



Part 8 - Demonstrations

Version : 3.0

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Executive summary

This section contains the following topics:

- [Purpose of policing demonstrations](#)
- [Riots](#)
- [Balancing the rights of citizens](#)

This chapter explains the law and procedures relating to the policing of demonstrations. It relates to all types of demonstrations, including industrial disputes and protests against domestic and foreign dignitaries.

Note: For further information see '[VIP Security Planning and Operations](#)' and '[Part 9 - Policing Parliamentary Precincts](#)'.

A critical aspect of policing demonstrations is planning. The chapter also focuses on the duties and responsibilities of those responsible for managing such operations and the considerations and procedures involved in preparing for them.

Purpose of policing demonstrations

The purpose of policing demonstrations is to preserve law and order and to protect people and property from the actions of demonstrators, and demonstrators from people who are not in sympathy with them.

Riots

Every demonstration has the potential to become violent. Police employees who are policing demonstrations should therefore familiarise themselves with the legislation and procedures for riot.

Balancing the rights of citizens

During demonstrations, Police must balance the need to maintain order against the rights of citizens. Among those rights are:

- freedom of speech
- peaceful demonstration
- security of life and property
- freedom from intimidation or interference.

Key, critical points for staff to note:

- A person breaching the peace may be arrested, however, this is **not** an offence. Alternative offences will need to be identified if charges are laid.
- A demonstration that is unexpected will be managed by the local Communication Centre until such time as an Incident Controller is on scene.
- Police response to a demonstration that is known about in advance should be planned and staffed for.
- Early liaison with demonstration leaders may be beneficial to the policing of the event.
- Any arrests at a demonstration should be made after consideration of the effect the arrest itself may cause, and whether there are sufficient Police staff to effect the arrest safely.



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Demonstration related definitions

This table details definitions of terms that are relevant to demonstrations.

Term	Definition
Strike	A 'strike' is the act of a number of employees discontinuing their employment, failing to resume or return to their employment, breaking their employment agreements, or reducing their normal output. See: Section 81 of the Employment Relations Act 2000.
Lock out	A 'lock out' is the act of an employer closing the place of business or suspending the business or discontinuing the employment of any employees or failing or refusing to engage employees in work for which they are usually employed. This is done with a view to compelling acceptance of employment terms or compliance with the employer demands. See: Section 82 of the Employment Relations Act 2000.
Picket or picketers	<p>A 'picket' is defined in the Concise Oxford Dictionary - Tenth Edition 1999 - as "the act of a number of employees and others who protest outside a workplace for the purpose of trying to persuade others not to enter during a strike".</p> <p>The protesting employees and others involved in the protest are called picketers. The picketers will also protest the grievance for which they have taken the action.</p>
Disorderly assembly	<p>Under section 5A(1) of the Summary Offences Act 1981, a disorderly assembly is an assembly of three or more persons who, in any public place, assemble in such a manner, or so conduct themselves when assembled, as to cause a person in the immediate vicinity of the assembly to fear on reasonable grounds that the persons so assembled:</p> <ul style="list-style-type: none">• will use violence against persons or property, or• will commit an offence against section 3 of the Act in that vicinity.
Public place	<p>Under section 2(1) of the Summary Offences Act 1981, 'public place' means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.</p> <p>Without limiting the definition of the term 'public place' in subsection (1) of this section, for the purposes of this Act, a person is in a public place if he is in any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle, which is in a public place.</p>
Riotous behaviour	<p>Riotous behaviour involves force or violence that is likely to cause alarm in at least one person of reasonable firmness and courage (<i>Scott v Parkinson & Howard</i> (1912) VLR 389).</p> <p>Riotous behaviour is more serious than disorderly behaviour, but falls short of the crime of riot. Because riotous behaviour is also disorderly behaviour, the charge of riotous behaviour is rarely filed.</p>
Offensive behaviour	Offensive behaviour under section 4(1)(a) Summary Offences Act 1981 must not just cause offence. The offence must be to such an extent or of such a kind that it disturbs or disrupts public order (<i>Morse v Police</i> [2011] NZSC 45).

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Threatening behaviour	Threatening behaviour has not been defined by the courts. According to the New Zealand Police Legal Section's commentary on the Act, a threat is "a declaration of an intention to punish or hurt". If the person has the power to carry out the threat, the offence becomes an assault.
Insulting behaviour	Insulting behaviour is behaviour that insults and seriously annoys one or more of those present (<i>O'Connor v Police</i> (1967) NZLR 437).
Disorderly behaviour	<p>Disorderly behaviour under section 4(1)(a) of the Summary Offences Act 1981 is behaviour seriously disruptive of public order. It is not sufficient if the behaviour only annoys others or wounds feelings. A tendency to annoy others, even seriously, is insufficient to constitute the disruption to public order which may make restrictions on freedom of expression necessary.</p> <p>Disorderly behaviour under section 4(1)(a) of the Summary Offences Act 1981 is behaviour in or within view of a public place which substantially disturbs the normal functioning of life in the environs of that place (<i>Brooker v Police</i> [2007] NZSC 30).</p> <p>The behaviour must be more than unmannerly, disturbing, irregular, inconvenient or exhibitionist. (<i>Kinney v Police</i> (1971) NZLR 926).</p>
Public way	Under section 22(2) of the Summary Offences Act 1981, 'public way' means every road, street, path, mall, arcade, or other way over which the public has the right to pass and re-pass.
Obstructs	Under section 22(2) of the Summary Offences Act 1981, 'obstructs', in relation to a public way, means unreasonably impedes normal passage along that way.
Unlawful assembly	<p>In accordance with section 86(1) of the Crimes Act 1961, an unlawful assembly is an assembly of three or more persons who, with intent to carry out any common purpose, assemble in such a manner, or so conduct themselves when assembled, as to cause persons in the neighbourhood of the assembly to fear, on reasonable grounds, that the persons so assembled:</p> <ul style="list-style-type: none">• will use violence against persons or property in that neighbourhood or elsewhere, or• will, by that assembly, needlessly and without reasonable cause provoke other persons to use violence against persons or property in that neighbourhood; <p>provided that no one shall be deemed to provoke other persons needlessly and without reasonable cause by doing or saying anything that he is lawfully entitled to do or say.</p>
Road	<p>In accordance with section 35(2) of the Policing Act 2008, the term 'road' has the meaning given in section 315(1) of the Local Government Act 1974 except that it includes:</p> <ul style="list-style-type: none">• a motorway, within the meaning of section 2 of the Government Rooding Powers Act 1989, or• a private road or a private way within the meaning of section 315(1) of the Local Government Act 1974.

