co-ordinating and leading responses to exceptional events of public disorder naturally fall to the police. But, the expectation that other elements of the criminal justice system will support the efficient and effective administration of justice must also be evident. The maintenance of public order has been described as part of the policing purpose. Similarly, public confidence in the criminal justice system's ability to deal with disorder efficiently and effectively must be regarded as a central tenet of that system. The criminal justice system overall visibility and effectiveness in situations of prolonged and/or exceptional public disorder can have a salutary preventative effect.
- 1.8 The PSNI link in the context of public order policing nationally, and the central guidance in this respect, arises primarily (insofar as operational practice is concerned) from the

Manual of Guidance on Keeping the Peace.² The guidance and standards described therein form the basis of much of what the PSNI seeks to do and achieve. Indeed, a separate annex in this *Manual of Guidance* refers specifically to Northern Ireland revisions. In addition, national standards and governance arrangements are applied in Northern Ireland, including the introduction of *Authorised Professional Practice* and the introduction by the PSNI of the *Manual of Guidance on the Use of Force*.

- 1.9 This Guidance was the core standard against which Inspectors reviewed the current position for the PSNI. While the standards applicable in policing clearly are not directly relevant to other agencies outside policing, it was clear to Inspectors that the advance planning necessary to ensure a co-ordinated response across the criminal justice system began with policing. However in this review, Inspectors sought a level of assurance that the necessary planning and contingencies were in place, or were otherwise being considered.
- 1.10 In addition to considering the strategic planning and preparation for prolonged or exceptional public disorder events, this review also considered the planning for the G8 summit. However, this was simply a 'light touch' assurance that planning was co-ordinated and linked to partners, and considering the enormity and the extensive range of issues that might arise in the criminal justice context.
- 1.12 Inspectors also considered reviews of public order policing following the August 2011 disorders in Great Britain undertaken by Her Majesty's Inspectorate of Constabulary (HMIC).³
- 1.13 The clear expectation of this review commenced with the premise that there should be relevant evidence of strategic planning including analysis of threat and risk, capability and capacity, together with analysis of gaps and contingencies to address these. Secondly, that

² *Manual of Guidance on Keeping the Peace*, 2010, produced by the ACPO in Scotland by the National Policing Improvement Agency is available publicly at <http://www.acpo.police.uk/documents/uniformed/2010/201010UNKTP01.pdf>.

³ *The rules of engagement: a review of the August 2011 disorders*, HMIC.



the governance arrangements supported the analysis and the threats/risks as well as supporting partnership working across the criminal justice system and with others. These were among the core elements of the evidence which Inspectors sought during this review.

Strategic context

1.14 It is important to bear in mind that often public disorder will be unpredictable and difficult to plan for, and that specific events will present their own unique challenges. However, that does not mean that strategic planning and central objectives cannot be premeditated - that capacity and capability cannot be examined and preparations made (within reason and for reasonably foreseeable events). In some respects, the predictability of future unpredictability is apparent and consequently planning must embrace this and criminal justice organisations must therefore be prepared and equipped to respond. As Edward De Bono put it *'To deal with the future we have to deal with possibilities. Analysis will only tell us 'what is.'*⁴

1.15 However, Northern Ireland is undoubtedly unique when comparing with other United Kingdom policing situations and risks insofar as public disorder is concerned. This includes ongoing community tensions and the history of sometimes ferocious public disorder events. It is difficult to overstate this context, which has a potential to create extremely difficult policing contexts and circumstances, such as those on community interfaces, while simultaneously meeting the threats from dissident republicans. It also has a resonance across the criminal justice system with public confidence becoming a matter of concern, as we have seen recently in the context of the flag protests.

1.16 One positive outcome of the legacy of public disorder in Northern Ireland is the level of experience afforded to the PSNI, and to a lesser extent the wider criminal justice system. Furthermore, in terms of managing public order situations, the PSNI is manifestly the fore in its experience of dealing with serious

public disorder. For example, the specialist officers in TSGs, who are at the forefront of public order policing, have extensive experience, and the training provided by their colleagues within the PSNI is firmly recognised and in demand nationally. The PSNI Public Order Training Centre is one of only a handful of centres accredited in the delivery of Advanced Public Order Command programmes. The PSNI is also significantly engaged and at the forefront of national work, for example, working with the Home Office Centre of Applied Science and Technology in various aspects of public order developments. In this context and in the context of history, it might be reasonably argued that the criminal justice system in Northern Ireland should be well positioned to deal with large scale and/or spontaneous public disorder. The PSNI should especially be equally well positioned. But as we say, they face some unique challenges such as the threat and risk of ballistic attack. The PSNI also needs to be routinely self-sufficient, given that the lead in time for mutual aid from forces in Great Britain is extended and can practically only be used in pre-planned events or perhaps in very prolonged serious public disorder.

1.17 Even though the number of police officers in Northern Ireland has substantially reduced in recent years, they are still proportionately higher than comparative areas of Great Britain. Having this level of resource available provides a natural level of resilience and business continuity to deliver *'business as usual'* in more testing times.

Parades

1.18 Much of the demand for public order policing in Northern Ireland arises mainly from parades and parade-related protests, but it may also arise from any combination of the following:

- inter-communal disorder;
- minor disorder associated with the night time economy also occurs but is relatively minor in nature;

4 *Parallel thinking*, Edward De Bono, 1995.



- sports-related disorder;
- disorder associated with the economy (fiscal policy); and
- industrial disputes.

1.19 As stated, of these the parades issue is the most contentious and some commentators have described the issue of parading as ‘toxic’ with the potential, ‘...where tactical mistakes can set back progress for months if not years.’⁵ While this is true, it seems to Inspectors to be a situation itself based on a lack of consensus politics in Northern Ireland, and policing in a space where that policing should be generally accepted and supported. That is clearly not yet the case in Northern Ireland and, on the contrary, policing is too often contested and unsupported. Rather than being viewed as a societal construct linked to wider civic issues, public disorder or the breakdown of good order, seems to denigrate into a kind of blame game centred on policing tactics, instead of an analysis of the root causes of disorder. Policing has not been the cause of the recent disorders and consequently the solution cannot be a policing one alone. In the judgement of Inspectors, the debate is therefore often unfairly reframed as inadequate policing when, once events have reached that stage, the implication is that other mechanisms have clearly broken down.

1.20 In terms of trends, Inspectors considered that the context of parading in recent years has been generally more positive, with tensions surrounding some of the most controversial parades being reduced, but with the potential for public disorder still remaining for some. Parading seasons have clearly shown a trend towards increased accommodations and less tension. The Parades Commission has noted for example, ‘the reduction of the number of contentious parades to fewer than 200 in the last year, out of a total of 3,962, for the first time in decades, is very welcome. Those 195 contentious

parades also include over 50 weekly notifications that are associated with a single ongoing dispute at Drumcree.’⁶

1.21 The Parades Commission received notification of 3,962 parades in the year from 1 April 2010 to 31 March 2011. Only 195 of those required detailed consideration by the Commission (i.e. contentious) and of those only 146 required the imposition of conditions, including on the proposed route. The general trend towards less tension is undoubtedly due to the diligent work of many organisations and individuals, as well as many of the agencies of the criminal justice system having played their part in that.

1.22 This is important to note in the context of the policing capability and capacity for dealing with outbreaks of serious public disorder. In other words the general trends, with the exception of the last several months, have been moving in a more positive direction. Additional and equally important strategic contexts which need to be considered include, for example:

- the envisaged ‘peaceful’ policing scenario;⁷
- financial pressures; and
- reducing police officer numbers.

1.23 Although these particular elements of the strategic context are important, all aspects need to be considered alongside the findings of Inspectors which are presented in Chapter 2.

⁵ Report of The Independent Reviewer, Justice and Security (Northern Ireland) Act 2007, Fifth Report: 2011-12, Robert Whalley CB, November 2012.

⁶ Annual Report and Financial Statements, Parades Commission for Northern Ireland for the year ended 31 March 2011.

⁷ As described in The report of the Independent Commission on Policing for Northern Ireland: A New Beginning: Policing in Northern Ireland, 1999 which stated that ‘...provided... the security situation does not deteriorate significantly from the situation pertaining at present, the approximate size of the police service over the next 10 years should be 7,500 full-time officers.’

