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An inspection of how effectively the police deal with protests

Striking the right balance between the right to protest and the rights of those impacted by protest is significantly important. The last 12 months have served to demonstrate the challenge and complexity faced by policing but I strongly believe that here in the West Midlands we are doing this well and I am pleased that the inspection recognises the good work of the force across a number of the inspection themes.

My overarching view of this inspection is one of caution and unease based on the context within which it was undertaken. The inspection was driven by a series of significant national protest events which occurred largely in London. As such, the tone of the report and the conclusions drawn are London-centric and we believe the policing response and approach locally is far different and does strike the right balance.

The West Midlands is very different, both in terms of capacity and capability, but also the nature of the protests experienced. The equivalent protests that we saw in Birmingham and other parts of the West Midlands were largely community-based, rather than the very organised protests in the capital. These were therefore policed differently with emphasis given to maintaining long-term community cohesion rather than short-term disruption.

Many of the tactics described in the report such as FITs (forward intelligence team officers) and Protest Removal Teams, were neither necessary or appropriate for us locally. Protests in London tend to attract people from all over the country, whereas in the West Midlands, local protests are generally for local people. As such the way we treat those protestors has a direct impact on local legitimacy. The report's 'use your powers more' tone does not recognise the contrast between London and areas outside of the capital and unhelpfully focuses on the short-term community impacts rather than the longer-term rebuilding of trust and confidence after a protest.

The last 2 years have seen a shift in how protests emerge in our area. They are far more organic, emerging through communities and society at large, gaining momentum via social media and often without an event organiser ever being identified. In the case of BLM, which saw the biggest events in the West Midlands, local communities mobilised across multiple locations ranging from small parks to a 4000+ gathering in Centenary Square. Whilst driven by the events in the US and the murder of George Floyd, these protests also carried a local flavour with references made to the cases of Kingsley Burrell and Mikey Powell. Policing legitimacy on a local scale was therefore very much at the forefront of the approach and the feedback received from those in attendance and local community leaders was universally positive. They were grateful that in Britain's second city they had been able to peacefully have their voices heard around the city centre without the police placing arbitrary parameters on their movement.

I am concerned that this inspection has been prompted by Government enabling it to justify the changes to protest legislation put forward within the Police, Crime, Sentencing and Courts Bill. HMICFRS should not be used in this way, hence the unease felt in response to this inspection. Furthermore, protest policing is indeed hugely complex but this has been further complicated by the circumstances of the pandemic. I would argue that re-writing legislation off the back of such an unprecedented year is unwise and may not withstand the post-covid period. The quick-time

inspection following the Sarah Everard vigil only serves to demonstrate the complexity of the issue.

Aside from the above points, we are committed to continuous improvement and learning, and the recommendations will of course be considered very carefully. There are helpful recommendations relating to the national management of protest-related intelligence and also the process for effective police decision-making, which would strengthen the existing arrangements. The recommendation related to the use of live facial recognition technology, however, is controversial and would need to pass internal governance processes which include public scrutiny by our Independent Data Ethics Committee, regardless of any national direction.

West Midlands Police are effective in managing this complex area of policing. I was pleased to see the force given recognition on several occasions throughout the report, including the use of community mediators to help communicate with protesters; their 2-way communication processes across the command structure; and their involvement of staff associations in the policing response to enhance the understanding of community impact. Feedback from the inspectors was also positive in respect of our approach to collaboration with the other forces in our region which operates well and is important for us in enhancing our capacity and capability.

Yours sincerely

David Jamieson
West Midlands Police and Crime Commissioner