Public Order Policing in Canada:
An Analysis of Operations in Recent High Stakes Events

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[*] Opinions expressed are those of the author and do not necessarily reflect those of the Ipperwash Inquiry or the Commissioner

INTRODUCTION

Public order policing is the use of police authority and capacity to establish a legitimate equilibrium between governmental and societal, collective and individual, rights and interests in a mass demonstration of grievance.[1] Because mass demonstrations are exceptionally visible, public order policing will express the style of government and telegraph the strength of democracy with the quality of justice administration. It has and continues to play a very important role in liberal democracies, including Canada.[2] Recent events including the APEC Summit in Vancouver, the Oka Crisis in Quebec, and the Ipperwash standoff in Ontario have highlighted the dependence of police legitimacy on the proper deployment of police authority and capacity. The character of police involvement with public order events continues to announce the strength of Canadian democracy to the Canadian polity and a world audience.

Mass public demonstration is a vehicle for political expression and has sometimes helped to usher in governmental course adjustments. Before the general franchise was achieved, political leaders more or less expected such expression as a measure of the pulse of popular opinion. Before television and instant communication, demonstrations communicated opinion directly to targets and bystanders. Today, the spectacle of a mass public grievance may be conveyed across the globe. And the intermediation of the message has compelled organizers to stage-manage actions to encourage supportive response.[3] In part to maximize this positive audience reception, demonstrations and demonstration countermeasures sometimes involve months of planning, often by specialists on both sides, reporting to often radically opposing constituencies. The fact that success is not necessarily measured by the same outcome by both parties produces further opportunity for conflict.

The manner in which this difference is resolved goes to the heart of liberal democratic policing; that is, how a peaceable order can be sustained without abridging or appearing to abridge

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[1] This takes from Skolnicks work in *Justice Without Trial* (1966). Skolnick refers to the conflict in police work between assuring the democratic order while respecting the rule of law.

[2] Protest, insurgency, and rebellion have been cited as major influences in the establishment of major police institutions, including the Dominion Police, the North West Mounted Police, and the Ontario Provincial Police. As Canada developed into a more or less legitimate dominion and independent political state, distributive and redistributive conflicts were large in the foreground. Events such as the Rebellion of 1837–38 and the Winnipeg General Strike predicated consolidation and centralization of police authority and capacity.

[3] Protest attendance is still a culturally acceptable registration of political discontent. In the policing literature and in more popular cultural outlets, there is a view that protest will become even more important a feature of social and political expression as developments toward social polarization and a more exclusive society proceed (Kempa et al. 2004, 577; Young 1999). Research on public order policing itself suggests, however, that as a mechanism for politicization, mass public protest may not be living up to expectations (e.g., Mackay 2002). Mackay argues that direct action mass protest is a vital component of "a larger movement strategy involving grassroots community building and electoral politics" (p. 23) Some "powers" of protest include network building, education/framing, symbolic mobilization and confrontation, and solidarity building/ radicalization (ibid.) While protests in the past five years have included the largest ever recorded, the impact on public policy is at best uncertain. Anti-war demonstrations in February and March of 2003 did little to change the policy of those coalition partners including the U.S., Britain, and Spain from invading Iraq. While anti-globalization protests were widely credited as having contributed to the scuttling of WTO talks in Seattle, they have as yet failed to significantly change the substance of international trade agreements and are now seen by some as disorganized, with protesters content to "merely chase the big neoliberal meetings around the planet" (Krishnan and Skanthakumar in Mackay 2002, 22).

individual and collective democratic freedoms. If there is an effective defusing and neutralization of protest, will that also indicate that the political franchise has been cut short? If so, what is the proper role of policing in liberal democracies? In this report, the general themes of public order policing will be laid out and recent public order policing experience in Canada will be analyzed. Just how Canada compares in the area of public order policing is difficult to generalize, given the range of responses by various police agencies even in the past 15 years, but there are certain provisional findings from the literature. This will form the basis of an examination of the main elements of public order policing, an interpretation of styles of this type of policing, and recommendations on how to avoid disconnection between police and polities.

I. PUBLIC ORDER AND MODERN POLICING

In this report, I cannot hope to account for all types of public order events that police are expected to address. These range from noisy outdoor parties to soccer hooliganism, and from rowdy teens congregating on street corners to illegal outdoor racing. Events may be planned months in advance or be spur-of-the-moment. Police may have forewarning or not. Instead, I will concentrate on what might be called a mass demonstration of grievance, in which a large group of individuals gather for the purpose of communicating a spurned claim via the medium of a venue that is appropriated under questionable authority. This follows Turner (1968), who provides a definition of protest as including an act that expresses a grievance, and a conviction of a wrong or injustice. Since protestors are unable to correct the condition directly through their own efforts, the protest action is intended to draw attention to the grievances and is further meant to provoke ameliorative steps by some target group: protestors depend on some combination of sympathy and fear to move the target group on their behalf (p. 816). I will also follow Turner in viewing the violence and disorder identified with social protest as a mode of communication more than a form of direct action. These are expressions of outrage against injustice that may be of sufficient magnitude to render an exceptional means of communications understandable to an observer (ibid.). Turner advocates the view that the main indicators of a protest definition are with the nature of the grievance and the main treatment the amelioration of unjust conditions. This means that the setting and the target of the grievance and not only the tools of the protesters will be significant in how public order situations may be effectively resolved.

Although police are not equipped to address many of the underlying issues at back of such grievances, public police are most definitely constituted to address public order problems. The establishment of public police is intimately connected to public disorder. Manwaring-White (1983, 5) points out that the history of policing is one "which all along the line has been modified by parliamentary and police reaction to violent disturbance—just as it is today." As has been well documented, one of the spurs to policing reform in Great Britain leading to the establishment of the New Police was the disharmony evident in the Gordon Riots and a notable rise in mass occasions of public protest and visible disorder. In Canada, a similar theme is apparent in nineteenth-century and early twentieth-century police establishment.[4] Gregory

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[4] In Canada in the early 1800s, the progenitor of the modern policing system consisted of Justices of the Peace and an amateur constabulary augmented by militia. The constabulary, as in Great Britain, included both very capable and very mediocre service. In most cases, there was much turnover, with Judge Gowan claiming that in Upper Canada only a third of the men were conformed in office year to year (in Marquis 1993, 17). In the vast majority of county

Kealey (1984) found that there were 29 riots between 1839 and 1864. Riots were also a primary vehicle of political expression and were also launched to test (like a nineteenth-century trial balloon) the relative advantage of established versus emergent sectional interests. Serendipitously, it was how police responded to public demonstrations or riots that led to the first major government inquiries into British North America policing systems and calls for reforms. Thus it was that two riots (the Circus Riot in Toronto and the Chalmer's Church riot in Montreal (both in 1854) served to mobilize inquiries (*Lelievre* and *McNab* Inquiries), which began the long process of authorizing provincial and federal police forces (Lelievre et al. 1854; MacNab et al. 1855; de Lint 1999). Blatant sectarian repression by police or militia was becoming increasingly unpalatable to leaders wishing to establish rule of law legitimacy.

When the right to create federal and provincial police came with the 1868 *Police of Canada Act*, protection of nascent industry (particularly extraction and transportation) was also noticeable among immediate precursors to actual police establishment. Federally, the North West Mounted Police made defending the Canadian Pacific Railway part of their mandate, guarding it "against Indians, settlers and their own employees" (Brown and Brown 1978, 24). It was also set up after the model of the Royal Irish Constabulary, in part, to counter anticipated public order conflict including the first Riel uprising. Similarly, the Ontario Provincial Police (OPP) was created, after much delay, as a consequence of disorder in mining communities in the north of the province that the local constabulary was unable or unwilling to counter (Higley 1984). In British Columbia, a mounted troop was established by the British Columbia Provincial Police (BCPP) during the depression years "to quell serious demonstrations" (Jamieson 1971, 14). The Royal Canadian Mounted Police (RCMP), in its turn, was established in part on the strength of its performance in quelling the Winnipeg General Strike of 1919, a crisis that the local force had been unwilling to put down forcefully.

In sum, and as has been noted by several scholars, public order has been at the forefront of public and governmental conceptions of police function from the beginning of modern police forces. Response to public protest and labour conflict has been a major driver in the establishment and the mandate of Canadian police. From the inception of professional policing in Canada, a primary concern has been dealing with both industrial and political expression and "public violence" (Torrance 1986). As documented by Kealey (2000), Jamieson (1971), Abella (1975), Brown and Brown (1978), and Marquis (1993),[5] among others, with few exceptions police understood their organization with the mandate to keep public order, which, in turn, linked protecting industry to serving political authority.

This brief synopsis, however, does not sufficiently capture the truism that police in democratic societies are not simply instruments of political authority and control; or if they are, that the political authority to which they are instrumentalized is multi-grounded. As the Winnipeg General Strike also demonstrates, police may use their relative autonomy from political control in order to, as Richard Ericson (1981) puts it, "reproduce order." One can go further and argue

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constables, the office only required part-time, fee-for-service commitments, and, as has also been reported in Britain, more affluent persons were able to deputize others to stand in for them if their name was called to serve. It was not so much in the law enforcement but the order maintenance role that this arrangement was successfully criticized.
[5] Marquis, for instance, notes that there is some evidence that police in Canada were organized initially to deal with labour unrest (1993, 112).

that, particularly in public order crises, police must *produce* or discover an order that is emergent: it is a validation of least resistance between various politics (and legal interpretations). It is the forging or integrating of conflicting viewpoints and platforms for expression; it must reconcile an interest in uncertain expression on the ground with an interest in certainty (or governmental continuity) by administrative authorities above.

II. CURRENT THEMES IN PUBLIC ORDER POLICING

In evaluating the public order policing literature in Great Britain, Europe and the United States, a number of themes emerge. Firstly, there is a debate about the relative "civilization" of policing, by which is meant reduction of violence, responsiveness to more or less democratized legal norms, and technological modernization. The general argument is that civilization, elaborated by Norbert Elias (1978), among others, represents a turn away from reactive, episodic coercion. Policing, even in this domain of authority expression, also adapts toward a less visible and expressive coercion.

However, in Great Britain at present, there is split in viewpoints that public order policing is moving expeditiously in this direction. While there is some agreement following Geary (1985) that police up until 1983–84 were en route to a more consensual approach, the record following the Miner's Strike is interpreted variously, with some suggesting that police still view public order policing as a menace to be avoided and finessed with communication and liaison (P. Waddington 1994) and others suggesting that a neo-liberal government matched to conservative values has ushered in draconian and moralistic if not neo-eugenic policing practices (Jefferson 1990; Young 1999). In Europe, the general trajectory is that police are using communications much more effectively, but are using paramilitary measures particularly when state police rather than municipal police play a leading role (della Porta and Reiter 1998). In the U.S., where the policing of protest seems to attract little academic analysis, the leading view also sides with those who see a movement toward a more conciliatory approach emphasizing communications (McPhail et al. 1998). A general summary offered by P. Waddington (1998) cannot be far from expressing the general view: given favourable political cultural contexts, police will prefer to use carrots while reserving their right and capacity to use an impressive arsenal of non-lethal and lethal sticks.

In Canada, Torrance (1986) maintains that historically there has been low tolerance for public disorder and strong public support for government use of coercion in the maintenance of high standards of public order, even at the expense of civil liberties (p. 205). However, in recent evaluations of public order policing, it is contended by King (1997) that there are actually two distinct, opposing trends emerging in recent times. Along with the more conciliatory and consultative approach, he suggests that there is an increasingly militarized potential for confrontation that the police stand ready to use. In more recent work, King (2004) adds that police knowledge and particularly police intelligence has afforded countering methods that are more proactive and pre-emptive. The police will retain, as King (2004) observes, a paramilitary contingency component or the "iron fist in the velvet glove." They will use intelligence, target hardening, negotiation, responsibilization, and liaison strategies where they have experience or are compelled or disposed to believe that the consequence of the public order event is unlikely to produce unmanageable results. Torrance (1986) argues that both the resources for conciliation

and coercion are important to an outcome: governments may need resources of conciliation to avoid coercion, and resources of coercion where they are not interested in conciliation.

DEMOCRATIZATION

Consistent with this general theme of civilization is the question of what public order policing portends for the development of democracy more generally: does it bode well for it? The examination of police practices in public order policing is in this way an explicit denotation of political culture. Unfortunately, recent experience in Great Britain, Europe, and the United States provides only equivocal support for academic work that sees public order policing as a democratizing influence. Here, it is not possible to contain all of the permutations cleanly. One strong thread is that in the neo-liberal and/or exclusive society (Young 1999; Bauman 2002) police will be increasingly empowered to determine and distribute troublesome and problem populations according to an interpretation of the targets' productive and consumptive value. If placing a grievance on the agenda of mainstream political debate is a key object of a mass grievance demonstration, and governments can be understood as at best disinterested in having policy choices thrust upon them in this fashion, governmental interests support the containment, at least, of such third party disruptions. At the same time, however, protests are still sometimes viewed as a release valve that may displace rather than ably target politically vulnerable government policy. In such circumstances public protest is only a legitimacy problem where the *mode* of countering is offensive to political sensibilities, that is, where police response is disordering. This then brings us to the heart of the problem: If expression is necessarily unpredictable and the management of security depends upon the predictability of expression, then how might mass expression of grievance be regulated without damaging either the value of security or democracy?