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Industrial disputes

This section contains the following topics:

- [Introduction](#)
- [Who has access to the workplace during an industrial dispute](#)
- [Picketers do not have access to the workplace](#)
- [No right to prevent others' access](#)
- [Role of Police in times of industrial disputes and strikes](#)

Introduction

Lawful industrial action is an important aspect of bargaining under the [Employment Relations Act 2000](#). As with other forms of protest, employees have the right to congregate lawfully to protest about their employment conditions.

The guidelines and procedures in this chapter apply to all types of demonstrations, including industrial disputes. However, you must understand who has right of access to the workplace during a [strike](#) or [lock out](#).

Who has access to the workplace during an industrial dispute

During an industrial dispute, the Employment Relations Act 2000 (Sections [20 to 25](#)) provides the right of access to the workplace for certain people, for example, union representatives and, during a strike, non-striking employees.

Picketers do not have access to the workplace

[Picketers](#) do not have right of access to the workplace, but they have the right to congregate lawfully in a public place to protest.

No right to prevent others' access

Picketers do not have the right to hinder or prevent others from entering the workplace.

Role of Police in times of industrial disputes and strikes

In times of industrial disputes and strikes Police must:

- ensure that picketers do not forcibly hinder or prevent any person from working at or exercising any lawful trade, business or occupation
- be mindful of the rights of all persons to freedom of expression, association, movement and assembly. These rights must be balanced against the need to preserve law and order
- maintain an attitude of real impartiality and refrain from making comments on the merit of the demonstration, dispute or strike
- take all reasonable steps to avoid the possibility or perception of sanctioning activities that breach the law.



Breach of the peace

This section contains the following topics:

- [Introduction](#)
- [Unlawful act, not an offence](#)
- [Preserving the peace](#)
- [Preventing a breach of the peace](#)
- [Power of arrest](#)

Introduction

This section briefly covers information on breach of the peace that is relevant to your role in policing demonstrations. Breach of the peace, when there are demonstrators involved, usually encompasses misbehaviour by demonstrators that disturbs the public or causes public unrest.

Unlawful act, not an offence

Breach of the peace is an unlawful act, **not an offence**.

Preserving the peace

Preservation of the peace is paramount. Subject to that, police should as far as possible allow individuals and groups to exercise their rights.

Preventing a breach of the peace

If circumstances indicate that a spontaneous demonstration is likely to occur, or a managed picket has been reported, you must take all reasonable steps to prevent breaches of the peace, to protect property and to preserve public order.

Under section [42\(1\)](#) of the Crimes Act 1961, if you see a breach of the peace you can interfere to prevent it continuing or restarting. You can use no more force than is reasonably necessary to stop the breach of the peace continuing or restarting, or than is reasonably proportionate to the danger likely to result from its continuing or restarting.

Power of arrest

The two provisions under the Crimes Act 1961 that empower you to arrest someone who has breached the peace are:

- section [42\(2\)](#), and
- section [315\(2\)\(b\)](#).

If you arrest for breach of the peace

If you arrest a person for breach of the peace (remember that breach of the peace is not an offence), you must:

- give them the rights caution and the Bill of Rights
- not obtain their personal details or take photos or fingerprints, unless you are filing other charges (they have not been arrested for an offence, so therefore section [32](#) Policing Act does not apply)
- [release](#) the person as soon as practicable if you file no charges.



Offences

This section contains the following topics:

- [Introduction](#)
- [Offences relevant to demonstrations](#)
- [Arresting and using force](#)

Introduction

A guide to categories of offences can be found in section [6](#) of the Criminal Procedure Act 2011.

Widely understood definitions for 'offence' and 'crime' were repealed as one consequence of major changes introduced by the Criminal Procedure Act 2011. The following informal definition is intended as a guide and has been drafted with assistance from legal experts.

'Offence' and 'crime' are words that are used interchangeably in statute, and there is no material difference between them. They may be described as any act or omission that is punishable on conviction under any enactment, and are demarcated into four categories as defined in section 6 of the Criminal Procedure Act 2011.

Offences relevant to demonstrations

These are some of the offences under the Summary Offences Act 1981 and the Crimes Act 1961 that are relevant to demonstrations:

- Disorderly assembly
- Disorderly behaviour
- Offensive behaviour
- Forcibly hindering
- Obstructing a public way
- Unlawful assembly.

For further information refer to '[Part 6 - Behaviour offences](#)' which provides more detailed information about these offences.

Arresting and using force

You have the power of arrest for all the offences above.

Under section [39](#) of the Crimes Act 1961, when making, or helping to make, an arrest, a person is justified in using such force as is necessary to overcome any force used in resisting, unless the arrest can be made by reasonable means in a less violent manner. However, except in the case of a constable or a person called on by a constable to help them, this does not apply where the force used is intended or likely to cause death or grievous bodily harm.

Under section [41](#) of the Crimes Act 1961, you are justified in using such force as is reasonably necessary to prevent the commission of an offence that would be likely to cause immediate and serious injury to anyone's person or property.