CHAPTER 2:

Findings



PSNI strategy and governance

- 2.1 While ultimately the Chief Constable is responsible and the Service Executive Board plays a key role in decision making, the PSNI routinely manages the strategic planning surrounding public order matters via its Assistant Chief Constable (ACC) Operational Support Department (OSD). The ACC OSD also sits on a number of national groups including that chaired by the Association of Chief Police Officers (ACPO) Uniformed Operations lead in this area. It is also important in the overall context that the Chief Constable has in recent years been to the fore in highlighting and addressing the issues arising from national reform (for example, the introduction of Police and Crime Commissioners in England and Wales) insofar as they affect public order capability for the PSNI. This includes, for example, ensuring that the PSNI remains part of the Strategic Policing Requirements and arrangements concerning mutual aid.
- 2.2 The PSNI OSD is responsible for the overall policy and strategic co-ordination of public order matters. Among a number of specialist resources it delivers emergency planning, conflict management development and has a resource co-ordinator specific to matters of public order. Issues of mutual aid, national mobilisation and emergency planning are also considered within the OSD. Local planning for public order events and delivery takes place at District Command Unit level where a key element of planning surrounds the links with communities and community representatives. For example, for every pre-planned operation a formal community impact assessment is required. There are also a number of supporting PSNI policies and structures relevant to public order policing. Examples include policies on the use of Attenuating Energy Projectiles (AEPs), Command and Control and the policing of public events including football matches. These were not specifically reviewed or tested as part of this review.
- 2.3 Locally, the ACC OSD chairs the Public Order Strategic Group (POSG) whose role and remit is stated as: *'To identify, prioritise and oversee the implementation of key recommendations arising from the PSNI and HMIC review of public order policing. The Review Group will identify and manage the corporate risk and prioritise recommendations, through flexible practices to enhance overall service delivery.'*⁸ During their review, in terms of governance, Inspectors found that the POSG had been established in March 2012 and had met on four occasions. Its role, while described as strategic, also straddles operational delivery. The inaugural Public Order Strategic Board was held on 22 March 2012. There was evidence of some clear recent focus with Continuous Professional Development events having taken place while fieldwork for this review was ongoing. But, there was also some evidence of gaps in control and governance prior to this forum being established. There was evidence for

⁸ Source: The PSNI.



example, that control and governance exercised over successive yearly public order de-briefs could have been stronger. The POSG had in fact, been preceded by ad hoc arrangements led by the OSD and in particular Operational (Ops) Policy, on the basis of the annual public order de-briefs.

2.4 Having considered its role (as described in paragraph 2.3), Inspectors judged the scope of the POSG could be enhanced. In addition to its current remit, it could usefully be extended to oversee the strategic co-ordination and delivery of public order issues including:

- the examination of issues of public order capability and capacity;
- contingencies (including mutual aid);
- learning and development;
- research and development; and
- best practice and internal communication.

These are simply examples and further scope, dependant on its own capability, could be added.

Threats, risks and gap analysis (the POSTRA)

2.5 Nationally, public order policing had come within the realm of protective services (as defined by HMIC and the Home Office as one of 10 areas) where police were expected to prepare credible and sufficient plans in all areas of protective services (including public order). More recently, the ACPO has restructured public order policing within its Uniformed Operations business area. While Chief Constables have, within their own governance frameworks, a degree of autonomy to decide on the number of public order trained officers and the levels of equipment, the ACPO Guidance Manual on *Keeping the Peace* outlines how such decisions should be informed by an assessment of the known and foreseeable risks identified through an annual POSTRA.

2.6 The PSNI has conducted such a threat and risk assessment in the area of public order. Its overall aims were:

- to inform chief officers of the operational requirements in public order;
- to aid decision making in determining policies and procedures; and
- to determine policy for the provision of equipment and the accreditation of officers and commanders.

2.7 Among the objectives of the assessment were:

- identify and assess the known and foreseeable threat to police and the public from public disorder;
- assess the risks associated with current resources and make adjustments to meet the threat;
- provide a rationale to support the current levels of resources and the range of specialist skills available;
- ensure the police service is suitably supplied with modern equipment to deal with the threat;
- indentify gaps in current policies; and
- recommend action plans that address the identified threats, risks and training deficits.

2.8 The POSTRA notes in its overview that the *'PSNI are well positioned to deal with current demands. Operational experience has seen the PSNI develop an expertise with regards to dealing with widespread, prolonged serious disorder.'* The analysis made 10 recommendations. However, there were clearly several problems with the analysis and a number of these are discussed post (see paragraphs 2.9, 2.10 and 2.28). For example, despite the conclusions of the POSTRA it was curious that shortly following that, decisions clearly and quickly followed, meaning that the need for significantly more capacity was recognised and eventually implemented. This, and the additional issues discussed post, points to the inherent weaknesses both of the document and governance in this area.

2.9 As part of this threat and risk planning, it was also evident that the PSNI had conducted incident pattern analysis, and incorporated this to a limited extent in the overall threat and risk analysis. However, the analysis could have



been stronger as there was no evidence that this had taken account of the patterns emerging. Rather it seemed to concentrate on the use of force (number of public order deployments, the use of dogs, the use of water cannon, AEPs and TASER etc.). The forecasting of need was based largely on a rudimentary assessment of what happened in previous years surrounding set piece events. This was surprising in the context of the threats and risks faced by the PSNI comparative to other similar size forces.

2.10 A further problem which concerned Inspectors was that the POSTRA was 20 months out-of-date at the time of inspection. The PSNI have subsequently advised Inspectors that this was a conscious decision, given that they were aware of the range of forthcoming significant events (including the G8 summit). It was explained that the planning for these significant events would have overtaken such a document and rendered it ineffective. For Inspectors this simply copper-fastened their judgement that such a fundamental review could have been of assistance and, for example, could have been regarded and acted as a catalyst for such forward planning - rather than being seen as a barrier to it. However, it was also apparent that a Public Order Review had been completed post the issues arising from the August 2011 disorder in Great Britain.

2.11 Additionally, Inspectors view was that the POSTRA cannot be seen as a stand-alone work-stream and must be incorporated into the broader picture of strategic analysis, financial planning and workforce planning.

The Public Order Review

2.12 A Public Order Review was commissioned by the Chief Constable in late 2011, and together with a community consultation exercise (yet to be published but provided to Inspectors), was to complete the PSNI internal review of public order policing. This *Public Perceptions* research was considered by the PSNI to be of national relevance and closing a significant gap in the understanding of public order policing, as

well as simultaneously demonstrating its position at the forefront of national public order policy. The Public Order Review was led by a Review Group and the outcome was assisted by a two day de-briefing and conference held in late November 2011. Importantly, this was attended by a number of partner agencies. It ultimately made a total of nine recommendations while the accompanying Community Perspectives report made seven recommendations. Insofar as the PSNI internal review is concerned, there were several recommendations made (with which Inspectors ultimately concur), but there remains a question with regard to some delivery. For example, Inspectors highlight elsewhere some continuing issues with regard to community intelligence, and secondly, issues identified by the PSNI with regard to its criminal justice strategies largely remain unresolved (see paragraph 2.68).

2.13 Arising from fieldwork interviews with various PSNI staff, Inspectors also felt that there was limited awareness of this document and its outcomes outside of the OSD. There were also no links or references to previous documents or assessments such as public order de-briefs, the POSTRA, strategic assessments or workforce composition. The clear impression therefore created was of an analysis which would have benefitted from stronger linkages.

2.14 The Public Order Review resulted in a priority under the banner of protective policing in the Northern Ireland Policing Plan 2012-15 which states:

‘Reduce the harm caused by public disorder

Public disorder brings fear and disruption to communities and gives a negative image of Northern Ireland across the world. The social and economic consequences of disorder are far-reaching, resulting in injury to individuals and communities, and damage to relationships and infrastructure (for example buildings, roads, transport systems and so on), property and the wider Northern Ireland economy.



We have reviewed public order policing to continue to develop our policing and to make sure that it meets the highest possible standards. Community needs and human rights obligations will stay at the heart of our policing and in particular to our response to incidents of public disorder.

It is in all our interests to prevent public disorder and we will continue to work with local communities to build relationships to prevent and reduce the harm caused by these events.'

A related priority was therefore stated as:
'We will put into practice the findings of the Review of Public Order.'