AMBIGUITY AND INSTITUTIONALIZATION

The utilization, not to mention the occupation, of public space, en masse, by protestors, has been instrumental to the conveyance and in many cases the legitimation of anti-establishment opinion. As Turner (1968, 816) argues, "when violence and disorder are identified as social protest, they constitute a mode of communication more than a form of direct action." However, Torrance (1986) adds that the "shock" value of the utilization of a venue in the dissemination of a political message diminishes with its use. "Challenger violence" attracts the attention of authorities where it still has the power to shock, but authorities soon learn to cope, and as laws are adapted to deal with the violence as a type, continued repetition then attracts response from lower down in the official bureaucracy. Torrance refers to this as "habituation." In this context, I follow Hänninen (2000) and Bogard (1996) in arguing that the greater the ambiguity or indeterminacy in a medium, the more it becomes an object for established power. This is consistent with Giddens' (1985) claim that control over the means of disclosure is a feature of modern state power: thus, the mass public grievance can represent a black box that the state is conceived or (following Giddens' argument that surveillance is central to the modern state) *constituted* to pry open.

Similarly, public order and protest literature has identified two general formats of the conflict: institutionalization and ritual dramatization, and violence (Turner 1968). In the institutionalization of mass public grievances, parties engage in a form of formal negotiations according to established protocols by regular actors. Indeed, in the anti-globalization movement,

there is a large enough base of people, organization, training, conduct codes, and resources to constitute a professionalization of protest (Button, John, and Brearley 2002, 19–20).[6] Institutionalization therefore refers to the lessening of ambiguity in adherence to practices, rules, and procedures and the involvement of proven leadership already accepting of those established practices, rules, and procedures. In a sense, it represents self-disclosure in the emptying out of that black box of ambiguous politics.

Turner (1968) argues that a routinized bargaining relationship can erode protest meanings. He argues that routinized bargaining and the protest interpretation are incompatible because protest tends to define open-ended commitments but bargaining can only occur with respect to specific and delimited demands. What happens is that the injustice at back of the grievance becomes more invisible as the official approach matches the impersonal approach of bargaining. Public sanction of the protest interpretation then weakens. The public is desensitized to the injustice and comes to see the disturbance as an inconvenience, creating a backlash (pp. 828–829). This point is also made more recently by Farrow (2003), who argues that alternative dispute resolution (ADR) and other conflict mediation engaged in between protesters and police is a form of institutionalization that displaces or neutralizes the contested policy.

However, institutionalization can also be counterproductive to *grievor* or *protester* aims. Brooks (2004) found that because the anti-globalization movement lacks or spurns a centralized organizational framework, a feature of its organization that is far from universally supported and that makes effective exclusion of participants almost impossible and self-regulation during major protests similarly contentious, it is more likely to yield both violence and de-legitimation, or loss of public favour. Those presenting grievances, political or otherwise, via the modality of mass demonstrations face the difficult choice of falling into a ritual or rote performance and eroding their meaning or message or cultivating ambiguity but then *still* ultimately yielding control of outcomes and risking public censure.

VIOLENCE

With respect to the role of mass conflict and or public order violence as a tool for political change, it has been argued that although ebbing and flowing in waves in Western countries, it is less frequent now than at the turn of the last century and previously. The historical work on protest movements reveals that violence is exceptional. (Tilly 1985; Shorter and Tilly 1971) Violence in industrial relations in Great Britain, the U.S., and Canada shows a downward trend, particularly deadly violence (Geary 1985; McPhail et al., 1998; Jamieson 1971).

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[6] For instance, it is a powerful argument among a host of observers that global trade liberalization via the Washington consensus will continue to attract huge protest activities. According to investigative journalist Greg Palast, based on confidential documents leaked from the World Bank and the IMF, the conditionalities of various programs such as Poverty Reduction Programs include selling off of critical infrastructure such as water and hydroelectric systems. The documents also made reference to what was called the "IMF Riot," which, according to former World Bank chief economist Joe Stiglitz, refers to advantages to the foreign buyer of these resources of large-scale, violent protests against these economic impositions. According to Palast, Stiglitz said in an interview that the World Bank has "a plan which they know, and they called it internally the IMF Riot, they deliberately knew that these plans would set off riots and cause these capitals of these nations to burn down." The result is a fire sale of the domestic resources and infrastructure.

In summarizing the resource mobilization literature, Grant and Wallace (1991, 1121) argue that violence is most likely "when there is a one-sided distribution of power and least likely when the power resources of two groups are roughly equivalent." Moreover, violence may be used by challengers if they "feel that the existing arrangement is unjust" or that they can "overpower elites in a quick show of force." Elites, on their part, will employ violence "when they sense that challengers do not have the numbers or the resources to carry the day." A study by Earl, Soule, and McCarthy (2003) found that the best predictor of police presence at a protest event was how large and confrontational the event was. Police action is triggered by threatening characteristics of events and by participation of subordinate groups and social movement organizations. Brooks (2004) notes that states hosting global economic summits have demonstrated an increasing willingness to utilize repressive measures against the movement. Study has also found that excessive or selective use of force often fails to subdue rioting and often escalates conflict (Perez, Berg, and Myers 2003). In addition, non-violent protest has been found to increase redistributive municipal spending while violent protest or riot boosts social control or police spending (Jaynes 2002). Violence is an unpredictable and dynamic contingency that may badly harm both police and protester image. It also carries deleterious consequences for planners and organizers (indicative of failure). The bulk of protest research celebrates the direction that more advanced police and more established protest groups are taking in avoiding open violence by enlisting liaison and consultation, event planning, and preparedness training. (e.g., della Porta and Reiter 1998; Perez, Berg, and Myers 2003).

Torrance (1986, 205–208) argues that the resort to coercion by the government is moderated by the degree to which a dissident group appears threatening to the government and the degree to which the government needs the support of the dissident group. In addition, resort to coercion is moderated by the audience of public opinion and the available resources of the government in applying coercion or conciliation. Torrance found that coercion and Shorter and Tilly (1971)[7] found that strikes are related to ideological and political factors, including government or Cabinet changes and fluctuations in union membership. Frank (1983, 87, 111), and Grant and Wallace (1991, 1147) have found that police policies and attitudes are one of the determinants of the violence in industrial disputes. Frank's finding that violence occurs in the context of "weak labour groups that are engaged in their first collective action" (p. 90) also supports Turner's

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[7] Snyder and Tilly (1974) advance the argument that collective violence is a by-product of political power. They say "within any substantial population there is likely to be at least one structure whose members control the major means of coercion effective in that population" (normally government) (p. 526). They argue that no group contends for power without having mobilized—having acquired effective control over resources—and mobilization is a relatively rare and difficult process. Some contenders have routine access to the government, and these are members of the polity. When the whole polity is changed, it is done through revolution. Collective violence, they argue, occurs when one group lays claim to a set of resources and at least one other group resists that claim. Existing members of the polity are able to use official resources of coercion, and make the costs of making claims very high. High levels of government repression increase the costs of collective action (p. 527). They note that there are costs of collective action that may be raised or lowered. Reinforcement of civil liberties lowers the costs of collective action, while measures such as preventive detention or registration of associations raises the costs (ibid.) Repression (defined as governmental activity that raises the cost of collective action by contenders of power) discourages the collective actions, which sometimes end in encounters with troops, and police, and so forth (ibid.). In sum, one must look to the allowance of labour unions, a free press, permission of organized gatherings, and other due process rights to account for the magnitude, or lack thereof, of repressive violence. They also expect collective violence to rise and fall with non-violent political activity. For example, they argue that election years should see more collective violence because there is a greater struggle for power at that time.

thesis that ritualized action, while preferred by police, reduces the range of results that may be achieved by unions. There are opposing views on how the tools police bring to public order confrontations influence the outcomes of those events. Jefferson (1990) argues that increased militarism including the enhancement of police weaponry contributes to more violence while Monjardet (1992) holds that greater range of weaponry softens otherwise unrestricted use of force practices.

I have already indicated that unsettled politics or ambiguity is associated with public order violence. However, that most protest groups agree with police professionals that the initiation of violence including property damage is unacceptable neither means that less violence is in the offing nor that enhanced democratization of the police and polity is occurring. The protest landscape is more starkly divided between institutionalized and non-institutionalized groups, and police more readily designate and discriminate between these to apply distinct public order protocols. A variety of strategies is applied differentially against non-institutionalized protesters, including a range of pre-emptive, coercive, and post-arrest measures. Groups that are more institutionalized will be more accepted by police and will get more service or conciliation from police. Groups that refuse to responsibilize and agree to protocols of self-regulation get harder countering action. Institutionalization has been found to be a key determinant of police response to the groups involved in protest mobilizations (e.g., Geary 1985). Where more desperate grievances continue the route of mass public protest and where greater numbers of protesters find inadequate representation through this vehicle because they are marginalized by institutionalized organizations, protests will continue to find fresh expression that will meet police resistance, sometimes resulting in violence. Again, as outlined by Grant and Wallace (2001), "elite" coercion is more likely where there is overwhelming public opinion, police numbers, and other power resources against demonstrator groups.

In liberal democracies the spectacle of violence generally will be avoided by police and challengers. Institutionally, public police, as I have noted, carry a great deal of the burden of making democracy a living reality. Empirically, a consensus point by analysts is that the perceived legitimacy of police strategies will have a dramatic impact on the occurrence or prevention of public disorder (Scarman 1981; King and Waddington 2004). Geary (1985) notes that the use of a military-style coercion by the state can be counterproductive over the long haul as it stands against the principle of policing by consent and it thus gives up some high ground. The appearance of justice, then, also incorporates the judicious use of the coercive capacity of the state: where authority is largely perceived as capacity plus legitimacy, coercion must remain within the bounds of perceived just action. Otherwise, the government of the day or governance itself may lose legitimacy. It is worth stressing that perception is a key dimension. The power relationship (and the coercion exercised) is *witnessed*. Consequently, demonstrations as staged events are public relations considerations with dynamic properties. It may be the very efficiency in neutralizing or provoking a disorder that will energize or agitate bystanders and interested parties and redefine alliances.

Does a more military appearance or does violence readiness provoke or prevent violence?[8] Dress is part of the communication that police have both with direct and indirect targets; police dress

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[8] There is a convention in war dress, the marking of the body to look fierce and insurmountable, which goes back to tribal war paint: it is an exaggeration of intent and capacity deliberated most often to achieve, as zoologists have also

communicates capability and intent directly to protestors or demonstrators. Indirectly to third parties, dress indicates police political culture, suggesting how police incorporate the values of liberal democracy. Gunderson (1978) notes that police uniforms carry stereotypes of authority that both assist and impede officers in their duties. He also notes that the municipal police uniform is instantly recognizable across jurisdictions and fraught with ingrained stereotypes. Shaw (1973) argues that "clothing in the criminal justice system seems both to express and to be the cause of, attitudes, actions, and reactions." The paramilitary uniform has also been found to interact with some officers authoritarian predispositions and to yield negative evaluations of law enforcement by citizens. Other studies (like that of Gunderson) find favourable perception of blazer and slacks, but note that this may reflect a hierarchy of perceptions of professionalism that puts the business suit at the top of the hierarchy.

In a post-colonial context, dress also represents an identification with a political faction or choice of authority. In mid-nineteenth-century United States, Walker (1977) found that it is likely that the resistance to the police uniform was an expression of sectarian conflict (e.g., where the Irish-American saw the police as too British-identified) (p. 12). In the context of police-Aboriginal relations, this might be of some significance, as police represent a colonial power exercising an illegitimate claim, and dress may signal a lack of regard for antecedent cultural or constitutional claims.

In policing generally and in public order policing specifically, it is possible to locate various police styles accordingly. In broad cultural terms, the British police have traditionally taken the view that it is unnecessary, improper, and counterproductive to increase police displays of coercive capacity in paramilitary dress. American police, toward the other end of the continuum, have largely taken the opposite view: that paramilitary dress may be useful even for community policing (Kraska and Kappeler 1997). However, in Britain there is a Peelite model established in Metropolitan London in 1829 and a colonial policing model associated with Royal Irish Constabulary established in 1836. Differences between municipal, state, and federal police emerged in the American context with different sources of political patronage and professional development informing emerging culture, knowledge, and practice. There is some controversy over how Canadian police fit between the British and American cultural models, but it is clear that all three police types (municipal, provincial, and federal) have been pulled through periods of military, bureaucratic, legalistic, and public accountability professionalization (Klockars 1988; Moore 1992; de Lint 1998).