Demonstration command structure

This section contains the following topics:

- [Planning](#)
- [Liaison](#)
- [Who takes command of a demonstration?](#)
- [Demonstrations that cross district boundaries or are of National Significance](#)
- [Planning Officer and Operation Commander](#)
- [Liaison Officer](#)
- [Other key appointments](#)
- [Major demonstrations / Operations of national significance](#)
- [Duties of the 2I/C](#)

Planning

A critical requirement for managing a demonstration is planning. Where Police have advance notice of a demonstration, the District Commander appoints a Planning Officer, who may become the Operation Commander. This officer is responsible for investigating the scope and nature of the proposed demonstration and making adequate arrangements for dealing with it.

Liaison

Liaison is another essential ingredient for effectively policing demonstrations. In general, Police should try to establish friendly dialogue with groups that demonstrate frequently, in order to build mutual understanding and break down prejudice.

The Planning Officer must appoint a Liaison Officer at an early stage, to establish good communications between Police and the demonstration leaders. The Planning Officer or Operation Commander should meet the people [against whom the demonstration is directed](#).

Who takes command of a demonstration?

This table details who takes command of a demonstration;

If . . .	then . . .
the demonstration is unexpected and there is no advance notice	the Communications Centre takes initial command and control in accordance with the provisions of this manual until local command and control is established. The Communications Centre supervisor immediately informs senior district field supervisors of the demonstration. Note: most demonstrations are first reported to a Communications Centre
Police receive advance notice of a demonstration	the District Commander appoints a Planning Officer.

Demonstrations that cross district boundaries or are of National Significance

If a demonstration crosses district boundaries (e.g. a hikoi) or is a demonstration of national significance (high level event), the District Commander of the district where the demonstration starts will generally lead the command structure throughout the operation. If the event is a high level event, the National Manager: Response and Operations must be notified and may assume responsibility (see [Inter-district operations](#)). That District Commander will consult with the District Commanders whose districts will be affected by the demonstration to seek their agreement to the command



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structure. The Planning Officer, Operation Commander and other key roles will also generally maintain their roles throughout the demonstration.

Planning Officer and Operation Commander

The Planning Officer is responsible to the District Commander, and, following the planning stage, may become the [Operation Commander](#).

The Planning Officer is responsible for investigating the scope and nature of the proposed demonstration and making adequate arrangements for dealing with it. Their duties and responsibilities are listed with those of the Operation Commander.

Liaison Officer

A [Liaison Officer](#) is appointed by the Planning Officer and is responsible to the Planning Officer and/or Operation Commander.

Other key appointments

Planning will dictate what type of organisation is necessary, but most demonstrations require these appointments:

- 2 I/C: responsible to the Operation Commander
- [Scene Commander](#): responsible to the Operation Commander
- [Group Commanders](#): responsible to the Scene Commander
- [O/C Sections](#): responsible to Group Commanders
- [Safety Officer](#): responsible to the Operation Commander.

Major demonstrations / Operations of national significance

For major demonstrations, the Operation Commander should establish:

- a [Complaints Group](#) under the command of an Inspector (or higher position)
- an [Enquiries Group](#) under the command of a senior CIB employee.

Duties of the 2I/C

The 2I/C establishes the Operation Headquarters and achieves the Headquarters Group's objectives.



Operation Commander

This section contains the following topics:

- [Chain of command](#)
- [General duties](#)
- [Examining the route of the demonstration](#)
- [Planning for the demonstration](#)
- [Meeting with those demonstrated against](#)
- [Allowing Police photographers at demonstrations](#)
- [Tasks during the operation](#)
- [Tasks after the operation](#)

Chain of command

The Operation Commander is appointed by, and responsible to, the District Commander.

General duties

The Operation Commander should:

- direct, co-ordinate and control the operation
- appoint a Liaison Officer
- appoint a 2 I/C, if necessary
- appoint a Safety Officer
- assess the situation
- give regular SITREPS to the District Commander (or District Commanders if the demonstration crosses district boundaries) and to the National Operation Commander, where one is appointed
- establish policy on [news releases](#).

Examining the route of the demonstration

Discuss the route of the demonstration with the local authority, having regard to public inconvenience, likely target premises and the availability of exits in the event of dispersal. Once the route is approved, contact public transport operators and the occupiers of premises.

Planning for the demonstration

Take these issues into account when planning for policing a demonstration:

- Be familiar with sections within this chapter relating to '[Rights of citizens](#)', '[Maintaining order and respecting the rights of citizens](#)', and '[Maintaining discipline and exercising restraint](#)'. Mention of these sections must be made at any Orders Group
- Be familiar with policing demonstrations against visiting VIPs in the '[VIP Security Planning and Operations](#)' chapter - searches and checks/demonstrations against visiting VIPs. In particular protecting the dignity of VIPs, barriers, and obstructing demonstrators view
- The command structure and the expertise needed to make it work
- The format and content of orders groups and briefings. Forward a copy of the Operation Order to the Supervisor of the appropriate Communications Centre
- Intelligence gathering and analysis. For major operations, discuss this with the District Manager: Intelligence
- The appointment of an Intel Officer to supervise observers – Field Intelligence Officers (FIOs) or uniformed employees in plain clothes - who will mix with the crowd, noting anything of concern and gathering evidence
- The involvement of ICT employees in communications planning
- A media liaison policy that sets out clearly who is permitted to make statements
- Assistance from Workforce management
- Personnel deployment boards and plotting tables

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- Support employees and logistic help. Tell the District Commander your requirements as soon as possible so that arrangements can be made
- Employee welfare and safety
- Adequate contingency planning and reserves. These do not include incident and enquiry patrols who carry out their normal duties
- Control lines and physical barriers, having regard to likely or known critical points
- Training in the use of pressure point control techniques (PPCT) for any employees who may carry out mass arrests
- Use of RIOD ([Real-time Intelligence for Operational Deployment](#))

Meeting with those demonstrated against

The Planning Officer and/or Operation Commander should meet the people against whom the demonstration is directed and:

- obtain details of any threats against them or their premises
- tell them what the demonstrators are likely to do and, if it seems appropriate to divulge the information, what Police plan to do about it
- find out anything that could facilitate effective Police planning.