Other PSNI strategic documents

2.15 There were a range of other strategic documents including gold strategies for spontaneous events, for the parading season, and for generic criminal justice strategies - including for the G8 summit. Inspectors had a clear sense arising from interviews and these documents, that much of the strategic governance was applied in a framework where the response to public order situations was customary and hence was not generally regarded as requiring further detailed analysis. In other words, in many regards the PSNI was so well practised and conversant with the need for public order policing, that it was regarded somewhat as routine and did not demand the kind of strategic contingency planning that might otherwise be required. For example, at an executive level the kind of reflections that might otherwise have been documented as part of a strategic planning cycle were clearly advised to have occurred and led to key decisions on capability and capacity. This fact, together with the appropriateness of these decisions is fully acknowledged by Inspectors. But such decisions were without clear linkages to overall documented assessments. Inspectors considered this an important finding in the context of strategic planning. More recently, there was clear evidence that the planning for mutual aid deployments surrounding the

G8 summit were being delivered in a very challenging timescale and within clear governance frameworks which, if absent, would have made the progress to date unachievable.

2.16 However for Inspectors, the key concern was not so much the process of decision making but the outcomes and, as a case in point, the significant decisions in respect of capacity were relevant. Primarily this concerned the second level public order capacity which was increased by almost 100% in late 2012 and early 2013. It was also apparent that the PSNI had significantly increased its ALR fleet over the last two - three years and the evidence seen by Inspectors indicated that while the strategic gaps and need had clearly been identified, the provision of additional security funding provided a mechanism for achieving the increased capacity. The PSNI advised Inspectors during fieldwork that '*...the uplift in the ALR fleet highlights how the PSNI have been able to combine tactical planning with the strategic opportunity offered by the Treasury Reserve fund.*'⁹ The evidence therefore led Inspectors to conclude that decisions made regarding public order were based on professional judgement and events, rather than being grounded in formalised strategic analysis. The absence of documented analysis and linkages to other significant strategies, together with the matters outlined here, led to this finding. With this approach, there remains a risk that such decisions taken in isolation and driven by either individual or collective judgements, as well as particular events rather than a systematic and linked strategic assessment, could result in transitory inefficiencies. While the Chief Constable, as we noted elsewhere, had commissioned a Public Order Review, a further Resilience Review has now been commissioned. This was planned to be conducted in May 2013. The comments and issues arising from this CJI review are matters the PSNI may want to consider in the context of that review, and/or a further updated and more comprehensive POSTRA.

9 Source: The PSNI.

Strategic assessments

- 2.17 Inspectors have also examined the PSNI strategic assessment which was limited in terms of its determination of the relative strengths, weaknesses and threats specific to public order. This document superficially reflects an analysis of the public order threat and is a small part of the overall document.
- 2.18 The PSNI strategic review of 2009 *Making Choices for the Future* did not highlight in its analysis of *Organisational pressures and drivers for Change* any matters of public order, although a linked issue was that of funding - a driver for change which we highlight variously in this review. Interestingly, this report highlighted the need to have flexibility to reconfigure resources. This it seems, is key, in a now much smaller force and without the ability to call on mutual aid in quick time. We comment further on this issue of flexibility elsewhere.
- 2.19 There were a number of factors which could explain the lack of strongly linked strategic analysis. Primarily these related to the issues of resources and the prioritisation of work. A senior officer in this area explained that the overall OSD had shrunk considerably and that priority was given to areas of higher risk, such as firearms deployments. Secondly, as we observe elsewhere, Inspectors were also advised that there was a conscious decision taken at executive level not to complete a public order strategic assessment in view of the number and nature of forthcoming events.
- 2.20 Notwithstanding this context, Inspectors clearly considered there were some areas where the strategic analysis and planning were not strongly connected. For example, the overall Service Strategic Assessment only superficially referred to public order while the POSTRA and the Public Order Review could have been stronger in their analysis of the public order threats, risks and opportunities. The Public Order Review for example, made nine recommendations, but these did not include the need for additional resources. There are no clear linkages between these

documents, the supporting analysis and decisions made. Despite these secondary anxieties, it was nonetheless apparent the PSNI had reached separate conclusions that the public order capacity and capability needed to be refreshed. During the period immediately prior to the inspection fieldwork, the PSU capacity had been increased by almost 100%. Inspectors emphasise that these decisions however constituted were appropriate and showed positive strategic foresight. However, it also simultaneously demonstrates a lack of considered underpinning analysis which should have been the driver for these strategic decisions.

- 2.21 Inspectors therefore considered that there could be some augmentation to governance arrangements with regard to the management of public order planning, learning and communication. Notwithstanding, Inspectors considered that the situation was now more regulated than it had been and the POSG was beginning to show very positive endeavour.

Capability and capacity

- 2.22 While Inspectors did not specifically set out to make judgements on the correct capability and capacity for public order in the PSNI, and does not do so, it was also apparent that the level of first line public order capability had been eroded in the last 12 years. For example, the number of officers deployed in the TSG units in 2000 was 861 falling to 734 in 2005 and 556 in 2010. It now stands at 466 - an overall reduction in this element of capacity over that period of 46%. The overall number of TSG units in 2000 was 29, whereas it now stands at 16 - a reduction of 45%. Additionally, the maximum strength of an individual TSG unit has fallen over the period from 36 in the strongest units in Belfast, to 28 presently. However, when considered as a percentage of the overall police officer numbers, the change is less stark. For example in 2000 the percentage of TSGs was 7.7% of the police service and in 2013 it was 6.7% - a change of only 1%. In addition, and putting this into context, the overall reduction in the size of the police service has been of the order of 38% over a similar period.



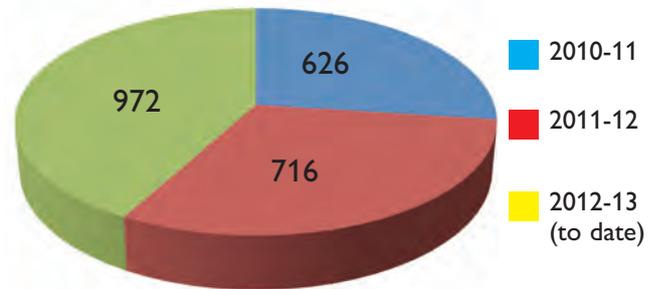
2.23 For Inspectors, while this data indicates there was an overall reduction in the numbers of officers working in TSGs and indeed TSG units, the percentage of the size of the police service in this area was less stark. Overall, there are a number of significant indicators of reduced/reducing capability as well as increasing demands such as:

- the overall levels of police officers had reduced substantially over the period since the inception of the PSNI as follows:
 - 2001 – 11,133;
 - 2007 – 9,140; and
 - 2012 – 6,950;
- the numbers of Level I TSGs had reduced by 46% and their individual strength had reduced by about 20% from its height;
- the indicators of increased tension surrounding parades has been evident throughout 2012;
- increasing parades and events tasking for TSGs (see paragraph 2.24 post); and
- according to the Police Federation for Northern Ireland ‘...1,100 officers currently with 25 years’ service or more are likely to leave the PSNI by 2015’.¹⁰

2.24 Arising from a limited review, it was also apparent to Inspectors that the work of the TSGs was clearly on the rise, and while the following un-validated figures (see Figure 1) relate to parades and events tasking, not simply to all public order events between 2010-11 and 2012-13, the number has risen by around a third.

2.25 There are also recent indicators of the increased use of other public order capability, including for example the deployment of water cannons. Some commanders indicated that this was a positive use of a less intrusive and forceful method insofar as it had led to a decrease in the use of AEPs in some of the more recent serious disorder events. Inspectors also heard clear evidence of some

Figure 1: Number of Level 1 TSG Taskings (Bids) - parades and events



disquiet that the public order capacity had been stretched in recent years. Various interviewees’ expressed the view that requests for public order support were often reduced to meet the available resource, rather than meeting the operational requirements. Senior officers also acknowledged the fact that some parts of the organisation were ‘*fatigued*’ by recent deployments and events.

2.26 Of course, the overall reductions in the numbers of TSGs were largely inevitable and there were a series of drivers in this. These include:

- the loss of the full-time Reserve;
- financial pressures;
- reducing overall police numbers connected with the Patten reforms; and
- the overall reducing public order threats and the ‘*normalisation*’ of policing.

2.27 It should also be emphasised that the overall capacity of the PSNI is bolstered by a number of part-time public order units known as PSUs. These units are made up primarily of officers from local policing districts, but in more recent times further capacity has been added with units from Crime Operations and from within the OSD. The overall number of PSUs makes up the majority of the current PSNI capacity.

2.28 The outcome of the PSNI’s threat and risk assessment (described above) was that the capability and capacity (in June 2011) was

¹⁰ <http://review.police.uk/publications/part-2-consultation-responses/nipolfed?view=Binary>.



sufficient to meet needs. While that may well have been the position, on the basis of the facts and information then available, it was nonetheless apparent to Inspectors that the analysis itself could have been stronger. It did not contain any qualitative analysis of threats or weaknesses, but rather was for the most part descriptive in terms of the history of events and the resources available. Neither did it contain or discuss any intelligence. It may well be the case that the POSTRA, if it had conducted a more detailed analysis, would have reached the same conclusions, but Inspectors doubt if this would be so. Indeed, neither did the Public Order Review deal with the issue of capability or capacity to any significant extent.

