



RESPONSE OF THE POLICE AND CRIME COMMISSIONER OF WILTSHIRE AND SWINDON TO THE HMICFRS REPORT: GETTING THE BALANCE RIGHT? AN INSPECTION OF HOW EFFECTIVELY THE POLICE DEAL WITH PROTESTS

Police and Crime Commissioner's comments

I welcome the HMICFRS report on “how effectively the police deal with protests”, which was commissioned by Home Secretary in September 2020 in order to provide an assessment of the extent to which the police has been using their existing powers effectively, and to provide recommendations on what steps the Government could take to ensure that the police have the right powers to respond to protests.

In order to provide a better understanding, it is important to outline the context of this report. This year, it will be the third time that the public will vote for their local Police and Crime Commissioners. The introduction of this political post in 2012 represented a significant transformation of the policing landscape and there was no guarantee back then that Police and Crime Commissioners would still be around almost two decades later. Since the last general elections, the Government is progressing to deliver their manifesto promise to strengthen the accountability of elected Police and Crime Commissioners and expand their role and I absolutely agree with the manifesto promise that “People must have an accountable local leader delivering on their crime and justice priorities, who they can vote out.”

The Home Secretary has outlined the recommendations of Part One of the Police and Crime Commissioner's Review, ahead of the upcoming PCC elections in May 2021. I have welcomed this review and I strongly believe that accountability of Police and Crime Commissioners is key for this public position to work and I am pleased to see that the proposed changes in part one of this review will ensure all Police and Crime Commissioners remain accountable to the communities we serve as democratically-elected local leaders working with local police forces in the fight against crime and in protecting the public.

The review has also recommended that the Home Office will consult on changes to the Policing Protocol order 2011 to help provide boundaries of independence and reflect on changes that have taken place over time. This step will provide a better

clarification for new Police and Crime Commissioners to enable them to hold their Chief Constables to account even more robustly without any grey areas so as to avoid any improper political interference or its perception. In this regard, the HMICFRS' report states that: *'It is entirely legitimate for local and national politicians to take an interest in how the police respond to protest, and to scrutinise police decisions. But forces and politicians alike should be highly vigilant to the risk of any improper political interference, including the risk of actual interference or perceived interference – whether that perception is accurate or not.'*

I support the view expressed in the report that the police's approach to protests needs to strike a balance between the rights of protesters and the rights of residents, businesses, and those who hold opposing views. However, I also recognise that this is not always easy as there are two sides that perceive their actions from different ends of the spectrum; either calling out police officers for being 'too soft' or 'too hard', and therefore it is crucial that forces do their best to gather intelligence and work with our communities to accurately assess the level of the disruption caused, or likely to be caused, by a protest.

In this regard, Police and Crime Commissioners have a pivotal role to play to ensure police legitimacy is not undermined in the eyes of the public when policing public protests. This can be done by sharing best practices such as setting up advisory panels on policing protests as the example highlighted in the report. Similarly, when in response to the global COVID19 pandemic, the Government introduced new legislation aimed at slowing the spread of the virus and saving lives, including giving police the power to sanction Fixed Penalty Notices (FPNs) to anyone breaching the guidance, I approved a process to provide scrutiny and oversight of the legality and proportionality of FPNs including a regular update for the communities 'Summary Overview' to ensure transparency and openness with our communities around any enforcement action that Wiltshire Police officers have taken.

Until I step down in few weeks' time, I will hold the Chief Constable to account on the implementing Her Majesty's Inspectorate of Constabulary and Fire and & Rescue Services' recommendations and ask for regular progress and performance reports during my discussions with the Chief Constable either during our 1-2-1 meetings or during my Monitoring Board which takes place every two weeks.

Chief Officer comments

The Chief Constable of Wiltshire notes the published report and recommendations made within it and welcomes recommendations to ensure a fair balance is struck between individual rights and that of the community.

Portfolio lead comments

The comments and recommendations below are welcomed and will be built into the Specialist Operations Departmental plans to ensure that Wiltshire continues to be resilient and able to respond to public order and safety events both locally and in support of the wider Policing requirement.

Recommendations	Wiltshire response
<p>Area for improvement</p> <p>Forces should improve the quality of the protest-related intelligence they provide to the National Police Coordination Centre's Strategic Intelligence and Briefing team. And this team should ensure that its intelligence collection process is fit for purpose.</p>	<p>This will be particularly pertinent in light of the A303 Tunnel Operation. This action will be tasked through the Director of Intelligence to progress.</p>
<p>Area for improvement</p> <p>On a national, regional and local basis, the police should develop a stronger rationale for determining the number of commanders, specialist officers and staff needed to police protests</p>	<p>This is acknowledged and will be reviewed together with the requirement to increase the numbers of trained Commanders within Force and tracked through delivery of the Public Order Public Safety STRA</p>
<p>Recommendations</p> <ul style="list-style-type: none"> • By 31 December 2021, Chief Constables should make sure that their legal services teams subscribe to the College of Policing Knowledge Hub's Association of Police Lawyers group. • By 31 December 2021, the College of Policing should ensure that all Public Order Public Safety commander and adviser students attending its licensed training are enrolled in the College of Policing Knowledge Hub's Specialist Operational Support – Public Order Public Safety group, before they leave the training event. 	<p>This is acknowledged and will be progressed through Learning and Development and Specialist Operations Departments within Force.</p> <p>The action will be tasked via the Force Operations Inspector.</p>
<p>Recommendation</p> <p>By 31 December 2021, Chief Constables should ensure that their forces have sufficiently robust governance arrangements in place to secure consistent, effective debrief processes for protest policing. Such arrangements should ensure that:</p> <ul style="list-style-type: none"> • forces give adequate consideration to debriefing all protest-related policing operations; • the extent of any debrief is proportionate to the scale of the operation; • a national post-event learning review form is prepared after every debrief; and 	<p>This is acknowledged. There have been several examples of this in practice (National Armed Forces Day, Op Sapan).</p> <p>Debriefs are commissioned by either the ACC or Head of Operations and any lessons learned embedded into future Operations. This is a standing agenda item in Force meetings Chaired by the ACC Ops.</p> <p>Wider ELT are sighted on the results of the debriefs.</p> <p>National returns are to be submitted through the Force</p>

<ul style="list-style-type: none">• the form is signed off by a gold commander prior to submission to the National Police Coordination Centre	Operations Inspector.
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Cc: Wendy Williams, HMI
Chief Constable Kier Prichard, Wiltshire Constabulary