Allowing Police photographers at demonstrations

Police photographers using still or video cameras should be deployed only on the authority of the Operation Commander and where the prevailing circumstances indicate a probability of disorder.

Other than for training purposes, photographs or video taken at demonstrations should be destroyed once the reasons for which they were taken ends. For procedures and timeframes for the destruction of photo and video records see NZ Police '[Disposal and Retention Schedule](#)'.

Tasks during the operation

During the operation, carry out these tasks.

Step	Action
1	Direct, co-ordinate and control the operation.
2	Identify priorities and critical points as early as possible and re-assess them regularly.
3	Re-deploy personnel as required.
4	Take up a position from which you can best command and influence the conduct of the operation.
5	Ensure that your 2 I/C stands in when you are absent from headquarters. The 2 I/C should be fully briefed and have means of communication.
6	Ensure that: <ul style="list-style-type: none"> • a log of all messages sent and received is maintained at Operation Headquarters utilising RIOD • those messages are properly actioned • the District Commander is kept informed.
7	Provide regular media releases.

Tasks after the operation

[Debrief](#) all key personnel as soon as possible, in order to:

- extract lessons from the operation that may be applied to future demonstrations
- recommend to the National Manager: Response and Operations any necessary alterations to Police Policy.

When large numbers are involved, O/C Sections and other employees whose attendance at the debrief is considered unnecessary could use a debrief form prepared in advance. In any event, supervisors should debrief their own employees. See: '[Debriefs](#)' chapter.

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Liaison Officer

This section contains the following topics:

- [Chain of command](#)
- [Meeting with demonstration leaders](#)
- [Obtaining and evaluating intelligence](#)
- [Making regular reports](#)

Chain of command

The Liaison Officer is responsible to the Planning Officer and Operation Commander.

Meeting with demonstration leaders

The Liaison Officer should meet with the demonstration leaders and:

- let them know that Police recognise and respect their right to demonstrate, but have to consider the rights of the community and ensure that the demonstration remains within the law
- explain the Police:
 - policy on demonstrations
 - role during the demonstration
 - expectations of the demonstrators
- encourage the leaders to enforce discipline themselves; for example, by appointing marshals
- arrange and clarify the demonstration's duration, assembly points, routes, dispersal points and procedures for deputations (ensure the demonstrators apply for a permit)
- document all conversations, particularly when agreements are reached or restrictions are placed on the demonstrators
- try not to change any agreements made with the demonstrators. If an agreement must be changed, tell them why as soon as possible.

Note: The Planning Officer or Operation Commander meets with the people against whom the demonstration is directed.

Obtaining and evaluating intelligence

Evaluate the degree of organisation, discipline and hostility among the demonstration leaders and their followers. Find out anything that could facilitate effective Police planning. See: '[Gathering intelligence](#)'.

Making regular reports

Regularly report information to the Planning Officer and Operation Commander.



Scene Commander

This section contains the following topics:

- [Chain of command](#)
- [General duties](#)
- [Establishing the 'Forward Command'](#)
- [Communicating with demonstrators and media](#)
- [Deploying employees and equipment](#)
- [Making a report](#)

Chain of command

The Scene Commander is responsible to the Operation Commander.

General duties

The Scene Commander:

- directs, co-ordinates and controls Police activities at the scene
- is responsible for briefing Group Commanders
- ensures that there is a high degree of teamwork.

Establishing the 'Forward Command'

The Scene Commander must:

- establish an accessible 'Forward Command' Headquarters, preferably overlooking the event. If the demonstration is mobile, the headquarters may also need to be mobile and must have communications
- staff the headquarters adequately. It must be guarded by personnel or Police dogs and have a communicator and log keeper
- ensure that a 2 I/C stands in when they are absent from the headquarters. The 2 I/C must be fully briefed and have means of immediate communication
- ensure that effective communication is maintained between the Command Post, Group Commanders and Operation Commander
- supply the Operation Commander with accurate information on the progress of events and likely developments.

Communicating with demonstrators and media

The Scene Commander must:

- meet the demonstration leaders or co-ordinators when they first assemble, if appropriate, and maintain friendly contact during the demonstration. It is helpful to have the Liaison Officer present when you do this
- establish good relations with media representatives. Do not restrict their movements, unless they are likely to hinder the operation or are seeking access to 'secure areas'. [News releases](#) must be made in accordance with the Operation Commander's policy.

Deploying employees and equipment

The Scene Commander must:

- deploy employees early to ensure that the demonstrators follow the designated route and do not create disorder or commit other offences
- make equipment available; for example, bins, barricades, ropes, floodlights, loud-hailers, binoculars, situation maps, fire extinguishers and bolt cutters
- identify priorities and critical points and reassess them regularly
- re-deploy personnel allocated to Group Commanders as required. Reserves should be constantly ready
- except in exceptional circumstances, deploy personnel with protective equipment only in accordance with policies and procedures and at the direction of the Operation Commander. The deployment of personnel with protective equipment must be in accordance with '[Part 11 – Public Order Protective Equipment](#)'.

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- avoid becoming physically involved in arresting or restraining suspects
- after consulting the Operation Commander, ensure that section personnel are given breaks as required. Rotate static personnel regularly during long operations
- ensure that video operators and Police photographers act (see: [Allowing Police photographers at demonstrations](#)).

Making a report

Report in writing (utilising RIOD) to the Operation Commander as soon as possible after the operation, detailing:

- the number of demonstrators and their activities
- the Police action taken, number of arrests and nature of offences
- any problems encountered.



Group Commanders

This section contains the following topics:

- [Chain of command](#)
- [General duties](#)
- [Initial briefings and consultation](#)
- [Tasks during the operation](#)
- [Controlling the demonstrators](#)

Chain of command

Group Commanders are responsible to the Scene Commander.

General duties

Group Commanders are in charge of the different aspects of the operation, such as:

- demonstrators
- crowd control
- traffic control
- criminal intelligence and investigation.