2.29 However, in the absence of an overall comprehensive strategic threat and risk assessment, it is impossible to say whether the reductions in TSGs were entirely justified. It may well be that they were justified or indeed inevitable in the circumstances, given the significant pressures to reform and achieve efficiencies and normalisation. But the envisaged peaceful situation which was referred to by the Independent Commission on Policing in 1999 does not reflect the current policing environment.

2.30 Clearly, the overall number of PSNI officer numbers is bound to have an effect on public order capability and capacity - added to this are underlying issues of recruiting, an ageing workforce, injuries, duty restrictions and to some extent silo working. While these issues are symptomatic, Inspectors considered the root cause lay with the weaknesses in environmental scanning. If conducted more effectively these might have led to earlier decisions regarding the future strategic direction. It was clear up until the end of the parading season in 2012 that the unpredictability and volatility of the public order threat had been diluted over a period of time. This is based on the evidence of a clear focus on the kind of 'set-piece' public order events of the last several years and being able to manage these (albeit simultaneously conceding that some parts of the organisation

have been stretched or fatigued as a result). Of course, this needs to be put into the strategic context of the drive for normalisation and the overall financial and other pressures being faced.

2.31 Inspectors considered that there will inevitably be times when public order capacity is stretched, as it is neither efficient nor effective to have a capacity which is under-utilised and because of a lack of deployment quickly becomes less effective. The key issue seems to be one of a reasoned analysis of the future need with the objective of creating the greatest amount of flexibility possible. This also raises the issues of the availability of public order trained officers on an ongoing basis with approximately 1,000 officers from a force of some 7,000 available for such deployments. Increasing this number to create greater flexibility will clearly result in increased training and other costs. However, this would ultimately be more cost effective than increasing the permanent capacity in TSGs, albeit Inspectors felt a more fundamental review of the capability and capacity of TSGs was also required. This was so as many of the officers interviewed as part of this review and at all levels, raised concerns that the resilience of TSGs was an issue. The lack of resilience arises primarily from the reduced overall strength of the TSG units and the lack of backfill capability, meaning that often they deploy significantly under strength. In addition, in terms of routine work, Inspectors heard concerns that some search capability was eroded. A comprehensive demand analysis separating the various elements of TSG work (search/public order/additional support etc.) would also assist in the overall review of TSGs. Inspectors have not considered this a separate recommendation, but it should be a significant strand of and incorporated into, the recommendation highlighted at paragraph 2.35.

Contested space and challenges

2.32 One of the major challenges for the PSNI in terms of its public order policing and responses is the conundrum surrounding the



fractured political consensus, perceptions within various communities, understanding the realities of lawful protest and public order and managing communications. A further challenge moving forward will be how the PSNI manages the possible conflict between having sufficient and flexible public order capability whilst also managing risks of serious harm and maintaining the ethos of policing with the community. This is thrown into stark relief by the immediate response to the G8 summit in which every district was being asked to supply a total of four PSUs. This equates to 116 officers each and that will inevitably mean that neighbourhood policing could be severely dented, albeit for limited periods of time. It might be reasonably argued that these could be times when it is ever more important to maintain the community contact and community policing which could see a lowering of tensions. Indeed, during the course of fieldwork, Inspectors heard clear evidence that the deployment of neighbourhood teams in some difficult interface areas had prevented simmering tension breaking out into very serious sectarian public disorder.

2.33 Maintaining an appropriate balance while prioritising risks and ensuring flexibility is undoubtedly difficult, but not impossible. In this respect, Inspectors take some comfort from the fact that the PSNI have largely managed to find this balance to date. It is not without note that during the most recent outbreaks of disorder that PSNI business continuity has been maintained. The PSNI have advised, for example, that even at the height of the disorder linked to recent flag protests, it retained sufficient resilience to allow response to emergency and non-emergency calls to continue unaffected. For the most part, commanders were acutely conscious of the need to maintain this important balance. While concerns were clearly expressed to Inspectors, it is to the credit of front line police officers that community policing across the vast majority of the province has continued, and the protection of the public from serious and organised crime has been maintained with several high profile successes in the recovery of

drugs and in the prevention of some potentially catastrophic terrorist incidents, while the recent flag related protests and disorder was occurring. These are indeed noteworthy achievements which should not go without recognition.

2.34 While it is acknowledged that significant further capacity and flexibility has recently been achieved, it appeared to Inspectors, given the significant challenges being faced by the PSNI, that it needs to maintain and embed this more flexible workforce with multi-skilling and inter-operability at its core. In this short review Inspectors have shied away from being prescriptive about how this might be taken forward into the future, based on the absence of a current comprehensive POSTRA, and secondly to allow the PSNI, to itself, develop best practice. However, in the context of public order policing the flexibility and capability to 'scale-up' to meet exceptional demand and maintain resilience for prolonged events must be based on a degree of multi-skilling.

2.35 Overall, the conclusion and assessment of Inspectors is that **the PSNI should conduct a more rigorous and comprehensive strategic threat and risk assessment for public order which should include the wider strategic contexts, such as matters of workforce composition, finance and other demands.** This recommendation is made to further strengthen and underpin the very clear and strong capability and capacity of the PSNI in respect of public disorder. Areas which could be strengthened for the future include, for example:

- the governance arrangements surrounding any recommendations made either internally or externally;
- links with the national POSTRA; and
- involvement of appropriate ACPO representatives as a 'critical friend'.

It should assist the PSNI to maintain and enhance its strong position and reputation nationally and internationally.



Resilience

2.36 Closely linked to the issues of capability and capacity is that of resilience, by which we mean the ability to flex and return to normal quickly and secondly, the ability to sustain operations and capacity.

2.37 For the PSNI, in addition to a cadre of specially trained officers in TSGs (part of the OSD), the main resilience for public order is provided by district policing officers who are formed into PSUs, thus bolstering flexibility and capacity. More recently as we have observed, further resilience has been added from other areas, including some from the OSD and from the Crime Operations Department. In terms of capability all these officers are trained to exactly the same standards as their colleagues in TSGs. What sets the TSG officers apart is simply the day and daily close working of officers attached to it - providing a consistency of approach.

2.38 In addition to the issues of capability and capacity, Inspectors heard clear unease regarding resilience and this is best illustrated by some of the evidence provided to Inspectors:

- Many of the Public Order Units were regularly (annually) required to conduct continuous hours of duty which raised clear health and safety concerns, but also impacted on issues of resilience. For example, Inspectors were provided with evidence of one unit (and presumably others) conducting 42 hours continuous duty during July 2012. The PSNI considered that the context of this included the willingness of officers to engage in such duty with *'...a commendable focus on service delivery'* - the latter being clearly evident to Inspectors. Secondly, that such periods of duty may include *'...periods of rest or stand-by'*. Nonetheless, for Inspectors, resorting to overtime and such periods of continuous duty is not the long-term answer to issues of resilience. ***The proposed PSNI resilience review and/or a further more comprehensive public order threat and***

risk analysis, should address the risks of, and the alternatives to, excessive periods of continuous duty.

- Fewer commanders are available across the PSNI than was the case previously (certainly prior to the establishment of the current District Command Unit structures). It was represented to Inspectors that this was a particular concern among the Superintending ranks who felt that the pressures were becoming more sustained with, for example, the parading season lasting from February to October. Some officers referred to *'burn out'* and others related that *'...some are on their knees...'*

While Inspectors were unable in this short review to provide data on these issues, and comments will be reflective of individual views and speak to particular circumstances rather than to broader issues, we urge the PSNI to analyse the concerns as part of its forthcoming Resilience Review.

2.39 Regardless of the underpinning strategic analysis, it was clear that the PSNI public order capacity and therefore resilience looking into the immediate future had been increased over a very short period of time. For example, the PSU capacity had more than doubled. Inspectors were advised that it was the strategic intent to retain this capacity going forward. In this period of uncertainty and in view of the inherent difficulties with mutual aid, Inspectors clearly support this strategic intent in the interests of maintaining public safety well into the future. It must also be pointed out however, that maintaining this capacity will be challenging and particularly so as overall police numbers continue to fall and fiscal pressures remain. In addition, as we have outlined the balance between maintaining this capacity in public order, the need to maintain community policing will also be key.