Claims that a military readiness may stave off fuller militarization and prevent violence are countered by a contrasting view that one party's display of something not yet concretized or fully defined as a matter of violence will suggest, and by suggesting push, the signalled (i.e., violent)

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shown, the non-violent resolution of conflict over territory or another contested good. The idea in this dramaturgy is that an exaggeration of capacity to inflict violence might prevent its actuality and the risks that violence entails for each party. But this view is also reflected in the state-making and weak state literature (Giddens 1985; Foucault 1977). Here the argument is that periodic, expressive demonstrations of state capacity are necessary to confirm the authority of Leviathan where otherwise that authority might be comprehensively tested and more widespread conflict might erupt. Foucault refers to the spectacle of the torture of condemned enemies of the state under the *ancien regime* and Beattie refers to special trains to usher people into London to witness hangings. The idea here is that the state is able to keep to a minimum its penetration of the polity with martial law with fulsome, but periodic, displays of capacity.

outcome. It may do this because it challenges the other party to up the ante or capitulate. It may also create a schism between presentations and review (where there is mistaken identity, mistaken motives, because there is mistaken reading of frame). So there are two conflicting views: one has it that a symbolic exaggeration of capacity and even interest in violence will demoralize and undermine the taste for violence and/or compel capitulation. The other is that the visible presentation of the accoutrements of coercion will suggest, and by suggesting more readily bring about, violent confrontation.

KNOWLEDGE AND INFORMATION

It has been noted by della Porta and Reiter (1998) and by King (2004), among others, that police knowledge is a key intermediating variable in the policing of public order events. That knowledge is gleaned both from policy and training and also from event experience. Especially in the past 15 years, there has been a consolidation of police knowledge and tactics regarding public order. Police are increasingly networked and reflexive learning organizations that not only retain and assess past experience to develop better planning and training, but that are also networked into wider knowledge bases from which to draw best practices. As those who have followed police are aware, this was not always the case in police work and there is still within some agencies a reluctance to look outward for answers.

Police documents in the 1960s and 1970s suggest a view of protestors based on generalizations of psychological factors stemming originally from the crowd psychology of Gustav Lebon. As Schweingrubber (2000) argues, police view of protesters developed from a "mob sociology" that was disseminated throughout North America in the late 1960s and early 1970s. This knowledge distribution took place through civil disorder training programs and a variety of police manuals and magazines. These include the OPP crowd control manual of 1970 and the RCMP's *Manual of Tactical Training* (1971). These handbooks indicate different kinds of crowds from the perspective of generalized psychopathology. The OPP manual describes crowds as "aggressive," "escape seeking," "acquisitive," and "expressive." It also suggests that there are "psychological crowds" and "physical crowds." In an undated document, "crowd and control of mobs and riots," and in the OPP *Crowd Control Training* lesson plan this is amended to "casual crowd," "cohesive crowd," "expressive crowd," and "aggressive crowd." Those within the crowds are also typified, namely, as "impulsive and lawless persons," "suggestible persons," "cautious individuals," "yielders," "supportive persons," "resistors," and "psychopathic individuals."

By 1995, the RCMP's *Tactical Operations Manual* provided a more instrumental view of crowds. In this document crowds are described in terms of being "lawful or not" (lawful demonstration), "social obstruction creating inconvenience," "breaching creating disruption," and "lawless and destructive." This suggests an interesting transition in the perception of crowds that brings the question of lawfulness to the centre of how crowd behaviour should be assessed. The previous generation of police thought on this seemed more concerned with assisting the evaluation of compliance. As Schwiengrubber (2000) notes for the American context, the "mob sociology" training regime was compatible with the escalated force style of protest policing also deployed up until the 1980s and 1990s. However, another obvious factor is the relative influence of social psychology more generally.

The next significant development in the police approach to mass demonstrations and public order was influenced by American police experience of the 1960s urban riots and subsequent government evaluations (United States 1967; United States 1973). The *Task Force on Policing* (1968) incorporated the findings of American government commissions that called for changes from reactive police strategies. Public perception of the police was a prime mover in proactive and community policing initiatives. Images of riot gear–clad police clubbing student protestors was damaging to the public perception of police. Police swarming into blighted communities only to make arrests eroded trust. Police became aware that images of forceful intervention were anathema to the missions of partnership building and problem solving. At the very least, police began to perceive disorder not simply in terms of law violation or compliance to authority. Especially in matters involving workers in strikes, police began to develop liaison capacity and to see the strike itself more in terms of a civil matter, thus not implicating their resources at least at the outset (de Lint and Hall 2002). Still, the activist community did not enjoy equal liaison engagement, and political demonstrators were viewed less disinterestedly as potential criminals.[9]

In addition to police knowledge based on an accumulation of experience and an orientation to public order deriving out of this, another track of development follows that information is a mode of control. If, to adapt from Althusser (1971), police are not to rely as extensively on reactive coercion as part of the state's "repressive apparatus," then they must rely more extensively on information as part of the state's "ideological apparatus." The privatization, rationalization, or reduction in spectacular violence in liberal democracies is said to require such a shift. Various theorists have suggested that information is in any event a more elegant tool in the management of dissent, if not in the control of entire polities (e.g., Giddens 1985; Foucault 1977). Where agencies of government are able to deploy an information advantage over subject populations the resort to coercion will be superfluous. Anticipatory knowledge of populations is an especially powerful tool.

While we often think in the British tradition of police in terms of visible patrol, public police have elaborated a variety of special units and are increasingly practising preventative intelligence in part to manage and defuse violence expression. And in public policing in Canada over the past 15 years, there has been a rediscovery of the importance of information. In the early 1990s, it was rediscovered (and indeed recovered) via community policing. Community policing cultivated information sources through assisting the means of open disclosure. At the end of the 1990s and into the twenty-first century, it is covert extraction of information that has again reached prominence through the new orientation of intelligence-led policing. Today, both these forms of policing provide that police agencies are becoming more profoundly information organizations, organizations that use, more importantly, information in order to reduce immediate reliance on other tools of order making.

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[9] Here it is important to stress that dualistic and pre-emptive communication does not necessarily usher in paradigmatic alterations of police orientation with respect to the classic cultural rigidities. For example, Farrow (2003, 683) notes that police are "using negotiating initiatives as tools to divide the anti-globalization movement into 'good' protesters—those who engage in dialogue with the police—and 'bad' protesters—those who do not." This is a divisive approach that sets up a permissive protocol against those who do not wish to engage in dialogue with the police. Indeed, the "situational discussions" and telephone links established between police and compliant protesters may be understood as a means of affording a node of respite for those "good" protesters, protecting them from being swept up with the "bad" ones.

POLITICAL CULTURE

Political cultures within and without police organizations will influence how police make choices to strategize the countering of disorder (della Porta and Reiter 1998; de Lint and Hall 2002; Hall and de Lint 2003). Geary notes that in Great Britain a trend toward less violence in public order policing gave way to more violence when the Thatcher government left police chiefs in no doubt that they were to act more vigorously against strikers. The change to Thatcher's neo-conservative politics was related to acts of police brutality on the picket lines. Canada's history also reveals police responsivity to changes in government and policy regarding, particularly the balance between civil liberties and security. In 1919, the entire Winnipeg police service was suspended and the RCMP was called in after that local force had refused to act aggressively to put down a general strike. In 1970 Prime Minister Pierre Trudeau shocked many by introducing the *War Measures Act*, but in 1982 the McDonald Commission revealed that Trudeau's action may have pushed many RCMP Security Service operations closer to legitimacy given the illegal activities that it had already been practising in countering political dissent. At Ipperwash in 1995, pressure from within the Mike Harris government on police may have restricted incentives to resolve a sensitive situation cautiously and encouraged an untimely push to displace communications with coercion. More recently, Jean Chretien's Prime Minister's Office involvement in planning for the 1997 Asia Pacific Economic Community conference in Vancouver muddied accountabilities and impacted on police strategies including resort to violence. The policing literature has also provided good support for the view that governmental and police leadership will impact on police style and on the values that are pre-eminent in operations, especially regarding the relative adherence to legality and observance to the protection of Charter rights (Wilson 1968; Jacobs and Carmicheal 2002).

That being said, influences on police strategy by political culture, as I indicated earlier, will be impacted by constitutional and institutional factors. The examples listed above demonstrate real or perceived crises that political authorities are expected to address if not resolve. Police, independent of specific governmental direction, are also expected not only to maintain order but, as Austin Turk (1982) puts it, the *politics* of social order and continuity. However, Turk adds the more provocative point that "all policing is political in that the ultimate rationale and purpose of policing is to preserve against radical changes those cultural and social structures which are congruent with some historically specific policy" (1982, 115). While this statement would appear to under-represent police subservience to the rule of law or the Charter, it is precisely in crises conditions that some governments and police cite refuge in necessity or emergency measures in the canard that freedom depends on security. In the meantime, it is in this overlap of political culture, defence of governmental interests, maintenance of general order, and defence of a general politics of social order and continuity that makes public order policing an especially complex undertaking in liberal democracies.

Public order policing performance may be compromised by structural features of the organizational culture. Public order units are still often considered to depend on more traditional paramilitary values in which independent thought, careerism, expert specialist knowledge, and self-management may be under-achieved dimensions. In addition, Canadian society is no longer responsive to authoritarian command as once may have been the case. Public response to police commands is—like recruit responses to calls for obedience in today's training academies—less

immediately compliant. Public order is particularly problematic in a cultural context in which there is no clear hierarchy of class or status.[10]

THE POLITICS OF LAW AND ORDER

Police are primarily concerned with the maintenance of a politically defined social order (Turk 1982; de Lint 2003). Turk recognizes the uneven distribution of what might be called the "politics of law" by suggesting that liberal democracies will have relatively greater service than control functions. Even where crises are perceived, the deference to legality, if not status quo ante constitutionality, is more likely to be followed the more democratic the polity (Turk 1982). Fillieulle and Jobard (1998, 86) use the term "high political surveillance" to denote protest events in which police action is relatively more subject to civil authorities' concern for political security. However, the larger problem is that current public order strategies in what may be called "high stakes" events may compromise the representations of legality in the representation of politics in liberal democracies. And in times of emergency, representations of politics found in social disorder (such as demonstrations) are countered by increased legal support for upgraded control functions, including intelligence gathering, information control, neutralization of offenders, and intimidation of the general population.

This condition may be perceived more clearly where we see how policing of public order is accomplished in divided societies. Divided society policing is characterized by police having a dual responsibility for internal security and ordinary law enforcement, and by the absence of effective accountability mechanisms and the presence of polarized community–police relations (Weitzer 1995, 5). In divided society, policing conditions foundational rules governing who has authority are not agreed on by the grievor, and the police mandate—along with consent policing—is confounded. Where there are deeply divided societies, police will tend to be "highly politicized, prone to violence, unaccountable, and heavily biased in favour of one ethnic, religious or racial group" (Weitzer 1995, 1). Consequently, in divided society conditions, protests that challenge political authority escalate the stakes given that, according to Turk, "the policing of political deviance will be expected to exceed legal limits wherever it is instituted" (1982, 100).

There is no doubt that a normative, legal, and constitutional order does influence police practice and must be the basis on which practice is reformed. However, other analysts question the degree to which economic determinants have precedence and shape a legitimacy discourse. A political

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[10] Hodgson (2001) argues that contemporary law enforcement institutions in Canadian and U.S. cities are insufficiently responsive to these changes, and violent encounters may be partially explained by the failure to move beyond the authoritarian organizational model. Administrators and practitioners within public police institutions are discovering that present-day communities are often not satisfied with the violent methods and philosophies that are fostered within traditional law enforcement models. Dependence on military and authoritarian organizational structures and processes:

> places severe restrictions on the social organization of recruitment and promotion within these institutions, limits the effectiveness of these institutions in responding and adapting to serving and protecting people and property, hampers the performance of the social service roles and functions of the public police, results in inadequate training in non-violent conflict resolution and/or other capabilities desired to perform their duties effectively, and is the principal barrier to promoting change and adaptability of using non-violent means within Canadian and US police organizations (p. 521).

economy perspective understands state and police action as relatively autonomous, and security tied to foundational economic systems and relations. Here, the political is relatively serviceable to larger geopolitical forces and their dominions. This view of police conduct understands the relative independence of police as a function of legitimacy maintenance, and police reticence, to simple repression as a consequence of greater sophistication in this maintenance (Harring and McMullin 1975).

A further set of critics see relatively uncoupled institutional linkages, meaning that police and governmental knowledge becomes more self-referential. Elements of the latter are perceptible in much public order analysis that sees public police as refining and elaborating their tool-kit of responses in the quest for best practices or professionalism. The measure of success cannot, typically, champion the protection of something as inchoate as the democratic ideal (cf. McCarthy, McPhail, and Crist 1999). On the other side, the danger of a more uncoupled managerial approach is that it may offer either less visible or more efficient remedies that are celebrated on violence or politics reduction criteria alone. This is the attraction of force multiplication. Thus, a chief superintendent quoted by Geary (in Uglow 1988, 91) says, "[O]nce the mind has achieved another diameter of thought it doesn't return to its original size. We've got all this stuff and it may well be that you can put a helmet on, pick up a truncheon and shield, pull your visor down and achieve more with one man than you did before with three. It's very tempting."