Initial briefings and consultation

Each Group Commander must:

- brief O/C Sections on procedures and tactics and, where time permits, begin training in the use of those tactics
- direct the sections, each of which should comprise no more than five constables under the supervision of a Sergeant or Senior Sergeant
- consult the Scene Commander in deploying the sections and assigning responsibilities to each.

Tasks during the operation

Each Group Commander must:

- ensure that the directions given to section leaders are clear, concise and strictly obeyed. This also applies to the officers in charge of reserves
- ensure that all uniformed constables are wearing their issued register numbers or name plates in the appropriate place on their uniform (see: [Uniform, dress standards and appearance](#))
- ensure that the sections concentrate on the major disorder and are not dissipated by minor disturbances. Be alert to developing situations and try to anticipate likely problems. Advise the Scene Commander of the situation
- be in a position to closely supervise the activities of the sections
- avoid becoming physically involved in arresting or restraining suspects
- ensure that constables making arrests are protected and not encircled by the crowd.

Controlling the demonstrators

Each Group Commander must:

- be familiar with sections within this chapter relating to '[Rights of citizens](#)', '[Maintaining order and respecting the rights of citizens](#)', and '[Maintaining discipline and exercising restraint](#)' (mention of these sections must be made at any Orders Group)
- be familiar with policing demonstrations against visiting VIPs in the '[VIP Security Planning and Operations](#)' chapter - searches and checks/demonstrations against visiting VIPs (in particular protecting the dignity of VIPs, barriers, and obstructing demonstrators view)
- position uniformed constables around moving demonstrators when necessary. Such personnel should indicate whether Police instructions can be heard. Mobile reserves can move parallel to the march and converge on trouble spots



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- keep demonstrators out of restricted areas with barricades or skirmish lines, or re-direct their movement. Backup personnel should support the forward line and deal with demonstrators that break through it. Access to a public place should be denied only when it is believed on reasonable grounds to be necessary to:
 - prevent immediate or serious danger to people or damage to property, or a serious breach of the peace, or
 - maintain a reasonable passage for vehicles and pedestrians
- ensure that demonstrators are able to exit or avoid a restricted area
- maintain definite and clearly understood boundaries for crowd control. A likely demonstration target, such as a building, should have two cordons in case one of them is breached.



O/C Sections

This section contains the following topics:

- [Chain of command](#)
- [Briefing](#)
- [Maintaining watch of the section](#)
- [Completing the documentation](#)
- [Commendations](#)

Chain of command

The O/C Sections are responsible to the Group Commanders.

Briefing

As an O/C Section you must brief personnel about demonstration policies, procedures and tactics.

Maintaining watch of the section

As an O/C Section you must:

- maintain a position that allows maximum control over the section. When controlling demonstrators, stand immediately behind your section
- remain with the section to ensure its discipline and unity
- ensure that all uniformed constables are wearing their issued register numbers
- keep constables facing the demonstrators
- avoid becoming physically involved in arresting or restraining prisoners
- advise the Group Commander if further help is needed
- ensure that each constable of the section complies with demonstration policies and procedures. Counsel, or order from the scene, any constables who contravene those principles or lose emotional control. Major lapses must be reported in writing.

Completing the documentation

Make sure that Constables who have made arrests report at the station as soon as possible to complete the Scene and Station Process Form (POL 127) or sign the Custody/Charge Sheet (POL 173).

Commendations

Provide a written report to the Group Commander on any section Constable who has shown extraordinary ability in preventing disorder and coping with problems.



Safety Officer

This section contains the following topics:

- [Chain of command](#)
- [Identifying risks](#)
- [Preparing risk assessments](#)
- [Establishing a hazard management plan](#)
- [Monitoring the operation](#)

Chain of command

The Safety Officer is responsible to the Operation Commander.

Identifying risks

Monitor all aspects of the operation and identify safety risks ([hazards](#)) that must be addressed to ensure the operation meets the requirements placed on Police under relevant Health and Safety legislation.

Preparing risk assessments

Prepare formal risk assessments on safety issues to form part of the operation plan and orders. Inform the Operation Commander and relevant group, squad and section O/Cs of all risks and possible solutions so the risks identified can be eliminated, isolated or minimised.

Establishing a hazard management plan

Establish a [hazard management plan](#) for the operation. It must allow a means for operational employees who identify hazards to bring these to formal notice and have them addressed.

Monitoring the operation

Actively monitor operational activities to identify any hazards not originally detected and ensure that they are managed.



Complaints Group and Enquiries Group

This section contains the following topics:

- [Chain of command](#)
- [Complaints Group duties](#)
- [Enquiries Group duties](#)

Chain of command

Complaints Group	The Complaints Group is under the command of an Inspector (or higher position)
Enquiries Group	The Enquiries Group is under the command of a senior CIB employee.

Complaints Group duties

The Complaints Group;

- observes the demonstration and takes prompt action on any complaint against Police
- is separate from the constables who are policing the demonstration. Its commander must be fully briefed on the operation and have a copy of the outline plan and Operation Orders.

Enquiries Group duties

The Enquiries Group;

- investigates any offences committed by the demonstrators or people opposed to the demonstrators, so that the constables policing the demonstration are not taken away from their specific tasks
- should not investigate minor behaviour offences, but should concentrate instead on the more serious offences such as assault and criminal damage
- must be separate from the Complaints Group and the constables who are policing the demonstration.



Preparing for a demonstration

This section contains the following topics:

- [Being prepared](#)
- [Key preparation areas](#)

Being prepared

Being prepared is essential to policing a demonstration effectively. All available intelligence must be gathered and suitable employees and equipment deployed well before the demonstration begins.

Adopt a flexible, non-confrontational strategy and, if possible, establish constructive communication with the demonstration organisers.