2.40 Therefore, Inspectors encourage the PSNI to consider how it can maintain and embed a more flexible organisation into its fabric; with the ability to create a significant surge capacity in public order well into the future. This is



ultimately what made the difference in bringing the widespread disturbances in the August 2011 riots in Great Britain to an end. This approach will require commitments to have multi-skilled officers who are capable of switching roles when required, rather having a 'standing army' capability. It could also entail, for example, creating greater flexibility in terms of search capability where officers, other than TSGs conduct all but specialist searches. This will clearly also require finely balanced decisions and strategic choices in times of crisis regarding the priorities for the police service, the protection of the public and the maintenance of law and order. These strategic choices were similarly highlighted in the HMIC review of the August 2011 disorders in Great Britain when they commented '*...there would need to be a mature debate between those charged with the governance of the police... and chief police officers about the relative priority attached to maintaining civil disorder compared to other policing demands; what is affordable in the current fiscal climate...*'¹¹ Similar mature debate is required in the Northern Ireland context.

- 2.41 Notwithstanding, the real question is whether the resilience is currently deep enough and it may very well be that the now increased capacity would lead to such a conclusion. However, once again, in the absence of a comprehensive connected POSTRA and demand analysis, together with realistic scenario planning, it is impossible to be definitive. As we commented earlier, a more comprehensive POSTRA is therefore required and as with many other assertions in this review, this should be done in the context of other strategic analysis including demand analysis and workforce planning. Nonetheless, it is also important to note in this context that the PSNI has in fact, demonstrated remarkable resilience in the face of many and complex challenges. The professional judgement of senior leaders, nor the resolve of operational officers in the face of such adversity, is in question. Inspectors highlight these concerns to further support and strengthen development.

Training, accreditation and equipment

- 2.42 All PSNI officers, whether in command positions or engaged in public order duties, receive training to national standards. During the course of this inspection the evidence assembled by Inspectors led to the conclusion that this training was adequate, responsive and well regarded by officers at all levels. While there were some underlying concerns at an operational level (which we highlight post), Inspectors saw clear evidence of dedication and commitment amongst training staff which was remarkable. This included a willingness to learn and develop their own specialism. There was confirmation of this in interviews with a range of officers and also from a review of documentation.
- 2.43 In addition, one of the key determinants of overall capability and capacity (but relevant to training) was the connected ability to be operationally flexible and dynamic, and Inspectors sought to test this within training and with operational officers, but also within the overall context of human rights compliance. The need for commanders at all levels to adapt to circumstances within the overall framework of the law and national guidance is paramount. This arose from concerns reflected in learning elsewhere that there was a kind of reversion to static lines in the absence of confidence in the law regarding the use of force and tactics amongst commanders. While, once again some very firm views were expressed to Inspectors that the use of greater (justified) force at an earlier point could often prevent significant disorder, the divergence of views only serves to reinforce the very difficult balance which police must achieve in these situations. Inspectors did not, and would not make judgements about individual cases, but sought assurance of the awareness of the range of options. Inspectors were pleased to note that there was a broad awareness of the need for different approaches, and both trainers and officers confirmed that the range of tactics taught allowed for this.

¹¹ *The rules of engagement: a review of the August 2011 disorders*, HMIC.



Human rights and the concepts of graduated response and ‘no surprises’ were inherently built into the strategic and operational planning, even if sometimes these concepts are difficult to understand and communicate. There was also firm evidence of the use and application of human rights advisors at all levels within the PSNI, from training to the command of operations and events. This is further supported by noteworthy findings of the Independent Reviewer of the Justice and Security (Northern Ireland) Act. The Independent Reviewer has indicated in respect of the 2011-12 parading year that:

- there was ‘...no concern that police were intervening too quickly: indeed their reticence to do so seemed of greater concern this year than accusations of heavy-handedness;’ and
- ‘no-one took issue with the focus on criminal justice strategies in which offenders are identified quickly and arrested, charged and brought to court.’

2.44 Other main conclusions from the report include:

- any critical comment has occurred mostly where disorder has occurred unexpectedly; and
- ‘...police must remain prepared to anticipate disorder, however unexpected, and to respond as events unfold.’

2.45 During the course of this review some officers raised operational concerns which we highlight for future consideration and learning:

- A number of officers raised potential gaps in training and policy for drivers in public order situations. In this respect, the PSNI should continuously learn from operational experience and ensure that drivers receive adequate support and training.
- There were concerns that some police districts had not considered the longer-term effects of reducing capacity and did not, for example, request or fill places for training in evidence gathering training until very recently. This could indicate a weakness in

the overall governance of local district capacity, which may need to be centrally set.

The workforce composition

2.46 As we observed earlier in this report, the issues of police numbers and workforce composition are very much a central factor in the strategic choices and risks facing the PSNI. The numbers of police officers in Northern Ireland were 1 per 226 population (based on a strength of 7,500). Currently with a strength of just below 7,000 the numbers of police officers per head of population stand at 1 per 257, while the average for the PSNI’s most similar forces stands at 1 per 362. In other words, there are still significantly more police officers in Northern Ireland per head of population than comparative forces in England.

2.47 In separate work, Inspectors have concluded on workforce modernisation, that:

‘One of the biggest challenges for the PSNI is to better match its resources to current and projected demands for its services. This is becoming increasingly important as existing resources are stretched and many of the more accessible cuts such as the recruitment and promotion freezes have already been implemented.’

A second priority is the need for the PSNI to further develop its workforce planning to better align with its longer-term strategic priorities. Effective workforce planning has been impeded by a number of constraints, principally the difficulties of managing the high turnover of police officers as a result of the Patten severance programme and the resulting entry of new officers and police staff. This placed considerable pressures on many parts of the Service and contributed to a short-term approach to workforce planning.’

The future success of policing in Northern Ireland is dependent on an organisation which can respond effectively and efficiently to changing levels of demand.’

2.48 The issues discussed here in terms of workforce planning and demand analysis are



dealt with in more depth in CJI's report *Finding the Balance: matching human resources with priorities in the Police Service of Northern Ireland*¹² which deals specifically with workforce modernisation. However, the linkages to public order strategic planning are also central and need to be considered in parallel. The findings of Inspectors in this regard accord with the findings from this review insofar as there was a clear need to align workforce planning (including overall police numbers) and capacity in public order policing alongside other strategic priorities and demand analysis.

Media and communications

2.49 It was clear from this brief review and interviews that the PSNI had planned for communications strategies in all major events and incidents. Senior officers were most conscious of the need to communicate widely, and relevant issues were incorporated into overall strategies. That included communications with a wide variety of stakeholders. While it was apparent to Inspectors that there was an undoubted increasing endeavour, there were a great deal of divergent views as to how effective that communications was. This was particularly evident with regard to the public communication in respect of more recent events. Some officers held strong views that the outcomes of communication strategies were less than effective, and sometimes confusing. However, it was clear for example from the available evidence that the PSNI had put some considerable and increasing effort into communication in respect of issues surrounding the recent flag protests and disorder. But Inspectors judgements were that this still left a concern that the initial grasp of the impact and consistency of messaging both internal and external in such critical incidents¹³ could be improved.

2.50 From a purely tactical point of view TSG officers expressed serious concern around

decisions, to allow the media unfettered access to the front line of serious public disorder. The ability of officers to operate effectively with, as they put it, media 'on top of them' presented risks and challenges. Inspectors were advised by the PSNI that this issue had already been identified and that it already conducts briefings for journalists in relation to their safety in situations of serious public disorder. The PSNI also advised that appropriate legislation exists in relation to dealing with cordons and obstructions. Despite this, the concerns of operational officers remain. While Inspectors are conscious of the need to maintain a free press and understand it will always be necessary to facilitate media access, police officers in these very difficult situations must also be allowed sufficient space to operate effectively. Therefore, **the PSNI should look at ways in which tactical effectiveness in situations of serious public disorder can be managed while maintaining the freedom of the press.** Inspectors would emphasise that the concerns arising here did not undermine the overall strategic and operational effectiveness of the PSNI. Nonetheless, there are practical ways of managing the apparent tensions.

Learning lessons

2.51 While there was no distinct forum for the development of learning, the issue of learning was clearly addressed in a number of ways:

- public order de-brief annually;
- the Public Order Review;
- ongoing iterative learning and development;
- individual operational de-briefs for local public order events and incidents; and
- critical incident de-briefs.

