

UTAS

HSP405 – Advanced Police Operational Command

AT5: Critical Analysis of Police Response

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Introduction

In recent decades Victoria Police have largely utilised a negotiated management approach to demonstrations and supported the rights of various interest groups to protest and hold rallies in support of their causes. Victoria Police's role in such activities has overwhelmingly been one of facilitation; to ensure public order is maintained while respecting protesters' rights to peaceful assembly. The arrival of Covid-19 Pandemic in Australia in 2020, put this right to gather at odds with public health orders intended to prevent the spread of disease. These public health orders, brought about numerous anti-lockdown demonstrations throughout 2020 and 2021, including two particularly violent protests on 21 August and 18 September 2021 that resulted in injuries to numerous police members. This paper will analyse the police response to the 18 September 2021 protest looking at what went wrong with some aspects of the planning and tactics utilised by police for the incident.

Background

On 21 August 2021, approximately 4000 protesters demonstrated in the Melbourne CBD against public health orders that had put Victoria into another lockdown. The protest started at the state parliament before participants broke police lines and marched through the city. The largest confrontation with police was outside Flinders Street Railway Station where protestors threw objects at police, resulting in the Public Order Response Team [PORT] being deployed and utilising specialised crowd control equipment in pepper-ball rounds. A subsequent demonstration on 18 September 2021 saw police shut down public transportation into the Melbourne CBD causing the estimated 1000 protesters to gather on the CBD outskirts in Richmond. Some of the approximately 2000 police followed and attempted to corral the protesters through local streets before the main group was caught in a cutting on Barkers Road, Hawthorn. With only a small contingent of General Duties police at the eastern end, protesters charged the line, trampling and injuring a number of police.

PORT members were never deployed to Richmond, instead being held back in the CBD in reserve.

What Went Wrong

Poor responses to major emergencies can be attributed to a number of major themes such as poor planning, including the ability to adapt plans to changing situations, and also ineffective resource allocation (Murphy & Dunn, 2012, p.4).

Treating it as any other demonstration

Victoria Police will ordinarily negotiate with protest organisers to facilitate a peaceful demonstration, an approach previously recommended by the Ombudsman (Baker, 2020, p1003), however there were no identified organisers of either the August or September anti-lockdown protests. Whether this was due to disparate interest groups joining the protests of previous organisers being arrested and charged with incitement offences (Fox Koob, 2020; Fox Koob, 2020a; McGowan, 2021) isn't clear. The lack of police-protester communication combined with the protesters breaching police lines during the August protest are factors indicative of a demonstration that could turn violent (Nassauer, 2015), which it duly did. With these two factors still present for the September protest, Command should have anticipated the likely violence and planned accordingly.

Ineffective Resource Allocation

With over 2000 police members including the entirety of PORT rostered for the 18 September demonstration, Command clearly did use their knowledge of the previous protest and predictably increased the police response and their level of equipment (Eggert et al., 2018, p143). How they were utilised during the operation though suggests that the desired outcomes were never clearly articulated and the resourcing needs never properly anticipated (Murphy & Dunn, 2012, p7). If the intent was to prevent all forms of protest, then it could only

be accomplished through weight of numbers and/or equipment, however only ever a portion of the rostered members were deployed to the Richmond area, and only general duties police with no specialist crowd control equipment (Gatt, 2021, p10, Pearson, 2021). Before charging the police line in the Barkers Road cutting, protesters had already scuffled with police and shown an unwillingness to be corralled when they broke through an apartment complex gate to escape (Cowie et al., 2021) and this should have again indicated that negotiated management wasn't going to work.

Historically, save for a few notable exceptions in the mid-1990s (Clayton & McCulloch, 1996) and the World Economic Forum in 2000 (Perry, 2001), general duties police have been on the frontline of demonstrations with specialised resources held back (Baker, 2020, p997). In a negotiated management context this makes sense as reducing the level of equipment worn and displayed, can build trust with the protest group and prevent escalation (Nassauer, 2015, p13). Similarly, it's been posited that the wearing of riot equipment (helmets, shields, etc) can prompt protesters into feeling they can be violent as it's not going to harm the police (Morrell & Currie, 2015, 267). However, once it was clear the protests were likely to be violent specialist resources such as PORT should have been moved to the frontline.