Key preparation areas

These are the key areas of preparation:

- [gathering intelligence](#)
- [selecting and deploying personnel](#)
- [setting up communications](#)
- [using physical barriers](#)
- [closing roads.](#)



Gathering intelligence

This section contains the following topics:

- [Preparation](#)
- [Information about the demonstrators](#)
- [Information about possible problems](#)
- [National intelligence for major or violent demonstrations](#)
- [Briefings](#)

Preparation

To manage a demonstration effectively, you must be prepared. Gather and analyse all the relevant information before the demonstration.

Information about the demonstrators

Find out;

- who the members of the demonstrating group are, and their:
 - ages
 - how many in the group
 - temperament
 - affiliations (such as to gangs or groups known to incite violence)
- details and travel plans, of any demonstrators travelling in from outside the local area and of any opposing groups
- who the organisers, leaders and speakers are
- the aim of the demonstration
- its assembly point, route, time and probable duration
- what activities and tactics are planned, and the degree of organisation.

Information about possible problems

Find out:

- if disorder or other offending is likely in the light of any previous experience with the same group
- the nature of the venue, including the location of buildings or facilities that may be attacked, such as embassies or Police stations; and how easily they could fall under the demonstrators' control
- the possibility of routes being cut off, preventing Police access to the scene
- the availability of potential weapons
- what other factors will be involved, such as pedestrian and motor traffic, and crowds.

National intelligence for major or violent demonstrations

The District Intelligence Office must obtain accurate intelligence before the demonstration and pass it on.

If the demonstration is likely to be major or violent, obtain the assistance of the District Intelligence Manager, who will arrange national intelligence gathering through the District Intelligence Office, particularly if the protest is national or demonstrators from another district are expected.

An Intelligence Liaison Officer should be based at Operation Headquarters to keep the Operation Commander informed. Where possible, an Intelligence Analyst should be utilised to monitor information and to keep the Operation Commander and Intelligence Liaison Officer informed.

Demonstration leaders and other principal demonstrators should be monitored and Operation Headquarters informed of their activities.



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Briefings

Intelligence briefings are important. In order to take appropriate action, personnel must have information about the demonstrators':

- number
- demeanour
- activities
- tactics.

Where Police are protecting VIPs, the Operation Commander should ensure that those constables receive separate briefings.



Selecting and deploying personnel

This section contains the following topics:

- [Planning must be flexible](#)
- [Requirement to have sufficient staff](#)
- [Selecting personnel](#)
- [Orders groups and briefings](#)
 - [OC spray in crowd situations](#)
 - [OC spray during demonstrations](#)
 - [Taser](#)
- [Deploying uniformed personnel](#)
- [Reserves](#)
- [Deploying plain-clothes personnel](#)
- [Deployment of Police Dog Sections](#)

Planning must be flexible

Personnel requirements will differ from one demonstration to another. Planning must be flexible enough to meet any realistic contingency. Unforeseen circumstances may mean that employees have to be called back.

Requirement to have sufficient staff

When a demonstration occurs Police should provide sufficient personnel to effectively monitor the activity and provide regular assessment reports to the officer in charge.

Selecting personnel

Personnel selection must take into account individual abilities and skills and not be based on availability alone.

Those in command should be able to exercise firm control and show initiative in assessing priorities. They should know to tell the Operation Commander when personnel allocated to them become surplus to requirements.

Group Commanders should have someone to record orders and directions, so that they can concentrate on commanding the operation.

Orders groups and briefings

Always include 'Use of Tactical Options' in orders and briefings and indicate that only reasonable force may be used. Remind employees of the [Tactical Options](#) and refer them especially to the policies and procedures around:

- [use of force](#) and tactical options
- [trachea holds](#) (forbidden)
- [handcuffs and other restraints](#)
- use of [OC spray](#)
- use of [Taser](#).

OC spray in crowd situations

As a general rule, OC spray should not normally be used in crowd situations. However, it can be used against more than one person at a time if circumstances justify.

See: '[Oleoresin capsicum spray](#)' chapter.

OC spray during demonstrations

OC spray must not to be carried by constables rostered for duty at demonstrations unless specifically authorised by a District Commander.



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Taser

The [Taser](#) must not be carried by Constables rostered for duty at demonstrations.

Remind constables that Police behaviour can often determine the course of a demonstration. Over-reaction by constables can provoke disorder.

Final written orders should be prepared as late as possible to ensure that they are up to date, but they must be delivered in time for other commanders to prepare their briefings.

After an Orders Group, Scene Commanders and Group Commanders must make their own plans and give their orders and briefings.

When support personnel arrive from other regions or districts, the Operation Commander should direct the 2 I/C to fully brief these personnel. This allows the Operation Commander to concentrate on [planning and command](#). In some cases, a Logistics Officer may be able to carry out this role.

Deploying uniformed personnel

The facts will indicate the type of coverage required. A minor, passive demonstration may require only a token force or none at all.

When the demonstration is large and likely to be disorderly, an early display of strength may discourage disorder by showing that Police can cope with any situation. Such displays should otherwise be avoided.

Personnel in protective equipment should not be used merely as a display of force, or without good reason.

Reserves

Unneeded personnel should be withdrawn, but reserves should always be close by. The success of the operation may depend on the ability of the Operation Commander or Scene Commander to rapidly deploy reserves. If Group Commanders are overstaffed, they must tell the Operation Commander so that redeployment can take place. Generally, the principle of minimum deployment and maximum reserve applies. Reserves may be static or mobile, but should always be mobile for a mobile demonstration.

Deploying plain-clothes personnel

Personnel dressed similarly to the demonstrators can gather intelligence and sometimes deter offending. They should be deployed at the front and sides of the group rather than at the back, where they are less able to identify people. They can also be used for internal building security.

Deployment of Police Dog Sections

See 'Demonstrations' in the [General information for Police employees about Police dogs](#) chapter.