In sum, and as della Porta and Reiter (1998, 2) state, the dynamic nature of protest policing is determined by the "organizational features of the police; the configuration of power; public opinion; the police occupational culture; and the interaction with the protesters." Public order policing is influenced by institutional, organizational, political, interactional, and cultural factors. Historically, research suggests a trajectory from reactive, repressive policing to a proactive negotiation and accommodation, involving greater use of intelligence and a paramilitary contingency component (King 2004). Police agencies have also become adept at becoming organizations of multiple presentations in which the weighting of security and freedom will vary by operation and mandate. Consistent with Turk's (1982) continuum of police mobilization from service to control emphasis, della Porta and Reiter (1998) place public order policing strategy on a scale from co-operation to control. Further, the term "negotiated management" is used to speak of a movement to a hybridization of *co-operative control*.

III. RECENT PROTEST EXPERIENCE IN CANADA

Before conducting an analysis, let us briefly examine six public order conflicts in recent Canadian experience. These are not intended to represent the full range of public order events police are expected to handle. They are chosen instead because they involve police strategies and their development over a relatively short time span, and allow us to see the fundamental importance of certain key dimensions. The first two events are important because they involve disputes over ground and of contest to the authority of Canadian officials in administering that ground (we will call these disputed ground public order policing events). The other four illustrations also involve political disputes, but these do not contest, at least immediately, the authority of authority. They are events that from police perspective involve, to use Waddington's (1998) expression, a ditch worth "dying in": there is significant political repercussions to

governments for inadequate protection of life and property (we will call these "high stakes" public order events). These brief descriptions will be followed by an analysis that will show that police capacity to take and hold ground is one dimension of public order strategizing, with communications and coercive measures being the other two. I will be viewing public order protest firstly in terms of the type of ground, be it disputed, high stakes, or consensual.

OKA[11]

In March 1990 in Quebec just west of Montreal on the Ottawa River, a dispute between the Mohawks of the Kanasetake Reserve erupted when the municipality of Oka voted to proceed with a golf course expansion and construction of a private housing project. The area to be used for this was land that was part of an outstanding land claim and, according to the Mohawks, sacred lands. To oppose and attempt to prevent the proposed land use, Mohawks began a protest on a road leading to the golf course. The municipality responded by obtaining an injunction that affirmed the illegality of their demonstration and provided for their forcible removal. The Mohawks ignored the injunction and erected barricades barring access to their reserve and the disputed lands. By July the matter had not been resolved, and more than a thousand police officers from the Royal Canadian Mounted Police (RCMP) were deployed to the crisis to assist the Surêté du Québec (SQ). On July 11, about 100 SQ officers attempted to remove the blockade using assault rifles, concussion grenades, and tear gas. SQ Col. Marc Lemay was fatally shot in the clash with Native protestors. This assault widened the crisis. Mohawks of the Kahnawake Reserve demonstrated support for the Kanasetake Reserve by blocking vehicular access between the South Shore and Montreal on the Mercier Bridge. On August 17, Quebec Premier Robert Bourassa authorized Canadian Armed Forces troops to replace the SQ and RCMP units at the barricades. With the Armed Forces offering intensive surveillance and cutting off critical infrastructure, the Mohawk Warriors eventually relented and took down the barricades in late August, ending the 78-day standoff. The final cost of this public order crisis was $112 million, discounting the military.

The Oka crisis can be understood according to the dimensions of ground, communications, and coercion in the following way. Firstly, it was precipitated by a dispute *about* ground and the authority (with a land claim pending) of the municipality of Oka to zone a particular area. This was undertaken by an imposition of the will of the municipality against the will of a significant minority through a legal vehicle (an injunction) and court orders to carry out the force of the law. The quick recourse to legal authorization via civil and criminal law restricted police manoeuvrability and created face-saving issues for both sides. Secondly, communications were characterized by inflexibility and a lack of dialogue. This initial gambit was ill-considered given that it further exacerbated the question of authority and also signalled a disinterest in accommodation. Once the decision was taken to impose the order of the municipality on that of the contested terrain, an enforcement orientation structured the nature of communications. The Warrior response escalated in response, and communications were dramatized in a posturing of hardened capacity and will. Moreover, the escalation placed increased pressure on quick resolution given the financial costs of massive police mobilizations. Time, in this orientation, becomes a foe. Thirdly, the coercive tool-kit at Oka demonstrated a reliance on overwhelming or

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[11] The interpretation of the Oka and Burnt Church standoffs is informed by a presentation to the Ipperwash Inquiry by Chief Superintendent Kevin Vickers of the RCMP and on a synopsis of that presentation by Dena Demos.

comprehensive use of force and various force multipliers, including the authorization of Canadian Armed Forces. This pushed the crisis to even greater political significance and presented visions of martial policing akin to apartheid South Africa, Northern Ireland, or other divided societies. The imagery also awakened militancy in Canada's First Nation communities.

BURNT CHURCH

Burnt Church is a Native reserve in northeastern New Brunswick. In 1999, a ruling of the Supreme Court of Canada in *R. v. Marshall* found that treaties from the 1760s gave Mr. Marshall the right to catch fish for sale and excused him from Fisheries Regulations. The court stated that the 1760 Peace and Friendship Treaty signed between the Mi'kmaq band and the British Crown gave Mi'kmaqs the right to earn a "moderate livelihood." The Native community in Burnt Church were among 34 Native bands in the eastern provinces who responded to the ruling by fishing lobster out of season. Non-Native fishermen demanded that the government put a ban on the catch. In the waters and on the shores of Miramichi Bay, the two sides clashed as non-Native fishermen destroyed hundreds of Native lobster traps, and Natives retaliated by trashing three fishing plants. In the summer of 2000, the dispute worsened and Natives at Burnt Church put a barricade of fire on the only access road. Local police had already arrested 18 Native men before the RCMP was called in. There was much pressure on the RCMP to act quickly, but the incident commander was supported by upper management to take what developed into what the RCMP calls a "Measured Response" approach centred on communications.

Key to this approach were two kinds of information practices, liaison and intelligence. Liaison was accomplished with facilitators, who were members of the RCMP who spent time with both sets of fishermen throughout the standoff. Facilitators were selected for their long fuses, their representativeness of the community, their cross-cultural training, and their grasp of the underlying issues. These officers were instructed to allow frustrations to be vented at them rather than the opposing disputant. They also provided information on the record of mutual aid and tolerance between Natives and the early French settlers. Lines of liaison were established, in particular with the "clan mothers," chosen because of their status in the Native community and because they could provide a trusted conduit for those outcomes the RCMP wanted. The "clan mothers" were in this way "responsibilized" to the problem of order and resolution but also provided a vehicle for "face saving," where withdrawal from ground could be presented as an uncoerced initiative of the Warriors. Trust was further enhanced through the provision of services to the fishermen and youth population; like the "clan mothers," appeals to the youth broadened common ground: the RCMP provided food and coffee at its command post, participated in school programs, and helped build skateboard ramps. As for intelligence, facilitators, in addition to other sources, provided data for the real-time status of the dispute for daily roundtables. These were held to check on what required immediate action in the effort to avoid violence.

The impetus to the approach was the belief that violence was to be studiously avoided, both because it was an option delimiter and because it carried great management and cost risks. In addition to communications, another way that this objective was achieved was through the avoidance of strict enforcement of the law. For instance, Warrior Nation members who were carrying prohibited automatic weapons were not arrested for this violation, under the argument

that there is no provision that requires *immediate* arrest for such violations. Here, time was being converted, practically and rhetorically, into a police resource.

The RCMP mediated an end to the standoff without recourse to the use of force. One hundred police officers were involved in this operation at a total cost of $3.7 million. The Department of Fisheries spent $13.8 million on Fisheries enforcement officers, bringing the total to $17 million.

ASIA PACIFIC ECONOMIC CO-OPERATION (APEC) CONFERENCE

The recent experience of "high stakes" public order policing in Canada begins with the 1997 Asia Pacific Economic Co-operation (APEC) conference. Security was the overall responsibility of the RCMP, and it had sole command of the policing arrangements for the final day. Three thousand officers participated in what former Commissioner Giuliano Zaccardelli called "the largest and most complex security assignment that the RCMP had ever undertaken." These security arrangements were informed, as the Commissioner put it, by the fact that "amongst the attending dignitaries were 75 Internationally Protected Persons, 12 of whom were at the maximum level of security." Nonetheless, E.N. Hughes in the Commission on Public Complaints against the RCMP—Interim Report Re: APEC—found that there was political interference with Charter rights and that arrest powers were not always properly used, that there were inadequacies in communications and command in addition to a lack of training and preparedness, and that there were shortcomings related to the RCMP's use of force.

It was the question of access and counter-staging by protesters that dominated much of the planning and negotiations for this event. Many protesters wanted to register their objection to the human rights record of Indonesian President Suharto. The Prime Minister's Office, in particular through the zeal of one of its officials, sought to shield the dignitaries. The Commissioner (CPC, 2001b) emphasized that it is the RCMP and not political authorities who are responsible for weighing security requirements against the Charter rights of citizens. They will violate this responsibility to the Charter if they do not give adequate weight to rights. While Hughes found that the establishment of a security perimeter as well as a demonstrator area and a noise-free zone was not in principle inconsistent with the Charter nor inappropriate in the circumstances, several instances of the muting of free speech by the RCMP were not consistent with the Charter or appropriate. These included the removal of the Tibetan flag from the Graduate Student Society Building, the removal of signs from protesters in front of Green College just before the motorcade's arrival, the arrest of two protesters for using walkie-talkies, and the removal of protesters on the grounds of the Museum of Anthropology. Hughes recommended that the RCMP ensure that "a generous opportunity will be afforded for peaceful protesters to see and be seen in their protest activities by guests to the event."

At APEC and its aftermath, an RCMP strategy of preventative arrest was also challenged. Six protesters were arrested on November 22 and 23 and released on undertakings that placed restrictions on the protesters' activities for the duration of the APEC conference. Placing these conditions on the protesters was found to be inconsistent with the Charter (CPC 2001b). Another protester, Mr. Jaggi Singh, was arrested on November 25. Although the timing of the arrest was not found to be inappropriate, the "conduct of S/Sgt. Plante in recommending charges, a warrant and release conditions for Mr. Jaggi Singh was not appropriate to the circumstances although not

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inconsistent with the Charter" (CPC 2001b, 30.8). In addition to arrests on undertakings, there was at least one precipitous arrest that was challenged: Mr. Mark Brooks was arrested and pepper sprayed at Gate 6 "as he was asking for calm." The Commission found this to be a "precipitous arrest," "made in an atmosphere of crisis." It was "directly attributable to the chaos that resulted from inadequate police planning to ensure the orderly and safe exit of the world leaders" (CPC 2001b, 30.2.5).

In terms of communications and command, despite a two year preplanning process for this event, there were several shortcomings in the delivery of security that were attributable to a lack of proper information flows. First, there was too much separation between those planning the event and those executing the plan. The Commission found "poor liaison between the RCMP's APEC planning process and the UBC detachment." And Hughes criticized the ill-advised decision to separate the planning and operational responsibilities, which left the senior officers who had planned the operation out of the chain of command (CPC 2001b, 30.1.3) Consequently, there was no one in command who was aware of the protesters plans. Second, contingency plans, drills, or instructions were too last-minute to generate confidence. The contingency plan to deal with protest problems at the UBC campus was drawn up two weeks before the event and a Quick Response Team of RCMP and Vancouver police and bike squads was formed only a week prior to the event. The members received only a few hours of instruction on crowd control and never trained together (King 2004, 16). The Commission determined that "inadequate briefings" and "last-minute assignments" contributed to the chaos at some of the sites. The advice of the Threat Assessment Group that a group of protesters known as APEC Alert were likely to engage in civil disobedience and vigorous non-violent protest action was felt by the CPC inquiry not to have been matched by adequate preplanning. To address these shortcomings in coordination and communication, the report recommended that the RCMP "adopt an integrated or similar command structure of planning and operations for public order events. When one position reports to another, the same officer should not fill both positions" (CPC 2001b, 31.1.3).

OAS WINDSOR

At the Organization of American States (OAS) Summit in Windsor in June 2000, 3,700 officers from the RCMP, OPP, Peel Regional, Toronto, Chatham, and Windsor Police Services provided security. The RCMP provided 1,400 officers, while 2,300 non-RCMP officers were in Windsor to police the event. (Other reports have 2,000 to 5,000 police on site) The total cost was $3.34 million. OPP and RCMP officers were lodged in University of Windsor student housing. Estimates for the total number of demonstrators range from 2,000 to 3,000. Organizations involved in protesting the OAS included the Peace Committee, the Council of Canadians, the Windsor OAS Action Network, People's Global Action, the OAS Shutdown Coalition, the CAW, and other labour organizations. The meeting was a high stakes political target of symbolic significance, and the OAS Shutdown Coalition were planning direct action, possibly including property damage.