2.52 Inspectors saw clear evidence of a willingness to implement new thinking and to learn lessons. Considerable effort had clearly been expended in the area of de-briefing and Inspectors heard evidence of problem solving

¹² *Finding the balance: matching human resources with priorities in the Police Service of Northern Ireland*, CJI, May 2013.

¹³ A critical incident is described as 'any incident where the **effectiveness** of the police response is likely to have a **significant impact** on the **confidence** of the victim, their family and/or the community.' Key components are highlighted. Source: ACPO *Guidance on Emergency Procedures*, 2009.



solutions to a range of particular issues. One specific instance of the lesson learned being applied concerned a particular incident in which an officer was seriously injured when the police service adapted a vehicle to deal with the threat posed by rioters attacking officers from a height. Furthermore, in recent years the PSNI have effectively deployed mobile screens blocking line of sight and assisting in preventing the throwing of missiles between rival factions. Various other tactics including the use of gates have been trialled. In many cases the options were not considered feasible, but the evidence of willingness to learn and adapt was unmistakable.

- 2.53 However, while acknowledging the positive and broad efforts to learn and develop, there was no clear system of linking the various processes and no clear evidence of the communication of the outcomes from this learning. For example, many officers complained that annual de-briefs seemingly raised the same issues which left the impression that there was a failure to address them. While of less significance to the overall constructive culture of openness to learning and development, this is an area where some improvements could be made.
- 2.54 Arising from a range of evidence, and in a number of areas, it was also clear to Inspectors that recent events of prolonged and serious disorder have exposed areas for development. For example, in the area of critical incident management and communication it was apparent that there was a hiatus which itself created further complexities and frustrations. There unquestionably are therefore a range of issues from which valuable learning could be applied in this specific context and **the PSNI should conduct an expeditious overall critical review of performance from recent events. Any learning should be applied moving forward in the context of a clear action plan to ensure delivery.** Inspectors acknowledge that much of the learning was undoubtedly being applied already in the context of the G8 summit and for other

events, but a candid cross-departmental review of the learning will be valuable in building and developing future strategy and tactics.

Intelligence, capability and capacity

- 2.55 The PSNI actively collects intelligence and incident information on public disorder and this is processed in accordance with established procedures which are compliant with human rights and other legislation, as well as being subject to oversight by a number of external bodies.

- 2.56 Good intelligence can be central to good policing - dealing appropriately with risks and de-escalating where possible and appropriate. It can assist operational commanders maintain the safety and security of the public and of police officers. As the PSNI senior lead in this area has noted recently:

“Intelligence is a commodity, one which is only useful when shared. The gathering of intelligence is not, and should not be, an end in itself but rather it should lead to criminal justice being served in terms of tackling the perpetrators of ...crime.”¹⁴

- 2.57 While it is accepted that, on occasion, public disorder may be spontaneous and the possibility for advanced intelligence absent, it is nonetheless essential to managing the risk of harm that good intelligence is collected, assessed and disseminated. Intelligence can come in a range of forms from tension indicators to community intelligence and beyond. Inspectors learned that the PSNI has significantly enhanced its ability to monitor social media in recent years, but still considered that there were remaining opportunities for tension monitoring and community intelligence to be strengthened. This primarily rests in the co-ordination of community intelligence and tension monitoring by front line police officers, which might better place the PSNI to predict and deal with simmering tensions. It was interesting to note that in the April 2012 Strategic Assessment Review, the importance of intelligence to

¹⁴ Assistant Chief Constable Drew Harris quoted in the Belfast Telegraph, 22 February 2013.



counter the threat from loyalist groupings concerning public disorder, was recognised. However, the indicators in respect of recent disorder did not seem to be predicted and many officers referred to the absence of detailed advanced intelligence with regard to it.

- 2.58 Inspectors are aware of the very difficult balance in the authorisation of intelligence gathering under the various legal instruments, and PSNI officers clearly need to demonstrate that there is proportionality in this. This is balanced against a fluid and dynamic situation where those involved in protest and civil disorder may not meet normal authorisation thresholds. So, the balance and standards which must be met are demanding in order to protect human rights. There are nonetheless opportunities for officers whose role is not primarily one of intelligence gathering to become so involved and for those whose role it is to manage intelligence to educate and reinforce the systems and processes in existence and which can be used for this purpose. Indeed, the PSNI Public Order Review highlighted these issues and made a connected recommendation. Inspectors' judgement was that the delivery of this could be further strengthened.

Police criminal justice strategies

- 2.59 As we observe elsewhere in this report, there were a range of criminal justice strategies documented for public order situations and this included a specific Public Order Criminal Justice Strategy for 2011, and also importantly a Strategy for Instances of Spontaneous Disorder which also addresses (in brief) the need for a criminal justice strategy. This latter strategy also addresses liaison with criminal justice system partners and the need for criminal justice strategies to be pro-arrest, where possible. In this and the generic Gold Parades Strategy for 2012-13 there was an absence of comment on the Criminal Justice Strategy and enforcement of law in terms of the desired outcomes, and Inspectors felt that, in common with the findings of HMIC in the August 2011 disorders, there

was a potential loss of balance between protecting rights and enforcement of the law. However, these are exceptionally difficult and finely balanced decisions which sometimes can differ area to area and street to street on the basis of a complex range of factors.

- 2.60 Overall, these strategies were broadly consistent with what might be expected, and they clearly addressed human rights standards and a determination to resolve difficulties by negotiation and consultation.
- 2.61 Part of the policing strategy for public order will also inevitably be the collection of evidence for post-incident investigation. This has been a central element of policing for some considerable time. It is proportionate, and both less intrusive and less risky, both for officers and the public, when compared to pro-active arrest tactics. It is also less resource intensive and HMIC for example, reported that in order to use pro-active tactics, police would need to outnumber the rioters by between three and five to one.¹⁵ It is therefore to the credit of the PSNI and to individual commanders and officers that there often are arrests (albeit in relatively small numbers) when disorder is at its height.
- 2.62 In terms of a consistency of approach with regard to these kinds of public order incidents, Inspectors also note comments in the report of the Independent Reviewer which stated 'On 13 July [2012], the Chief Constable said that the PSNI "would be bringing many people to court in the days that follow."¹⁶ That has proved to be the case.' In that respect, there is clear evidence of a consistency of approach to recent events. It is also in keeping with national guidance and the requirements of human rights instruments. Consistency of approach further arises from an examination of comments of the Independent Reviewer in respect of 'control over events' in which he notes, 'the police are correctly planning to handle major public events with a light touch where possible while having in mind the possibility of disorder...'¹⁷

¹⁵ *The rules of engagement: a review of the August 2011 disorders*, HMIC.

¹⁶ *Report of The Independent Reviewer, Justice and Security (Northern Ireland) Act 2007, Fifth Report: 2011-12*, Robert Whalley CB, November 2012.

¹⁷ *Ibid.*

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- 2.63 However, it was apparent to Inspectors from their fieldwork in this review that there were remaining concerns which could be encapsulated by the phrase often repeated, which was that ‘...there is a need for people to see the consequences much more quickly...’ This referred both to offenders and to the public alike.
- 2.64 Inspectors also learned that the common response by the PSNI was to leave the investigation of public disorder to local district commanders to investigate and, for the most part, this seemed to work well. In the case of more recent disorders surrounding flag protests, a central co-ordination team (Op Dulcet) was enacted (in late January 2013). There was some criticism of the time taken to establish a central co-ordinating mechanism and also some criticism heard that such a central co-ordinating mechanism removed the autonomy from district commanders. Inspectors assessment of the evidence led to the conclusion that the post-incident ‘building’ of a Criminal Justice Strategy could often be so protracted as to risk serious damage to public confidence. This also links to earlier comments and findings on the need for critical incident management. For Inspectors the key lesson, once again, was the ability and flexibility for the PSNI to make early decisions regarding the command and control of such incident investigations. Secondly, and related to that, is the capacity to call together a central team with the logistical and other support necessary to achieve a swift outcome and thus increase public confidence.
- 2.65 While there is ample evidence of the consistency in the PSNI strategies concerning post-incident investigation, Inspectors considered that this could be helped by a well practised contingency to bring the necessary resources together to tackle the investigation of exceptional public disorder incidents.
- 2.66 In effect, this means that the resources and logistics of creating a central team needs to be built as part of a contingency for prolonged, exceptional and/or critical incident investigations in respect of public disorder. In addition, this should be practised to ensure that, if and when required, this can work quickly and efficiently.
- 2.67 However, of more significant note is the wider criminal justice system response, and Inspectors considered that in order to increase public confidence, ways in which the criminal justice process can be speeded up should be examined. It cannot be acceptable that those who take part in serious incidents of public disorder, quite often, are not sentenced for up to 12 months or more after the incident. **As part of the recommendation at paragraph 2.76 and wider work on fairer faster justice, the DoJ should produce proposals for how, within the criminal justice framework, matters of exceptional public interest such as widespread and/or very serious disorder can be fast-tracked through the criminal justice process.**
- 2.68 The PSNI Public Order Review made a clear recommendation with regard to criminal justice strategies. This stated ‘Good practice in relation to criminal justice strategies should continue to be identified, developed and promulgated throughout the Service.’
- 2.69 It was positive that the PSNI had identified the need to broaden and embed good practice and it may well be that the POSG will address this in due course. However, in common with a number of other areas, Inspectors felt that the delivery mechanisms to achieve this goal were not currently clear. It was apparent for example, that the evidence of weekend courts during January 2013 occurred in spite of a plan, not because of a plan, and secondly Inspectors heard evidence that the co-ordination of learning across various public order enquiry teams had not been assimilated. This and a number of the other recommendations referred to in this report and from internal PSNI work need to be followed up within the overall action plan referred to at paragraph 2.54.