Setting up communications

This section contains the following topics:

- [Maintaining communication with demonstration leaders](#)
- [Radios](#)
- [Colour coding](#)
- [Loud-hailers](#)
- [Choosing communicators](#)

Maintaining communication with demonstration leaders

Good communications are essential to effectively managing a demonstration. The liaison officer maintains communication and liaison with the demonstration leaders. For details about what should be communicated to the demonstrators, see [Liaison Officer](#).

Radios

Technical Services staff should be involved in planning, and should test the radios before the operation. Portable radios, where available, should be issued to:

- Group and Scene Commanders and their 2 I/Cs
- O/C Sections
- Sergeants/Senior Sergeants in charge at static positions
- Constables.

Colour coding

Colour-code equipment for large operations.

Loud-hailers

Consider using loud-hailers, both by hand and on car roofs at the front and rear of the march. Mounting loud-hailers on the roofs of Police vehicles increases their range, which is important for large demonstrations.

Choosing communicators

Base the selection of headquarters and field command communicators on their ability to communicate orders clearly and work under pressure.



Using physical barriers

This section contains the following topics:

- [Effective barriers](#)
- [Visiting the scene to assess requirements](#)
- [Putting the barriers in place](#)
- [Sterile areas](#)
- [Visiting dignitaries](#)
- [Ceremonies and functions](#)
- [Cordons](#)

Effective barriers

Barriers must be secured to each other and to the ground in order to contain the demonstrators. If they are not secured, they will probably be ineffective against aggressive demonstrators and may be used as a weapon against Police. Water-filled barriers are especially effective as a barrier.

Visiting the scene to assess requirements

Operation and Scene Commanders should visit the scene well in advance to assess barricade requirements. The position of barriers should be shown on plans and stated at orders groups and briefings.

Putting the barriers in place

Physical barriers should be in place well before the demonstration and continuously staffed thereafter. This allows Police to retain the initiative.

Sterile areas

Physical barriers should create a sterile area around any place to which the demonstrators will be denied access.

Visiting dignitaries

When a demonstration is staged against a domestic or foreign dignitary, Police should create a sterile area to allow the dignitary and their vehicle to pass unhindered. Physical barriers may be used for this purpose and for security and tactical purposes. They must not be deployed solely to prevent the protestors being visible to the dignitary.

Note: Demonstrators can be removed out of sight of the dignitary or have their view deliberately obstructed only if their behaviour is disorderly or personally offensive and humiliating to the dignitary. See '[VIP Security Planning and Operations](#)' chapter - specifically the section on '[Obstructing demonstrators](#)' view'.

The dignitary's physical protection must take precedence over the rights of demonstrators and be in proportion to the assessed risk. In some circumstances, it will be necessary to keep demonstrators beyond missile-throwing distance.

Note: For more information on policing a demonstration against a visiting dignitary, see the 'Crowd control' section in the '[VIP Security Planning and Operations](#)' chapter of the Police Manual, and '[Part 9 - Policing parliamentary precincts](#)' of this chapter.

Ceremonies and functions

Keep demonstrators away from the general public at ceremonies or functions. This should be considered in the pre-planning stage and the demonstration leaders informed.

Cordons

For information on cordons, see the '[Perimeter control](#)' chapter of the Police Manual.

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



Closing roads and working with councils

This section contains the following topics:

- [Power to close roads](#)
- [The route of the demonstration](#)

Power to close roads

Where a constable has reason to believe that, at or near that place:

- there is existing or imminent public disorder, or
- there is, or may reasonably be expected to be, danger to any member of the public, or
- an offence punishable by 10 or more years imprisonment has been committed or discovered at or near that place,

the Constable can;

- close for as long as reasonably necessary
 - any road at, or leading to or from, or in the vicinity of, that place, or
 - any part of such a road
- to all traffic or specific type of traffic (including pedestrian traffic).

See: Section [35](#) of the Policing Act 2008.

The route of the demonstration

Discuss the route of the demonstration with the local authority, having regard to public inconvenience, likely target premises and the availability of exits in the event of dispersal. Once the route is approved, contact public transport operators and the occupiers of premises. Consider contacting the media to inform the public of any potential traffic delays.



Procedures at a demonstration

This section contains the following topics:

- [Maintaining order and respecting the rights of citizens](#)
- [Maintaining discipline and exercising restraint](#)
- [Arresting](#)
- [Staff safety](#)
- [Key points](#)

Maintaining order and respecting the rights of citizens

Police's paramount duty is to preserve the peace. Subject to that, Constables should as far as possible allow individuals and groups to exercise their rights.

Maintaining discipline and exercising restraint

In policing demonstrations, Constables must:

- maintain team work and discipline
- exercise tact, tolerance and restraint
- remain impartial
- use their powers reasonably and properly.

Arresting

Constables should look at each offence in context and be flexible. They should decide whether or not the offence will cause further disorder if unchecked. Prosecution by summons may be preferable to immediate arrest.

Arrests must be conducted at the discretion of the Operation Commander or Scene Commander

Staff safety

Constables must advise the Safety Officer of any safety risks beyond those they have already been briefed on and ensure that these risks are managed in an appropriate manner.

Key points

These are the key points:

- [General procedures](#)
- [Arrests](#).



General procedures

This section contains the following topics:

- [Guidelines](#)
- [Directing demonstrators](#)
- [Delays to traffic](#)
- [Unlawful road blockages](#)
- [Picketers entering their workplace](#)
- [If probability of harm increases](#)
- [Dispersing a demonstration](#)
- [After a demonstration has been dispersed](#)
- [Documenting incidents and complaints](#)

Guidelines

When policing demonstrations you must always:

- recognise people's right to demonstrate peacefully
- be tactful, tolerant and restrained. Do not respond to any tactics designed to draw you into hasty or imprudent remarks or actions
- be, and be seen to be, impartial. Do not comment on the merits, or otherwise, of the demonstration
- wear your uniform register number or name plate at all times (see '[Uniform, dress standards and appearance](#)')
- work with the team - demonstration duty requires teamwork and no matter how skilled you may be, you will be relatively ineffective if you try to work alone
- be aware of your own safety and the safety of staff around you. Remember the maxim "**Maximise Safety, Minimise Risk**".