During the event, 78 persons were arrested, 63 for breach of the peace. There were a series of violent altercations throughout the event, with the most visible occurring on June 4 just outside the security fence when police used pepper spray on demonstrators who sat in the path of a bus

carrying delegates into the cordoned-off meeting compound, and the RCMP dragged away 35 protesters for blocking a bus trying to get into the meeting (Laidlaw, *Toronto Star*, June 5, 2000). According to journalists Dimmock and Baxter,

> about 75 commando-trained police, wearing riot helmets and tapping batons on their shields, emerged from the chain-link security fence and surged the crowd. Behind them, two tactical officers stood with their assault rifles drawn. They pepper sprayed around a dozen demonstrators, and a news photographer, then dragged away some 25 protesters, most of them kicking and screaming obscenities. (*Ottawa Citizen*, June 5, 2000)

Countering strategies used at this event included construction of eight-foot continuous sheet chain-link fencing mounted on interlinked concrete highway dividers. Windsor police had extensive discussions with protest organizers regarding the plan for the placement of the security fence. The Windsor police and the liaison officers negotiated with activists but also made them believe that the final authority rested with senior officers and the RCMP. Protesters were told that the RCMP was "responsible" for physical security of protected persons (IPPs) "from the fence in" and that the OPP and the WPS was responsible beyond the fence. At the same time, police allowed protesters exposure to the protest site, albeit behind the barricades. This incorporated the recommendation of the APEC inquiry, and police experience in Seattle and Washington, that protests could be diffused with such accommodations.

Police also engaged in extensive preplanning, liaison and intelligence gathering, joint training, development of standardized communications, and clear command and control. Police took a number of preventative measures in anticipation of the OAS protests. The RCMP, the Windsor Police Service, and the OPP gathered information on the groups involved, including the numbers in the groups, leadership, and their relationships with other groups. There also appeared to be involvement from other municipal and regional intelligence units, such as Toronto. On-site surveillance of residences associated with the OAS action was also conducted. One method of intervention was gathering up names of leaders, interviewing these persons as to the plans of their group, including intentions for violence and where equipment was stored, and brokering separate assurances with each participating organization with regard to actions that would be countered or countenanced. RCMP and Windsor police officers visited or telephoned union and activist leaders, attended protest organizers' meetings, and monitored websites in order to gather information and also to cultivate protocols and develop strategies.

Over 500 Americans deemed connected to unwanted OAS demonstrator groups were denied entry to Canada (*Detroit News*). Other protesters or persons fitting a protester profile were stopped at the border, interrogated, and searched. Bus traffic into Windsor was also monitored. Other visitors to Windsor were subject to preventative detention under an *Immigration Act* provision allowing such measures where reasonable grounds were believed to exist that an indictable offence would be committed (WPC 2001, 10). Police also made extensive preparations to prevent those fitting a protester profile from taking up accommodations at campsites in the Windsor area. They received licence plate numbers of those camping at Holiday Beach from the Essex Region Conservation Authority, and an agreement from a local KOA not to allow non-family campers to make reservations (WPC 2001).

Police also deployed a variation of visibilities according to a "profiling" or categorizing of protesters. Those organizations viewed as compliant were given assurances and cell phone numbers of police contacts should trouble arise. Those deemed non-compliant were subject to arrest, lengthy interrogations, and in some cases, intimidation. In the meantime, police suggested to groups that they wear visible markings such as unique T-shirts to distinguish themselves. It was reported by many who participated in the event that police were very aggressive with young protesters, including many high-school and university students, and that there would have been greater violence were it not for the participation of labour. They also placed both uniformed and plainclothes police in with the crowd of protesters. This, according to the police view, provided a more reliable interpretation of the intentions and mood of the protesters.

Despite the fact that the review of the operation in most news articles and by municipal officials and many Windsor residents was that the OAS event was handled with professionalism by the police, an overwhelming impression of demonstrators, local residents, and observers is that a large section of downtown Windsor became a militarized zone: as one moved closer to the Cleary conference centre, the intensification of security was matched by a suspension of "regular" Charter rights. Low-flying helicopters, temporary "secret" jails (Rhodes Drive detention centre), saturation police presence, concrete barricades, phalanxes of paramilitary police, large contingents of plainclothes intelligence officers, and police non-observance of property and Charter rights (right to counsel, encroachment on property-owners, and so on) contributed to this impression. Some arrested persons and resident witnesses" reported that, on at least two occasions, police used intimidation, abusive language, unnecessary force, and violated property rights. In a letter addressed to the OPP Commissioner, as well as local and federal legislative representatives, Joan and Meghan Dimmick and Lewis MacLeod recounted the arrest of teens on their front lawn that involved unnecessary and "dangerous" force. When they objected to police, these residents were allegedly informed that the street was "now owned by the police."

SUMMIT OF THE AMERICAS, QUEBEC CITY

The third Summit of the Americas—a meeting of the heads of state from 34 nations—was held in April 2001 in Quebec City. The subject of the meeting was issues including hemispheric integration and migration, security and terrorism, democracy and human rights, in addition to the Free Trade Area of the Americas (FTAA) agreement. The police priority was the protection of visiting dignitaries and the non-disruption of the Summit (King 2004, 6). The event surpassed previous "high stakes" policing operations to become the most expensive in Canadian history, topping $100 million in resources used. In addition to personnel of over 6,000 riot police, costs included the construction of a 3.9-kilometre chain-link and concrete fence, and the use of water canons, stun guns, 5,192 canisters of tear gas, and 903 rounds of rubber bullets (Mackay, 2002). A lead-shot ball was also deployed (King 2004, 8). Four police forces participated: the RCMP, the Surêté du Québec, and the municipal services of Quebec City and Ste Foy. Each were given explicitly demarcated roles, with the RCMP taking on-site security, dignitary protection, national investigation and threat assessment, military liaison, public relations, and overall coordination (p. 6). On the basis of civil emergency regulations, the Surêté du Québec requested and was granted control over criminal investigation and arrest and court processing from the Ville de Quebec (VQ) municipal police. Meanwhile, the Ville de Quebec police had authority for protecting the external perimeter and ensuring access and escort for conference participants and for dealing

with spontaneous demonstrations (p. 7) Ville de Sainte-Foy police secured the airport. Some 25,000 to 60,000 personsparticipated in demonstrations, and 463 arrests were made. Overall security also involved other agencies including CSIS.

In preparation for the Summit, police practised much of the extensive ground preparations witnessed at Windsor. Police cancelled reservations made and paid for by unions in certain hotels at the containment site (*Le Soleil*, January 20, 2001). The RCMP rented all the available apartments inside the area both to prevent "terrorists" from staying inside the security area before and during the Summit and also to house officers (*Le Soleil*, November 9, 2001). The authorities also required that the 7,500 residents of the area register themselves in order to get a pass allowing them to enter the security area during the summit (*Le Soleil*, January 10, 2001). A thousand workers also required a pass (*Le Soleil*, January 27, 2001). Residents were not allowed to have visitors during that period. Much like OAS Windsor, there was a distribution of authority on the ground that was differentially intensified for delegate protection and protester penetration. With respect to communication, these were also extensive, involving the VQ and the RCMP, with police stressing the inviolability of the security fence.

Another prong of strategy, evident in Quebec City and previously in Seattle and Davos, Switzerland, were efforts by political authorities beyond the police to "institutionalize" anti-globalization activists. As Michel Chossudovsky (2001) reports, before the meeting of the WTO in Seattle, leaders of selected civil rights organizations were invited to "dialogue on the issues."[12] Leading up to the Summit in Quebec, the Ministry of Foreign Affairs and International Trade sent, according to its own statement, invitations to the Summit to "approximately 60 representatives" of interest and lobby groups (p. 1).

In large demonstrations, various participating groups often wear armbands, bandannas, buttons, T-shirts, or other items in common to allow group identification and enhance solidarity. At Quebec, protesters were grouped into colour-coded blocs. In an elaboration of Windsor, there was colour-coded zoning of police response according to type of activity: green[13] represented a "festive demonstration," yellow meant controlled civil unrest or staged sit-ins and non-violent obstructions, and red meant engagement in more disruptive action and perhaps criminal actions (King, 2004, 7). Masked demonstrators dressed in black—the usual attire of the Black Bloc—conducted themselves more violently. These demarcations were made to allow self-selection of protesters according to a graduation of militancy. More militant protesters also concealed their faces to counter surveillance and identification. (In anti-globalization protests against the G20 Summit in Ottawa on November 17, 2001, police arrested 50 protesters, all but one of whom wore black and many of whom had their faces covered. As reported by Tim Harper in the *Toronto Star* (November 19, 2001), this led Pamela Forster of the Halifax Initiative to lament that "all of a sudden we're seeing fashion profiling. If you dress in black, you're arrested." Victoria police Chief Paul Battershill appeared to confirm such profiling when he told a reporter after a protest in November 2003 that "[i]f you're masked up during a protest, you're not there to sing nursery rhymes."

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[12] For Davos, leaders of "some 59 'civil society'" organizations were invited to attend the conference in a "collaboration with principal stakeholders" (2001, 2).

[13] In the United States, National Lawyer's Guild representatives also wear green hats as legal observers to monitor police action and counsel arrested people.

Nonetheless, there was significant violence and injury, as indicated by the spent munitions and volunteer street medic accounts (King 2004, 8). Molotov cocktails were lobbed at police by at least one demonstrator (n. 14). The perimeter fence was breached at one place and police riot units used batons and tear gas among other tactical devices to beat back the demonstrators. Chief Commissioner of the RCMP Public Complaints Commission Shirley Heafey found in a report on RCMP conduct at Quebec City that the RCMP abused its power while using "oppressive" and "excessive and unjustified force" against protesters in some instances, resulting in a violation of the *Criminal Code* and the Charter of Rights. Her report said the RCMP's tactical squad violated its own procedures by giving inadequate warning and then using tear gas, rubber bullets, a "flash bang" grenade and a Taser gun to scatter crowds during a day of protest. She recommended the two senior RCMP inspectors responsible for crowd control be "dealt with accordingly" and that individual officers who "abused their power and authority" be subjected to "appropriate sanctions" (Heafey, *Calgary Herald*, November 13, 2003).[14]

Although police appreciated that their main goal was accomplished, they came out of the event keen to avoid spectacles of violence the next time around (Allen 2003). Protesters, on the other hand, felt that they were "shut out" from Quebec and disallowed from expressing democratic rights (Pare, Interview, December 11, 2004). The general public, in the meantime, was treated to another round of news reports and an inquiry that painted police actions as unnecessarily aggressive. Consequently, police held meetings, contracted consultations, and refined their "high stakes" public order policing strategy.

G-8 SUMMIT IN KANANASKIS, ALBERTA

The G-8 Summit was held in Kananaskis, Alberta, in June 2002. In addition to the RCMP—which again assumed the coordinating role—police personnel assisting operations came from Calgary, Edmonton, Vancouver, Saskatoon, and Ontario. In addition, a Joint Intelligence Group was struck, which consisted of Calgary police and RCMP, and received intelligence from Defense, Customs, FBI, CSIS, and law enforcement and national security agencies. The operation also involved military agencies, including—for "security assistance"—the Department of Defense (King 2004, 8–10) As in all "high stakes" public order events, security of the dignitaries and non-disruption of the Summit was the principle policing objective. Since protests were planned in Calgary and Ottawa, the security operation was more complex than that of APEC, the OAS, or Summit of the Americas. However, Kananaskis was chosen for its remote location 90 kilometres from Calgary, facilitating the authorization—and "lock-down"—of an exclusionary or security zone of 6.5 kilometres in radius. Checkpoints and search zones were also set up at access routes throughout the region. There was a 150-kilometre no-fly zone monitored by fighter jets and helicopters. Some roads were closed altogether. Five thousand

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[14] In one cited instance of improper conduct, an officer shot 50,000 volts of electricity from a Taser gun into a protester who was lying face-down on the pavement, waiting to be arrested, with one arm held up for a handcuff and the other over his head flashing the peace sign. In another instance, officers fired rubber bullets at a group of well-dressed men who had simply gathered 10 to 15 metres from an RCMP post and shook hands. The laughing officers aimed their multiple laser range finders at the crotch of one man, who appeared to be hit in the buttocks and was hiding behind a tree. "One member clearly said: 'These guys don't speak a word of English, boys,' to the laughter of others. The struck civilian switched to English, pleading to speak with the 'officer in charge.' He was laughed at by unknown members and told to 'go home' in English," Heafey wrote. "This conduct was inappropriate and oppressive. The four civilians were not aggressive and posed no threat" (*Calgary Herald*, Nov. 13, 2003, A4).

soldiers and 1,500 RCMP officers were assigned to maintain the integrity of the perimeter. Satellite security zones were created in Calgary itself, where public park space was prohibited for protest rallies (until a court found in favour of a legal challenge).

As indicated above, this operation intended to reduce violence through dual communications. In addition to and feeding into the intelligence hub of the Joint Intelligence Group (JIG) consisting of representatives from the various participating law enforcement and security agencies, there was an Activist Liaison Team, an Aboriginal Liaison Unit, and a Community Relations Group, among other units, including a Mountain Bike Unit (King 2004, 10, 11). These were intended to establish rapport with various demonstrator constituencies as well as with local business and community stakeholders, and to open information channels (ibid.). As with Quebec and Windsor, they succeeded best with labour. However, as King (p. 11) reports, at least one of the Calgary Police Service G-8 Activist Liaison officers related the notion that liaison communications and security operations are not mutually exclusive. Intelligence in particular was beginning to be understood both as intimately connected to the public relations and liaison function and as an antidote to expressive violence. In perhaps the most extreme expression of this relation, however, Allen (2003, 51) reports that "Canadian military officials stated openly that discriminating between protestors and potential terrorists would be difficult in the heavily wooded terrain, and that protestors would be at greater risk if they strayed too close to the summit's main meeting location." In the event, the demonstrations around Kananaskis and Calgary were deemed successful. With peak times of only about 2,500 demonstrators, there was no significant physical violence, one instance of property damage in the form of a smashed window, and only one arrest.