No Home-ground Advantage

The targeting of protest organisers in advance is indicative of Victoria Police moving from a negotiated management protest policing model to one of strategic incapacitation (Gillham & Noakes, 2007, p343) in an attempt to prevent any form of protest in breach of the public health orders in place. Another feature of strategic incapacitation is that of spatial containment of protesters, (Gillham et al., 2013, pp94-96) and the decision by Victoria Police to shut down public transport to the Melbourne CBD and establish vehicle checkpoints on main roads into the city can be viewed in this lens. The Melbourne CBD was considered to

be the protesters' target and the transport restrictions turned it into a hard zone (Gillham, 2011) of sorts effectively blocking protesters from the area. However no other protest zones were established and accordingly Victoria Police had no control over where any protest was to occur. When it became clear that protesters were meeting in Richmond, outside Melbourne's CBD, only a contingent of the 2000 rostered police were deployed to that area rather than relocating the entire operation to the east. Without the advantage of the protest occurring in an expected and controlled location, police were hampered by both the geography of the Yarra River and the narrow Richmond streets which couldn't be easily navigated by the large coaches being used to transport police members. When the protesters marched and blocked the Victoria Street Bridge over the Yarra River, additional police couldn't readily get to the eastern end of the Barkers Road cutting in support of their colleagues. Additionally, it's been found that such exclusionary tactics can lead to increased violence from more radical groups (Della Porta et al., 2006) which is ultimately what was seen and a sound tactical decision would have been to withdraw those members from the cutting rather than trying to kettle the protesters.

What we have learnt

It became apparent within days of the 18 September protest that Victoria Police had learnt from that demonstration and changed their approach. A new series of protests commenced on 20 September relating to Covid restrictions on the construction industry with the focus being the Construction, Forestry, Mining and Energy Union [CFMEU] building in the Melbourne CBD. Despite daily demonstrations no attempt was made to restrict access to the Melbourne CBD but rather the more traditional strategic incapacitation approach of restricting access to the CFMEU building was used. General Duties police however, were still used as the main police response with PORT stepping up when violence commenced.

It took until 22 September for Command to realise that in order to stop demonstrations occurring entirely for this cohort of protesters, neither a negotiated management or even strategic incapacitation approach was going to work. Whereas merely the psychological threat of police force had traditionally prevented protester violence (Baker, 2020) the protest action only really stopped once Victoria Police adopted a strategy more akin to escalated force and used specialist police resources including PORT, the Critical Incident Response Team [CIRT] and Special Operations Group [SOG] as the primary response. This is not to say that Victoria Police has now adopted escalated force as its de facto protest response. With Covid restrictions subsequently relaxed allowing people to gather, Victoria Police has returned to negotiated management protest policing which saw thousands of people peacefully protest in the Melbourne CBD on 20 November 2021 ostensibly under the same “Freedom Rally” banner (Convery, 2021).

Conclusion

The contemporary nature of this incident means formal reviews by Victoria Police and The Police Association of Victoria are yet to be publicly released (Pearson, 2021) however it's clear that the scenes witnessed in Richmond and Hawthorn on 18 September 2021 could have been avoided had Command learnt from earlier rallies involving the same transgressive protesters. This failure to review the previous demonstration resulted in inadequate and ineffective planning for the 18 September protest which saw Victoria Police lose control over the location of the incident and find themselves with insufficient and ill-equipped resources in a position where they were hampered by both the geography and Command's unwillingness to deploy specialist resources. This paper has shown that there cannot be a one-size-fits-all approach to protest policing and understanding your protesters and environment is key for safe management of demonstrations.

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