Partnership working across the criminal justice system

- 2.70 As we say at the outset, the expectation that other elements of the criminal justice system will support the efficient and effective administration of justice is axiomatic. Having consulted with all the main agencies across the justice system, it was apparent to Inspectors that there were no existing contingencies/protocols for dealing with large numbers of arrests arising from prolonged or exceptional public disorder. While many organisations had business continuity or business recovery plans, these were primarily focussed on the recovery of business following a disaster, such as a flood. That is not to say that there was not a capability or a willingness to engage and maintain the operation of justice when required. However, there was clear evidence that the majority of agencies treated these matters as part of *'business as usual'*. However, in the view of Inspectors this created risks. Firstly, in the kind of prolonged and exceptional circumstances which are being considered in this review, it is clear that public confidence is an observable and considerable risk. To that extent, such matters cannot be considered as *'business as usual'*. Secondly, the absence of an agreed plan could lead to piecemeal responses, gaps and an inefficient and ineffective delivery of justice. Without considered management neither risk is acceptable.
- 2.71 There were also a number of longer-term issues highlighted which underpinned the need for longer-term strategic planning and co-ordination. For example, there were a number of issues surrounding legislation which, at the time of fieldwork, would have been unhelpful to the smooth and efficient administration of justice. This included the Sunday Observance Act 1695 which prevents any hearings on a Sunday except the most serious (indictable or hybrid offences), and the absence of a single jurisdiction, meaning that all first remands need to be heard in the County Court division in which they were heard. While these issues had been identified already and plans were in place to address them, it was nonetheless apparent that in the context of serious or prolonged public disorder such matters could be addressed as part of a co-ordinated strategy. However, Inspectors were assured that the issues would not adversely impact in respect of the G8 summit and, in fact, in late April 2013 the DoJ announced Royal assent to the Criminal Justice Act (Northern Ireland) 2013. Among other matters this provides for Magistrates' Courts to sit on a Sunday in exceptional circumstances.
- 2.72 Using the response to the Union flag protests as an indicator of performance in this area, it was also clear that the lack of a joined-up and pre-planned approach had led to some inter-agency irritations, but also to some noteworthy co-ordination. While the PSNI had requested weekend courts (and to the credit of those involved these had been achieved), the learning suggests that arrangements were stuttering and based largely on the willingness and dedication of individuals, rather than as a result of an agreed plan. While undoubtedly commendable work had been undertaken by some, this arrangement clearly leaves the response at the mercy of happenstance. For example, there were some initial difficulties with the court venue, with the IT systems, security and prison service escort availability. There were also, for example, a number of senior managers across the criminal justice system undertaking operational duties and this is not sustainable. Nonetheless, these irritations and snags were overcome by the commitment and dedication of staff in all agencies and at all levels. Inspectors detected there was also a commitment to co-ordinate responses as flag protests continued and to apply the learning.
- 2.73 Overall, it was disappointing to note that in some quarters there was a strong reluctance to take a fresh approach to the issues and to consider new ways of working. There remained tensions in some relationships and a lack of mutual understanding regarding the objectives and the outcomes sought. All of this points to the need for a considered and agreed approach where each agency is clear about its role and responsibilities in the delivery of the efficient



administration of justice and public confidence, should prolonged or exceptional public disorder occur in the future. Clearly, on a daily basis there are a range of mechanisms for, and contact between, the core agencies of the criminal justice system. Many of the people involved at middle and senior management level work together in both operational matters and on programmes/projects. The kind of partnerships which might ordinarily be expected therefore have solid foundations from which to build in the context of public order.

- 2.74 In credit to the criminal justice agencies, where events are pre-planned in advance there were few if any problems, and the agencies often worked together to provide bespoke solutions to the issues at hand. This is commendable and it was the view of Inspectors that agencies relied on this close working and co-operation for the most part, rather than a strategic assessment of contingencies. A good example of this was in fact the planning for the G8 summit where, once again Inspectors were reassured by what they saw at the time of fieldwork. It was also a very positive feature of overall confidence that recent incidents had attracted a firm response from the courts.
- 2.75 The good work and co-operation amongst criminal justice system partners in respect of the G8 summit is unquestionably positive, but it does also call into question the apparent contradictions here between this and the *'business as usual approach'* highlighted earlier. The other core agencies of the criminal justice system, such as the Public Prosecution Service and the Northern Ireland Courts and Tribunals Service, have a key role to play in the overall management and confidence issues arising from the kinds of events which are the subject of this review. The speed of the criminal justice system response and the need for both the public and offenders to see consequences much more swiftly is central to this. Inspectors encourage a much more enlightened approach to such issues which could see, for example, virtual courts and a drive to sweep away any existing barriers to speedy justice in this regard. We cannot achieve an efficient and

effective criminal justice system without new thinking.

Contingencies

- 2.76 While no specific contingencies were seen or referred to during the course of fieldwork for this inspection, the inter-agency working, co-operation and planning had significantly improved as a result of recent events and demands. Nonetheless, **the Criminal Justice Delivery Group supported by the DoJ should develop and lead a Critical Incident (Contingency) Strategy aimed at providing a co-ordinated and swift response across the criminal justice system to incidents of exceptional or prolonged public disorder which may have an adverse impact on public confidence.**
- 2.77 The above Contingency Strategy could take the form of a short but focussed protocol with the aim of ensuring that agency plans to deliver a connected criminal justice strategy are delivered. It may be assisted by a gold/silver/bronze structure, similar to that used in other arenas with a senior official in the DoJ assuming gold responsibility for the wider criminal justice system co-ordination and communications strategies. Silvers at agency level could co-ordinate internal action and bronze be responsible for the operational delivery under the protocol.

The G8 summit planning

- 2.78 For confidentiality and security reasons Inspectors were unable to provide tangible details of the planning and preparation for the G8 summit. However, as an indicator of performance in this area Inspectors received a number of briefings and carried out a number of interviews which touched on this subject.
- 2.79 It was abundantly clear that the planning commission in respect of the G8 summit was a hugely challenging one, particularly given the more limited timescales involved for the PSNI. The challenges were further exacerbated by



the peculiarities of the Northern Ireland situation, including the venue being close to the land border with the Republic of Ireland and the security environment with the threat levels multi-layered, but overall standing at 'severe' and meaning that a terrorist attack is 'highly likely'. This was also against a backdrop of simmering continuing tensions surrounding parades and other highly significant events during the next several months.