Concurrent with protests against the G-8 at Kananaskis and Calgary were protests in Ottawa, and these were expected to draw violence (Allen 2003). Nonetheless, police policy was the protection of persons and property through a "soft hat" or "low-key" approach, and a strategy of intensive space restriction through area colonization and exclusion (Windsor, Quebec, and Kananaskis) or advertised veiled threat (Kananaskis) was superfluous given that the IPPs were off-site. Intensive communications was undertaken with the activist community prior to and during the event and through extraordinary visibility by an Ottawa Police Major Events Liaison Team (MELT), which was dressed either in civilian clothes or in police-style shorts and golf shirts clearly marked "police liaison." It was also assumed via many of the steps practised since at least Windsor, that is, through intelligence coordination by the JIG. Information from a variety of law enforcement and security intelligence agencies was deployed, and the MELT was deployed to provide "real-time" inputs. For instance, protests, demonstrators, and buses were monitored by tracking cameras mounted on buildings and the RCMP helicopter camera and the Ottawa Police Service fixed-wing aircraft through real-time surveillance footage sent to the command centre (Allen 2003). At the same time, however, it was excluded from intelligence briefings (King 2004, 13). At Ottawa, the identification, monitoring, and/or interdiction of activists was perhaps also more mimetic.[15] As a result of JIG information, all buses travelling to Ottawa for the protests were identified before they left their cities of origin. They were tracked en route, and the MELT greeted them on arrival (Allen 2003, 54). Protest leaders were well aware that the "soft hat" or velvet glove, as Allen (2003) efficiently put it, *was* also an iron fist. Not only were MELT comprehensively integrated into the intelligence function, they were also

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[15] We adopt this term from Vern Redekop's (2002) study, albeit somewhat ironically. As he notes, it refers to mimicry or imitation.

now a thin—albeit it not fully two-directional—membrane between protesters and the paramilitary units, which were now also part of an almost seamless graduation of coercion between the core and the fringes of the protest activity.

IV. POLICE MOBILIZATION AT PUBLIC ORDER EVENTS

Police take three main categories of tools with them to public order crises: law, communications, and force. They also take an approach or mission that can widen or narrow the range of options available to them. They are multi-accountable to the rule of law and to peacekeeping, and to local and national authorities. Police are also members of dynamic "learning organizations" involved in a continuous process of assessment of their experience with strategies and tactics.

EMERGENT POLICE KNOWLEDGE

As we have just seen, police experience, knowledge, and strategy in political and dispute ground public order events has been changing quite rapidly in the past 10 to 15 years. Witness, for example, how police handled the standoff at Oka, where the actions of the Mohawks were viewed as law violations and the Mohawks themselves as criminals. Police responded with force with the consequence of escalating the violence and all but eliminating constructive communications. By the time of Burnt Church, the RCMP practised what they called "Measured Response," which was based on a "Proactive Problem Solving Approach" premised on "[u]nbiased and respectful treatment of people, accountability, mutual problem solving, and building bridges/lines of communication." At the same time, witness the development in "high stakes" public order policing between APEC and Kananaskis, Alberta, in terms of the reduction of visible violence. But lest it be construed that public order police knowledge is a gap that can merely be correctly filled, those recent developments bear more penetrating analysis. First, however, it is necessary to synthesize what that knowledge now largely holds to be true.

Following Oka, there were assessments of the police response to major public order crises. A meeting in Winnipeg was held by members of the SQ, OPP, RCMP, and the military at which, according to Mike King, a strategy "was adopted to move from immediate confrontational roadblock arrest to obtaining a court injunction first and only then enforcement if necessary" (King 1997, 72). At about the same time, a policy document by Barry Leighton and Andre Normandeau, *A Vision of the Future of Policing in Canada,* also made a large impression on police experts and academics. Among other items, the discussion paper called for greater reliance on community resources in the building of police partnerships. Then in 1994, the Oppal Commission also called for change from incident-driven and reactive policing to a more representative policing that also encouraged citizen co-responsibility and more direct police accountability to the community, as well as asking police to take broad consultation and to use of the community as a source of operational information (Oppal 1994, E14, C3). For its part the RCMP began a process of deep structural changes that resulted in its CAPRA model of problem solving policing. The CAPRA model, in which "C" stands for "clients," "A" for "acquiring and analysing information," "P" for partnerships," "R" for response, and "A" for assessment, was touted as both a model for organizational transformation and a guide for training delivery (Himmelfarb 1992, 7). The stress was placed on gathering and assessing the evidence necessary and to enlist contributions or submissions from all of the stakeholders and authorities who were

involved in an issue. Police intervention is based on a co-operative model of problem ownership; responses arrived at derive from all of the data and partnerships. They are subject to ongoing assessment. The model was derived, in part, from McMaster University's evidence-based approach to the teaching of medicine. An important feature of the change in direction of the RCMP was that in emphasizing community policing it found a way to incorporate the multiple orders of various communities and provide a mechanism for officers to ground decision making and response more widely than in criminal law and the enforcement option (de Lint 1998).

Police knowledge is informed by experience and by analysis. For example, police agencies send future incident commanders to witness and learn from significant public order events. At the OAS in Windsor, Calgary Police Service Inspector Jim Hornby, Insp. Brendan Kapuscinski, Insp. Vince Caleffi, and Staff Sgt. Vic deBruyn toured the security precautions taken by Windsor police as four incident commanders who later oversaw security for the World Petroleum Congress, June 11–14 (Grady Semmens, *Calgary Herald*, June 4, 2000).

In May 2001, the RCMP formed the Public Order Program as a "centre of excellence" in the handling of large demonstrations and to strengthen the service's capacity in the use of training, technologies and knowledge. The program was also established, according to an RCMP document obtained by the *Ottawa Citizen* (Pugliese and Bronskill, August 18, 2001) "to help the force exchange secret intelligence and information on crowd-control techniques with other police agencies." Under the program a "non-lethal defensive tools" and a "tactical troop commanders course" would prepare police for interventions.

Police also consulted. One such consultation, occurring in the fall of 2001, involved Vern Neufeld Redekop of Saint Paul University in Ottawa and Shirley Pare, also of that university. The RCMP, OPP, SQ, Ottawa, Toronto, and other police services participated in two seminars on crowd control, the second including invited activists and media, for sessions aimed at opening channels of communications between the activist and the police community. Police and activists were presented with a model of public order—the "Collaborative Management of Crowd Dynamics Paradigm"—emphasizing open communications, collaborate event management by demonstrators and police, transparency in identity and roles, trusting relationships based on mutual respect, and a more co-operative use and response to crowds as a creative fount.

However, while these organizers stressed a service role for police emphasizing co-production of security, police appear to have taken from it an amplification of "soft hat" policing as one component of a deeper shift toward a two-pronged approach. At the next meetings (the G-20 in Ottawa and the G-8 Summit in Kananaskis, Alberta) an incipient bifurcation in ground, communications, and coercive force was further elaborated. In order to understand this elaboration better, it is first necessary to schematize the context of such events.

TYPES OF PUBLIC ORDER POLICING

King and Brearley (1996, 37–69), Baxter (2001, 247), Button, John, and Brearley (2002), and King (2004) are among analysts who suggest that public order events are usefully divided according to type of cause. King and Brearley, followed by Baxter, suggest three typologies

(political, industrial, single-issue conflict) while King (2004) suggests as many as seven types (political, industrial, festival and urban, environmental protest, animal rights, anti-capitalism, and anti-globalization). Button, John, and Brearley (2002) also view environmental protest as a unique type of political pressure or activism, with "militant activist groups" on the rise perhaps because of the effectiveness in shunning bureaucratic structure and their pursuit of "direct action" tactics. Wiles (2001) sees the emergence of single-issue protests in recent decades as demanding less symbolic repression on the part of police. Ericson and Doyle (1999) add that the policing of protest at an international event is a distinctive type of public order problem: these protests are dramatizations for various audiences.

Police do view protesters according to the record of those participating, comprised mainly of their experience with or intelligence on them (della Porta and Reiter 1998; King 2004). Police experience with various groups or types of groups is either direct or comes through police communications conduits. It is necessary to add a major finding of the research on social movements and mobilization noted earlier, that police view various groups according to their relative institutionalization. In Canada, police view anti-poverty activists and anarchists and perhaps even young people more generally as requiring more forceful—or law enforcement grounded—crowd management techniques *because* they are not sufficiently institutionalized. They have no—or an unfavourable—record of lawful self-regulation. Conversely, where mass demonstrations of grievances are planned by established unions, for instance, police will view the event as requiring liaison and limited, non-coercive strategies. At Quebec City and at Windsor, for example, unions acted and were treated differently by police than were especially unaligned youth and demand groups. However, many protests and public order events involve a melange of actors, actions, and causes that complicate their typecasting. As Button, John and Brearley (2002, 27) point out, policing agencies are often confronted with a wide range of actors, actions, and issues even in a single public order event.

Baxter (2001, 258) has usefully employed a number of scales helpful to determining and interpreting police response to public order situations. The first of these is a social turbulence scale, in which the level of danger to the socio-political order may be plotted on the following incremental levels: normal social disorder, localized social conflict, anticipated serious disorder, serious inter-communal conflict, anticipated actual breakdown of law and order, insurrection. Related to these levels of social turbulence is a scale of differential state responses, including normal police activity, normal police—additional resources, police—public order trained, military aid to the civil power, martial law—military supremacy, military (military law). As one goes up the turbulence scale, state response matches these increments, and authority to do so also requires increasingly high-ranking official sanction.

Baxter (2001, 265–281) suggests a conflict management approach that balances the "power-coercion" role of police as instruments of the state with their community service role. He sees three foundation principles within democracy that must be given equal weighting if the balance between powers of the state and rights of citizens is to be maintained. These are: constitutional or state legitimacy, the legitimacy of the law, and the legitimacy of institutions of the state including the police. The state, the law, and the police are thus three points of a "pyramid of legitimacy," each of which must be balanced by the other. It is on this pyramid base that management of conflict by police is balanced. But this management is also structured by other

influences, including cultural, human rights, legal, and ethical/moral issues. Again, the type of intervention considered is weighted according to the type of conflict and the danger to the state itself that is posed by it.[16]

Combining these features, we note that a range of tactics will be applied differentially according to police experience of a range of protest types. This may be clarified further and a more clean division of protest types afforded if we, like the police, view protest in terms of its relative political challenge to authority itself. As Turk (1982) has noted and has been long understood, police are concerned about public order events *qua* public order events to the degree that they are perceived to have consequences to the extant political order. Or to follow more recent work, one may divide the "government monopoly" between the authorization function and the implementation function (Bayley and Shearing 2001). In liberal democracies, public police must be concerned about the authorization function in the way of defending the order that permits the law (that in turn authorizes them as order enforcers).

Consequently, we must plot police responses according to a range of public order policing events, from those in which protesters and observers share basic tacit agreement regarding the authority of police—as representing legitimate government—to those that stem from explicit or tacit dispute over police and government authority. Some grievances are political and even constitutional, and protests are more or less restricted: they can be flashpoints of festering political or even constitutional grievances; they can be periodic expressions of cultural or local differences; or they can be a form of sponsored outrage against a (milder) single-issue policy.

Public order policing may be plotted according to three intersecting dimensions of order production: the politics of law, the politics of order, and the politics of consent. *The politics of law* refers to the relative representativeness of rule making or the legislative function. Is the law-making function well-grounded constitutionally, representative and grounded in liberal democratic values? *The politics of order* refers to the relative ordering of the executive or rule-enforcing function. Is enforcement of law more or less integrative? Is it carried out according to liberal democratic values, respecting constitutional rights and freedoms? Is law enforcement reflective of best practices, representative of the polity, and effective in its mandate to diffuse disorder or political disintegration? *The politics of consent* refers to the relative legitimacy of rule *following* or the value of strong compliance with the political and legal order. The maintenance of the politics of consent is obviously the more strained the more rule making is unrepresentative or unauthorized and the more order enforcing is not integrative. This may be ameliorated or
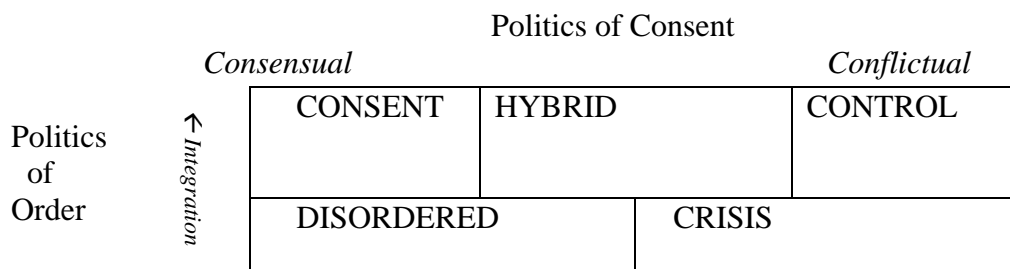
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[16] What has been occurring is a reliance on public order police not simply as part of, to use Althusser's (1971) terminology, the "repressive apparatus" but fully as part of the "ideological apparatus." It is not simply that police enforce the law; they also discover or recover the law and as such participate fully in political decision making, not only with respect to the deployment of scarce police resources, but also in deciding who to negotiate orders with, how orders should be established, and where further public and community resources should be deployed.