Directing demonstrators

Follow these steps to give directions to demonstrators.

Step	Action
1	Make sure that the directions are clear and courteous.
2	Avoid using words that may be construed as threatening.
3	Give directions in whatever way is appropriate.
4	Communicate through the demonstration leaders if you can, but if not, address the group yourself.
5	Repeat the directions several times, if necessary, and allow a reasonable time for the demonstrators to comply.
6	Make sure that those at the back can hear. Use a loud-hailer if you need to.
7	If demonstrators do not respond, tell them the consequences, such as arrest or dispersal. Note: Demonstrators often claim not to have heard the directions and use this as a reason for non-compliance. Police placed behind and beside the demonstrators can signal that they have heard the directions themselves, and so negate this claim.

Delays to traffic

If traffic is being delayed by the demonstration, use the media to inform the public of the delays.

Unlawful road blockages

When a demonstration occurs, you:

- should ensure there is no unlawful blockage of any public way or road as a consequence of any protest
- ensure that road traffic cannot enter the area unless controlled



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- arrange for public media notification of blockages to reroute traffic for the duration required
- ensure any vehicles being driven nearby are directed as to route and speed
- assess whether the demonstrators' activities reasonably impede normal passage
- ensure activity that amounts to deliberate and persistent obstruction of the roadway is occurring, before taking action to unblock a roadway
- warn demonstrator leaders of the implications of their activities, and that their right to protest must be balanced with the public's use of the thoroughfare.

Pickers entering their workplace

While on strike, picketers have no right to enter their workplace. If they proceed to enter or are found in their workplace, the employer or representative should trespass the picketers in the first instance.

The status of workers during such situations may not always be apparent and if you become involved in policing the picket, they should keep the picketers' advocates informed. Should an employer prefer not to encounter picketers who are trespassing, and provide written authority for Police to act on their behalf, you must inform the advocates of this authority.

See: '[Trespass](#)' chapter.

If probability of harm increases

Where there is an escalation of activity among picketers or protesters that indicates an increased probability of harm occurring, or harm has occurred to any protester or any member of the public, consider taking all reasonable steps in consultation with picket managers and organisers to dissolve or disperse some or all of the picketers or protesters from the immediate area.

Dispersing a demonstration

When making the decision to disperse a demonstration, first apply [TENR](#). Ensure that there is a necessity to take action and that the action is lawful and proportionate. When the decision is made to disperse a demonstration, the Scene Commander should follow these steps.

Step	Action
1	Ask the picket managers or demonstration leaders to disperse the protesters.
2	If they refuse, or their attempts to disperse the protesters are unsuccessful, inform the demonstrators in a clear manner that they are required to disperse.
3	If this is unsuccessful, give directions to Group Commanders to disperse the demonstrators, and ensure appropriate equipment is made available to the sections engaged on demonstration duty.

The Group Commanders must then brief the O/C Sections on procedures and tactics. See also: '[Scene Commander](#)' and '[Group Commanders](#)'.

After a demonstration has been dispersed

When the demonstration has been dispersed, the O/C Section must, where possible, liaise with picket managers and organisers to outline issues arising from the protest and to determine the picketers' intentions in respect of any planned future activity.

Documenting incidents and complaints

Incidents seen but not dealt with, and complaints, should be documented as soon as possible after the event.



Arrests

This section contains the following topics:

- [Considerations](#)
- [When arresting](#)
- [Using force when arresting](#)
- [After the arrest](#)
- [Mass arrests](#)

Considerations

Before you arrest, you should take into account:

- whether the arrest itself might cause disorder
- the number of Constables available
- location of suspect(s)
- the seriousness of the offence
- whether or not the offence will cause further disorder if unchecked.
- Consider the use of Photography section to video the actual arrest.

Look at each offence in context and be flexible. Prosecution by summons may be preferable to immediate arrest. Do not arrest for language offences or disorderly behaviour, unless a breach of the peace is likely to result. Slowness in obeying orders does not constitute obstruction. Do not single out a demonstration leader for arrest simply because that person is a leader.

Tell the person you will arrest them if they do not leave, and allow them to do so. Often, a person has been misled by others about the consequences of actions, or does not realise the implications of arrest.

When arresting

When arresting:

- tell people why they are being arrested
- if demonstrators are female, when practicable, try to have them arrested by, or in the presence of, a female constable (subsequent search must be by a female constable or AO)
- Ensure you work in pairs for any arrests made

Caution: It may be unwise to enter the demonstrating group to effect an arrest.

Using force when arresting

When using force to make an arrest, remember these points:

- Use only sufficient force to make the arrest
- Work in pairs or three's. In most cases, use of three constables are needed to make an arrest – two for restraint purposes, one to ensure safety of the arresting officers; more tend to be a hindrance
- Do not congregate around a struggle. Excess numbers of constables dealing with one demonstrator weakens the Police lines

Note: If force is used, all personnel should be debriefed and Tactical Options Reports are required.

After the arrest

After the arrest you must:

- be prepared to prove who was arrested where and when, and to give full details of the offence
- make written notes as soon as possible after each arrest so that you can give accurate evidence in court



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- tell your supervisor about identified suspects who have not been arrested. They will decide whether to initiate summons procedures.

Mass arrests

Mass arrests should be made only with the consent of the Operation Commander or, in their absence, the Scene Commander. There must be:

- no other reasonable solution
- no likelihood of greater disorder as a result
- the means to make the arrests.

Where practicable, arrests should be for individual offending. When large numbers contribute to disorder it may not be possible to establish a common purpose for charges of riot or unlawful assembly except through the activities of many individuals. All constables should record the activities of individuals who may be leading the disorder.

See also: '[Part 10 - Mass arrest planning](#)' in this chapter and the '[Arrest and detention](#)' chapter in the Police Manual.