- 2.80 Inspectors were content that the programme management and planning which this event entailed was being well managed, and that governance structures were in place with all significant work streams and leads identified. There were also key links with a very wide range of partners to deliver a successful event. Once again, it is not possible to describe these in detail, but it is fair to say that these were very wide ranging and touching on almost every aspect of national and local Government, as well as every emergency service and significant parts of civic society.
- 2.81 Importantly, and commendably, the PSNI also had a range of internal assurance mechanisms in place many of which, to the credit of the PSNI, were self-identified and arranged. This included inputs and learning from the hosts of previous G8 summits, inputs from the planners of the London Olympics and a specific peer review and operational challenge function.
- 2.82 While some criminal justice partners such as the Probation Service for Northern Ireland had not been formally engaged at the time of fieldwork, Inspectors were unconcerned at the significance, given the moment in time, and have fed back potential gaps to the PSNI. There were also some residual concerns regarding the preparedness of some criminal justice organisations to deal with significant incidents or disorder should it have arisen from the G8 summit. This included the availability of additional staff and the geographical issues concerned. Examples included the Northern Ireland Prison Service where it was apparent at the time of fieldwork, that planning was at an early stage and some strands of planning were unconnected and awaiting strategic decisions. The issue of staffing had still to be addressed in full and needed to be accelerated. On a positive note, the Northern Ireland Prison Service had consulted with the Scottish Prison Service to learn from the issues faced there, and was considering some innovative joint procurement work. In addition, some issues concerning the deployment of large numbers of police officers on mutual aid had not been finally resolved at the time of fieldwork, but once again Inspectors did not consider these of major significance as they had already been identified and work was under-way to address them. Otherwise, Inspectors detected some secondary concerns arising that the establishment of firm objectives and, when available, planning assumptions for the G8 summit would assist. Some agencies for example felt that they were planning for the unknown and further certainty would assist.
- 2.83 Once again, Inspectors were less concerned on those secondary gaps at the point of fieldwork, as having been identified as part of the review process, were assured that planning prior to the event would address the issues.
- 2.84 The fieldwork for this review took place during February and March 2013 and there clearly were considerable amounts of work still to be achieved. But in short, Inspectors were assured that the G8 summit planning was adequate at the time of fieldwork, on the basis of the facts and information available at that time. No major concerns arose. However, so as to assist in the co-ordination of G8 planning, the following area for improvement was highlighted: **Specific to G8 planning and in order to ensure that there is connectivity of strategic intent across the criminal justice system:**
- **the Criminal Justice Delivery Group should agree and establish overarching objectives for the criminal justice system; and**
 - **planning assumptions (as soon as these can reasonably be stated) should be shared across the criminal justice system.**

Section



Appendices



Appendix 1: Methodology

In addition to a desktop review of relevant available documentary material, meetings were held with a range of staff across the criminal justice sector as follows:

PSNI:

- Focus group of OCMT Inspectors.
- Superintendent Service Improvement.
- Chief Superintendent District Policing Command.
- Focus group TSG Constables/Sergeant.
- Focus group TSG Inspectors.
- Chief Superintendent Head of PSNI Training.
- D/Superintendent District Policing Command.
- Inspector Head of Operational Training.
- Assistant Chief Constable Operational Support.
- Assistant Chief Constable Service Improvement.
- Assistant Chief Constable Rural.
- Assistant Chief Constable Belfast.
- District Commander 'A'.
- District Commander 'B'.
- District Commander 'C'.
- The Superintendents Association of Northern Ireland.
- The Police Federation for Northern Ireland.
- PSNI Human Rights Legal Adviser.
- Members of the Public Order Strategic Board, PSNI.*
- Superintendent Ops Support, OSD.
- Focus group, Public Order Tactical Advisors.
- D/Superintendent, Intelligence Branch.
- Head of Corporate Communications.
- Chief Constable and Deputy Chief Constable.

* Some members of the Public Order Strategic Board were also interviewed separately.

Others:

- Office of the Lord Chief Justice.
- Assistant Director, Probation Board for Northern Ireland.
- Director, NIPB.
- Director of Safer Communities, DoJ.
- Youth Justice Agency.
- Northern Ireland Prison Service.
- Public Prosecution Service for Northern Ireland.
- Northern Ireland Courts and Tribunals Service.



Appendix 2: Terms of reference

A review of the criminal justice system's preparedness for exceptional or prolonged public disorder

Terms of reference

Introduction

In the midst of an exceptional and difficult period for Northern Ireland concerning street protests and public disorder, it is considered timely to look at the criminal justice system's preparedness for these types of circumstances. This could include exceptional, spontaneous or prolonged public disorder associated with other events.

While recent events in Northern Ireland may be considered a key catalyst, it is also clear that there is the potential, based on recent history, of further such exceptional events in the coming months - including during the parades season of 2013 and beyond, as well as the G8 summit in June 2013.

Context

How the criminal justice system responds to exceptional events such as those seen during December 2012 and January 2013 can be key to achieving public confidence. Providing a timely, fast and co-ordinated response is seen as vital to demonstrating that crime has consequences and that the criminal justice system is ready to deal with those who break the law. The criminal justice system's overall visibility and effectiveness can have a salutary preventative effect.

Therefore, the outcomes to be expected might include:

- a speedy response (mobilisation of resources, and measures for speedy case reporting);
- an effective response (including the availability of tactical options, custody facilities and longer-term responses such as investigation);
- a well communicated response; and
- a co-ordinated response.

One of the key lessons from the experience of the worst disorder and riots across England for over a decade in the summer of 2011 was *'the key to avoiding future riots is to have communities that work where the criminal justice system punishes those who commit crimes but also commits itself to making sure - for all our sakes - that they don't do it again.'*¹⁸

In view of the context, Criminal Justice Inspection Northern Ireland (CJI) intends to conduct a review of the criminal justice system's preparedness, including the strategic and operational planning, for exceptional public disorder. This will be a focussed and forward facing review looking at key foundations, preparedness and the ability to learn and apply lessons from experience.

¹⁸ After the riots: the final report of the Riots Communities and Victims panel.



Inspection aims

The core aims of this inspection will be to assess the criminal justice system in respect of the following, insofar as they relate to exceptional public order events:

- strategic planning and assessments;
- tactical and operational planning; and
- connectivity and co-ordination across the criminal justice system.

These aims will also touch upon the following:

- assimilating lessons from experience and best practice;
- criminal justice strategies; and
- capability and capacity (resources and training).

The inspection will be based primarily on the CJI inspection framework, as outlined below. The three main elements of the inspection framework are:

- strategy and governance;
- delivery; and
- outcomes (or expected outcomes in this context).

CJI constants throughout each inspection are independence, equality and fairness, together with standards and best practice. Among the standards will be the Association of Chief Police Officers *Manual of Guidance on Keeping the Peace* (2010).

While this review is intended to be focussed, it will not be overly prescriptive, allowing the facts to speak for themselves and the issues to emerge impulsively during inspection. However, within the overall review the core focus will be on strategic and operational planning together with connectivity and co-ordination of responses across the criminal justice system.

Methodology

This review will seek to engage with all criminal justice agencies to assess the levels of preparedness for exceptional occurrences of public disorder. Where appropriate, Inspectors will make recommendations for future improvement.

The following methodology is proposed.

There will be a five phase approach to inspection as follows:

- Phase 1 - Design and planning (including development of terms of reference);
- Phase II - Delivery (fieldwork);
- Phase III - Assessment and review;
- Phase IV - Factual accuracy checks; and
- Phase V - Publication and closure.

Design and planning

Preliminary research has been undertaken by Inspectors to inform these terms of reference.



However, further research will be undertaken into best practice and experiences from within the criminal justice system and other similar jurisdictions. Data analysis will also form a key part of this process. Criminal justice agencies and stakeholders will be asked to participate and share lessons learned and best practice, where identified. Inspectors will review all available material to make an assessment of the current situation.

Contact with agencies

The agencies of the criminal justice system to be included in this review are:

- the Police Service of Northern Ireland;
- the Public Prosecution Service for Northern Ireland;
- Forensic Science Northern Ireland;
- the Northern Ireland Courts and Tribunals Service;
- the Probation Board for Northern Ireland;
- the Youth Justice Agency; and
- the Northern Ireland Prison Service.

Review delivery

Stakeholders

Within the context of this review it is considered that each of the core criminal justice agencies, as partners in an overall criminal justice response, are each a key stakeholder in their own right. Consequently, the inspection will seek their views on the effectiveness of strategic planning, connectivity and co-ordination.

Fieldwork plan

Inspection fieldwork is scheduled to take place during February and March 2013. Data analysis will occur during fieldwork to inform other aspects of the inspection and also in the post-assessment phase following the completion of fieldwork.

Fieldwork will consist of interviews with appropriate stakeholders and an examination of appropriate documentation and management information.

The fieldwork may at any time consider other issues relevant to the issue of criminal justice system responses to public disorder and which arise as the inspection progresses.

Assessment and review

Following the completion of fieldwork, Inspectors will take a short period during March 2013 to assess and review evidence collected during fieldwork, together with research findings. Emerging findings will be discussed with the criminal justice agencies post-completion of fieldwork and assessment phases. Also during this phase a draft inspection report will be developed. CJI intend to circulate a draft report for factual accuracy checks by the end of March 2013.

Factual accuracy

Once available, a draft report will be provided to the criminal justice organisations for factual accuracy check prior to the report being provided to the Minister of Justice seeking permission to publish.

Publication and closure

Publication will follow, pending receipt of permission from the Minister of Justice in Northern Ireland.



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