[16] Recursive thematics and interests between law making and order enforcing functions allows a narrowing spiral. For instance, the security terrain is law-permitting and is given precedence in some realist accounts of liberal law foundation, so that security establishes the ground for law that then empowers and constrains the executive function. Thus, if all is chaos, order must be restored no matter how, and then the law may again stay the executive's propensity toward tyranny. For instance, Congressman Scott McInnis (R-Co) called Earth Liberation Front, which was responsible for major property damage in Colorado, a major domestic terrorist organization. The FBI was really concerned that King's civil rights and anti-Vietnam War campaigns "represented a clear threat to the established order of the U.S."

exacerbated in the recursivity between the executive and legislative function. For instance, the executive often seeks changes in law that will legitimate police practices and provide a greater range of options in the politics of order. On the other hand, legislators and courts also provide a check on the executive function, attempting to insure that that range of options matches public expectations. Police attempt to reorder conflicts by brokering new consensual arrangements. Where the rules appear to be illegitimate or weakly grounded, police may still create a local order by producing temporary peaces. If, however, law making is weakly grounded and order enforcing is weakly imaginative, productive, or diffusing, then disputants will be discouraged from consensual engagements. Members of the polity take cues from the legitimacy of law and the integrative capacity of ordering. Police are adaptive to the requirements of liberal democratic rule but liberal democratic rule is expressed in large measure by the behaviour of police.

Plotting the politics of law across and the politics of order down a grid produces five public order policing ideal types: consent policing, high stakes policing, conflict policing, disordered policing, and crisis policing. *Consent policing* is professional, knowledgeable, representative, and effective order maintenance in a politico-legal context of integrative consent. The order keeping is appropriate to the circumstances, and the circumstances are favourable for integrative policing. *Control policing* is professional, knowledgeable, representative, and effective order maintenance in a politico-legal context of exclusivity and division. Policing here is not so much the keeping of order as it is the attempted production of order out of exceptional circumstances or divided rule. *Hybrid policing* is a utilization of sophisticated control strategies to facilitate or maximize the appearance of consent policing and its minimization of violence. This requires the finessing of informational or communications resources particularly. *Disordered policing* is relatively under-professionalized, under-representative, inexpert, and ineffective order maintenance in a politico-legal context of integrative consent or in circumstances favourable for integrative policing. Police are relatively de-legitimated because they introduce disintegration through faulty or unprofessional enforcement practices, including quick resort to coercive force and rule breaking, organizational and operational misalignments, turf contests, improper command, and so forth. Finally, *crisis policing* is disintegrative policing in a disputed ground context. Bowden (1978) calls harsh reactions to perceived threats to the state order "crisis politics." Predicated on the cultural belief that a divided or exclusionary society is a condition of near chaos requiring the routinization of martial law–like measures, police perform order keeping more decidedly under the explicit direction and for the explicit protection of the executive function of the government of the day. Crisis policing is disordered or de-legitimated policing in a context of political fracture.

Figure 1

		Politics of Consent			
		Consensual		*Conflictual*	
Politics of Order	↑ *Integration*	CONSENT	HYBRID		CONTROL
		DISORDERED		CRISIS	

29

Democratic   *Authoritarian*
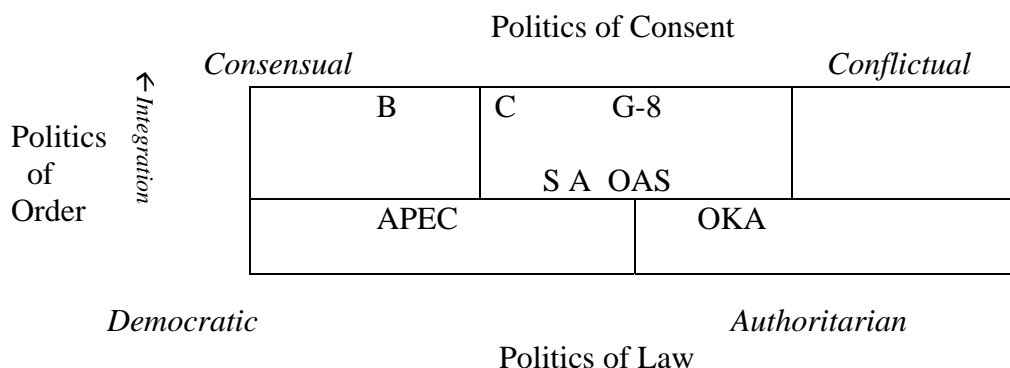   Politics of Law

In this analysis, liberal democratic police practice and knowledge is perceived as designed to be polity integrative. That is to say, police are evaluated according to liberal democracy values as more or less committed to the ideal and practice of an inclusive polity, and are more or less integrationist in advancing this cause. Public order policing is a particularly visible expression of police compliance with liberal democratic values and the emphasis on inclusion; it is almost its best indicator. This is not to say, however, that the legal terrain may not inhibit or enhance exclusionary police practice or that police practice may not exhibit less coercive and more persuasive methods still aimed at the maintenance of order and continuity. In moving from a forceful reaction to threatening behaviour to pre-empting the possibility of disorder, intelligence-led policing minimizes the social and political risks of order maintenance without sacrificing intensity, scope, and completeness. Integrationist order enforcing maximizes police efficacy in order maintenance with minimum recourse to exclusionary practices.

The uniqueness of police experience and of political and social environments, each of which is subtly altered by perceptions of intentions, policies, and manifest or abstract threats, makes comparative work difficult because such work depends on constant measures. Although there is a great deal of agreement in police literature on best practices in public order, practices are also shaped by the political and social environments and also by police knowledge and experience in those environments. This analytical tool is intended to provide some of the range necessary to plot individual public order events and to guide interpretation of public order policing across jurisdictions. It is also worth noting that the legal order is not the only available backdrop against which police activity may be staged. Security work, in which public police play a part, has accrued institutional interests and mandates from sources beyond the state and the polity. That is to say, the more police are institutionally enabled to depend on professional expertise and technical knowledge for decision making regarding the deployment of public order resources, the less they can claim to still be practising democratic policing (cf. Roach 2004).[17]

Although we would like to believe that there is a clear trajectory that pulls police and by which police push themselves toward a civilizing process of violence reduction, perhaps the key vulnerability of police is their responsivity to changing political cultures. Just as police may adopt a mission that takes violence reduction as the chief objective in a political culture that is indulgent of this motivation, so too can a changing tide of cultural sensibilities place pressure on police to retreat back to law enforcement priorities.

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[17] Recursive thematics and interests between law making and order enforcing functions allows a narrowing spiral. For instance, the security terrain is law-permitting and is given precedence in some realist accounts of liberal law foundation, so that security establishes the ground for law that then empowers and constrains the executive function. Thus, if all is chaos, order must be restored no matter how, and then the law may again stay the executive's propensity toward tyranny. For instance, Congressman Scott McInnis (R-Co) called Earth Liberation Front, which was responsible for major property damage in Colorado, a major domestic terrorist organization. The FBI was really concerned that King's civil rights and anti-Vietnam War campaigns "represented a clear threat to the established order of the U.S."

Figure 2

Key: Oka, Quebec = OKA, Burnt Church = BC, APEC Summit = APEC, OAS Windsor = OAS, Summit of the Americas = SA, Kananaskis/Ottawa = G-8

In the plotting of six public order events in Figure 2, there is room for movement between the politics of law and the politics of consent according to the politics of order (which I am confining largely to police action in this analysis). Whereas Oka, due to a lack of integrationist police ordering, is plotted in the bottom right hand corner of the Crisis modality (also indicating relatively high authoritarianism and conflict), Burnt Church may be plotted, largely due to the intervention of integrating police ordering, nearer to the upper left hand, somewhere on the line between Hybrid and Consent (also indicating greater consensus and democratic operations). If we were to track Burnt Church from its eruption to its resolution, we can imagine a vapour trial from the bottom right hand of the chart. Again, this would indicate effective police ordering intervention, although local and extra-local political influences are no doubt also contributors. The high stakes events of the OAS, G-8, Summit of the Americas, and APEC may be a matter of some interpretation, but it would seem that we might distinguish more or less ordering intervention, and here we have determined that the G-8 demonstrates the greatest and APEC the least.

Next, I offer a short word on the hybrid mobilization, since that is the emergent type are witnessing in most public order policing operations. In the following section, I will examine more closely the various dimensions that flesh out that police ordering.

HYBRID MOBILIZATION

The preceding observations on public order policing experience in Canada are restricted to a handful of "high stakes" events. In "high stakes" events, ground is politicized and to some extent internationalized inasmuch as foreign dignitaries or Internationally Protected Persons and international conferences are provided special security status. The host nation has agreed to various Memoranda of Understanding as well as to abide by various treaties that set a standard of

security. Participation in the event by foreign dignitaries or IPPs is contingent on assurances that that security standard is in place.

High stakes policing events have placed a great deal of pressure on police to maintain both the look and the effect of liberal consent policing in the context of special or emergency security authority. What this has produced is a hybrid form in which space, communications, and coercion are to some extent prefabricated according to a set number of anticipated contingencies. Following reform advice and past public order experience to "responsibilize" and create partnerships and to minimize violence, these prefabricated responses, in the more successful instances, are shared with likely "targets" or demonstrators. In return, police in the more advanced instances will afford demonstrators a platform for expression. However, unlike the accommodations that are made to special populations such as First Nations, police do not negotiate on the question of authority over ground, and expression is thus "zoned" not to interfere with the event. This has produced claims by some that emergency measures yielding ground temporarily to IPPs and the legislation allowing it is an affront to sovereignty and Canadian citizenship.

As indicated earlier, the international literature suggests a movement toward a refinement of communications on one hand and developments in paramilitary and intelligence on the other. Some are viewing recent developments in public order policing as indications that police are moving away from violence and using communications to build better networks of trust between agents of authority and disenfranchised or dissenting groups (e.g., McPhail et al. 1998). To return to Turk's continuum, there are those who believe that police have adopted a service rather than a control orientation in an area of police work long associated even in liberal democracies with the simplified delivery of coercion. There are also those who look to context of the tools of governance more generally (Giddens 1985; Dandeker 1990) and place police mobilization on a continuum between information and coercion to find police moving more fully toward information management in exercising control. Added to this, there are those who believe that the movement to cybernetic models of control is also a movement away from traditional sovereignty so that the securing of data becomes more important than the securing of ground.

In reviewing recent Canadian experience, neither of these approaches is fully explanatory. I am going to suggest an integration as articulated clearly in more recent public order events described briefly just above. Accordingly, what is occurring is a hybrid form of control in which lines of communication are opened up for deployment in the service of objectives articulated at an intelligence hub. We see that various liaison policing innovations have been implemented alongside a much more explicit use of intelligence *and* paramilitary reserve force. We also continue to see how space and turf are especially important because they offer representations and symbols for power expression. Consequently, we see a hybrid mobilization in which law, communications, and coercion are mobilized dualistically. Police deploy softer and harder usages of each of these concurrently to exploit the full range of their tool-kit. This has sometimes been referred to as "smart policing." It is, in effect, a hybridization of intelligence-led and community policing approaches, concentrating on information and pre-emption.

V. DIMENSIONS FOR CRAFTING PUBLIC ORDER POLICING

Policing literature has found that the "essential" public policing function may be conceptualized as bringing legitimate force to bear where it is needed (Bittner 1970; Reiss 1971), maintaining or reproducing order using legal tools (Ericson 1981), and providing service functions especially where communities lack a robust welfare provision infrastructure (Cumming et al.1964–1965; Landau 1996). Turk has placed control and service functions of policing on a continuum, the respective ends of which locate liberal democratic and authoritarian political cultures. For the purposes of this report, I am conceiving of law, information, and coercion as tools that police deploy depending on the nature and context of the problem or threat (de Lint 2003). Following this literature, then, it is useful to conceptualize public order policing along three dimensions: dominion or legal ground, communications (including information and representation), and mode of application. Police action is a minimization or maximization of dominion, immediacies, visibilities, and intensities. Liberal democratic public order policing is a finessing of police knowledge and tools to create the optimum representation and integration of rights and freedoms in a context of security production.

DIMENSIONS OF PUBLIC ORDER POLICING

GROUND (LAW)
It is almost axiomatic that it is the classification of the dispute that sets up how police will address public order. That classification is made first and foremost in terms of ground, dominion, or whether what is perceived is (or becomes) a contest over state authority itself. Ground is fundamentally a question of attachment to the constitution of legal order. Legal determinations and the constitution of authority will capacitate (or incapacitate) police action: public and private property is important in terms of police access, as is governmental and restricted space.

As is clear in police (Rubinstein 1973; Holdaway 1983) and state theory literature (Giddens 1985; Tilly 1985; Raz 1990), dominion is exercised by authoritative occupation. Legitimate occupation requires suitable legal construction. The most effective occupation of strongly contested ground includes the imposition of legal grounds and occupation, but only where both the legality and the occupation can withstand and ultimately defeat sustained and predictable challenge in the long term. Otherwise, effective strategy may rather be to negotiate partial peaces (e.g., Johnston and Shearing 2003).

While sovereignty, property, and so on may be more or less contentious because, as the logic of entitlements implies (cf. e.g., Nozick 1984), just acquisition is a historical rarity, most public order conflicts do not directly involve a dispute about authority. Still, ground easily becomes a contested and symbolic resource. Police embody and are embodied by legal warrants and commissions. Police are public servants who represent the public interest (Loader and Walker 2001) and police agencies are empowered to maintain boundaries of public and private jurisdiction on, primarily, federal and provincial laws that obtain. The most powerful instruments here are the *Criminal Code* and the Charter, but various other legislation (including the *Foreign Missions and International Organizations Act*) are also important.

There are thus two important dimensions of ground for this analysis: is it disputed and how is it constructed? Following Weitzer (1995), the CAJ (1996), and Brogden and Shearing (1994), police strategies and mobilizations in divided societies will be oriented toward the *partisan imposition of order*. While this will mean that police action is more likely to follow conflict policing dimensions, liberalizing inclinations in civil society can push police actions toward consent policing attributes. These inclinations will exist where there are strong connections to global civil society institutions or where there is a local history of democratic civil society traditions.

Where there is strong consensus regarding the legal entitlement and the authority of the law is not at issue, the modality of resolution will involve more nuanced matters and tend toward negotiation or civil dispute resolution. However, this is not to say that police may not be disordered and disordering. Various aspects of police institutionalization not to mention the political culture can be de-civilizing (in the Eliasian sense) in a movement opposite the direction described above. This would entail a movement from more transparent and diffused use of communications and information to one that is more opaque and asymmetrical.

Negotiated		Managed	*Zoning*	Imposed
Consensual	*Ground or dominion*	High stakes	*Law*	Disputed

If the authority of police over ground is challenged, then the first decision is the level at which conflict resolution is to occur (e.g., following a diplomatic model, and so on). Indeed, the nature of the dispute may run from a challenge to state sovereignty such as state terrorism, all the way to an instance of sporadic disorder such as hooliganism, in which a claim of ground is not central to the action. The gamut runs from more or less martial to more or less civil disputes. Decision making regarding intervention will "match" the level and scope of the threat (where in some cases the level of threat may not carry scope) such that high-ranking executive officials can be heard regarding strategy where threats to sovereignty are made. For example, during the October Crisis in 1970, Prime Minister Trudeau called the *War Measures Act*.

There is also today a more pronounced trend toward a hybridization of martial and civil law "grounds" that finds expression in provisions of Bill C-35 and Bill C-36 and also in the so-called collapse of "high" and "low" policing in times of asymmetrical threat. In advanced democracies there are a variety of zones of order that suspend, temporarily or more permanently, the full applicability of expected constitutional protections, or apply them categorically, that is to say, depending on special designations, such as "internationally protected persons." This sets up a condition for what might be called, following Deleuze and Guattari (1991) and Young (1999), a managed order. Such management calls for greater reliance on informational resources and especially for finessing time and visibility dimensions. Again, however, police can instead rely on more traditional conflict strategies and thus exacerbate disordering potential. Alternatively, police may already be invested with democratizing forces and push from high stakes ground toward consensual conditions by nodding toward open informational flows and minimal coercion.

COMMUNICATIONS

The second broad dimension of policing generally and public order policing specifically is communications. This includes mode of expression (performativity or dramaturgy) and treatment or use of information. The communications dimension involves both the expression of agency missions and a modality of information usage. The method for extracting the information necessary to achieve public order will be associated with democratic institutions. Information can be gleaned through processes that are more or less open to scrutiny by institutions of civil society. Again, police may take a rigid, a nuanced, or a dualistic and reflexive approach to communications. As Tilly (2004) has argued, the exploitation of trust networks by government is followed by the de-legitimation of government and the relative retreat of state capacity.

That being said, a conflict grounding is associated with a reactive and episodic mobilization of police action. The integration of police authority into places where local orders may be in disarray is weak, and police presence is intermittent, based often on incident response, and not capable of lasting efficacy. Conversely, where there is already overwhelming consensus regarding the constitution of authority, the presence of police can be continuous and proactive. In Japanese society, for instance, scholars describe the police–citizen relationship as consensual and reciprocal, and the policing function is spread through various civil institutions (Leonardsen 2004).

Consistent with open democracy, police communications in peacetime is more service-oriented. As Ericson and Haggerty (1997) put it, community policing is in this orientation communications about risk. In consensual conditions, communications are closer to the Peelian ideal requiring that police prove themselves through service to the community. Opening communications lines depends, in this logic, especially post-1960s, on opening up the police service through storefront offices, partnership building, problem solving, and so on. In the public order environment, we have noted previous literature demonstrating a trend toward open communications, liaison, and negotiations.

Whatever the politics on the ground, a control orientation to information use will mean police are seeing it in terms of asymmetrical advantages or in terms of exploitation and containment. This orientation may be bolstered by various claims, including necessity, national security, or exceptionalism. In practice, the control orientation of information means that public order policing acts like or is blended into political police organizations as elaborated by Turk (1980, 117). This includes the gathering of intelligence about political activities and potentials, controlling politically significant communications by negative and positive means, neutralizing disapproved political activities by violent or non-violent means, and deterrence of the general population from involvement in or consideration of disapproved political activities.

I am suggesting that there is a hybrid type of public order policing in which information control and timeliness are central, and this is conveyed by the terms "cybernetic" and "telematic." Cybernetics is defined as "the systematic study of communication and control in organizations of all kinds" (Gill 1994, 300). The cybernetic model is consistent with work that explains contemporary society in terms of surveillance processes. It emphasizes the dynamics of information exchange. It consists of two components, information gathering and storing, and the supervision and monitoring of people's behaviour in the attempt to influence or control it (Gill

1994) Telematic refers to perceptual control at a distance, reducing the time of transmission of information to zero (Bogard 1996, 9). This registers as well in the emphasis on the feedback loop, in which analyzed information or intelligence will be used to make or change decisions.

Continuous		Cybernetic	Episodic
Proactive	*Time or immediacy*	Telematic	Reactive

It is understood that in liberal democracies public order policing has not typically enjoyed the luxury of a fully integrated real-time intelligence function to produce a more comprehensive public order management facility. But this new facility means that public order policing is now often much more capable of deploying simultaneously multiple communications orientations (countering and conciliatory) in a hybrid manifestation. The temporal dimension may be linked to informational and legal resources to produce a pre-emptory form of control. Under hybrid constitutional authority, in which ground may be zoned according to the security "needs" of various classes of persons and events, police act on the features of the physical environment and intervene on potential actors prior to the emergence of a public order event. They also perform post-operational or "mopping up" actions and view such events as exercises that are important training vehicles in the development of less risky control procedures.

Police have a great deal of decision-making authority over their deployment at sites of conflict and over when that deployment is applied. Baxter (2001) refers to the contemplative and planning stages of police intervention (both prior to implementing), and in community policing and intelligence-led policing, the assessment stage is now a very familiar requirement of planning. A measure of police performance in public order events is therefore the scope, intensity, and legitimacy of the preplanning efforts. According to this standard, public order crises may be circumvented or their scope and intensity predicted and thus the implementation of police resources matched to the need. Where this is not accomplished and the failure is due to police and not governmental error (i.e., government failure to support police), police will be in danger of becoming disordered or of falling into a crisis modality.

The second aspect of communications is the dramaturgy and reflexivity of police action. The "look" or dramaturgy of police is also a large part of their communications profile. There are many ways in which this plays out, from police dress and presence, to accountability. Police may be disguised or concealed, their actions can play toward single or multiple audiences, they can present themselves genuinely or ironically. The reflexivity and recursivity of performance, like the use of information, may be more or less transparent and integrative.

Where there is a service orientation in times of "low" politics, the "look" will be diffused and simplified. Dress will be lighter, performance will be responsive to local orders, there will be little staging and finessing of appearances. In a control orientation or in times of "high" politics, police will become more opaque and less responsive to local orders, and there will be more attention given to staging appearances, mostly in the direction of force multipliers.

Today, where public order events are "high stakes," there is also dualistic and reflexive engagement of communications "look." Police attempt to provide a comprehensive service orientation front stage while simultaneously working a control orientation backstage. In addition, they differentiate between audiences in presenting themselves, allowing fuller expression of the control orientation to populations deemed troublesome and a muted consent response to populations deemed compliant or consensual.

I have noted that police action is viewed and reviewed. This notion of the specularity particularly of public order policing is, as we've also noted, tied intimately to the political culture. Police in black fatigues and riot gear or unidentifiable under tinted visors or masks are, like it or not, a statement about the state of democracy. Police wear a variety of dress, make themselves more or less known through officer identification and facial masking, provide contact information more or less freely, and, in short, display a fluctuating readiness with coercive mobilizations. The relative impermeability of police and police action to review is a feature of this openness.

Diffused		Reflexive	Asymmetrical
Transparent	*Light or Visibility*	Dualistic	Opaque

The dual communications we see developing is an attempt to reconcile ambiguous expression with a pre-emptive order. This points up the longstanding tension between affording a kind of expression that is almost by definition boundary breaking and a kind of control that is boundary shaping. Police would like to offer a frame and perhaps even format grievances for public expression in a co-production of order (or orderly dissent) with demonstrators. Protesters, in turn, worry that such framing and formatting cuts to the heart of the ambiguity that is seen as necessary for the kind of message that they are presenting. The recourse among protesters to mimetics, drama, parody, and ironic overexposure as a modality of dissenting expression is an unsurprising adaptation to this setting of order and ambiguity.

MODE OF APPLICATION (COERCION)
The third dimension, mode of application, refers to the volume and dosage of coercion. It is largely about establishing the conditions that make violence a strategic option of first resort. Decision making regarding the deployment of police officers to a site of conflict or potential conflict is primarily grounded, as research suggests, in the nature of the event and the number of persons attending. The number of officers and the nature of their deployment (from heavily armed to civilian dress) will also be related to police experience, organizational culture, political culture, the activity of civil institutions, and the relative authority of authority according to the nature of the political and social consensus. Informational resources and the pliability of law will also contribute to the deployment question and these are not fixed together necessarily. Where police have good bi-directional informational flows across social groups, resources may be more calibrated and measured. Where there is divided society conditions, police will use force more indiscriminately and comprehensively and will look for force mulipliers to buttress their disputed authority. Where there is strong consensus and authority is accepted, force will be minimal and restricted. In hybrid conditions, force will be categorical. It will be measured according to the informational and reflexivity concerns noted above.

Dosage may be measured in monetary terms by which it should be well understood that public order policing events have been the most expensive police operations in Canadian history. It may also be measured in terms of the scale of coercive tools brought to bear, from unarmed civilian interventions and liaisoning or negotiating, to martial armaments. Legal measures may also be associated with dose, where for instance rules of engagement or event categorization may be more or less restricted by civil liberties. The informational tools may also be more penetrating and non-disclosive, also denoting a stronger dose of action. In general then, the police action may be more categorical, comprehensive, and expressive or more selective, narrow, and instrumental.

| Minimal | | Measured | *Weapons* | Comprehensive |
| Restricted | *Heat or Intensity* | Categorical | *Coercion* | Multiplied |

Consensual environments cultivate public order policing that delivers minimal violence under restrictive use of force guidelines. In a context and conditions in which police enjoy relatively high legitimacy and the ground suffers relatively low contest, the bar is set high against the deployment of coercive force. Local orders are presumptively negotiated by a wide array of interested parties. Police presence is facilitative or brokering rather than imposing. Police don't take sides, but may act as go-betweens. Police visibility is light both figuratively and literally. Action taken is muted and discriminating. Where police follow this logic, we have a condition we might call "compliance policing." In compliance policing, we also have a high degree of consent and what might be called, following Stanley Cohen (1985), "inclusionary" strategies. Police under this type assume that those protesting or grieving enjoy legitimacy and belong firmly to the local and national order. Police seek to accommodate rights.

However, where police have legitimacy and the ground suffers little contest and police action nevertheless veers to the right of the chart (Figure 1), police are shifting the politics of order toward martial mobilizations unnecessarily and compromising their own legitimacy in a condition I am calling "disordered policing." In disordered policing, we have a mobilization toward a more exclusionary politics of order. In a context and conditions in which police enjoy relatively wide legitimacy but the ground suffers relatively strong contest, the bar is set lower against the deployment of coercive force.

However, police still must demonstrate a willingness to move in the direction of democratized order. They must finesse proximity, immediacy, visibility, and intensity to minimize coercion. Where they do so, they are practising what might be called "hybrid policing." Where they fail to do so or are indifferent to try they may push toward what we call "crisis policing."

Types of Public Order Policing

Dimensions of Public Order Policing

Service		Hybrid		Control
Minimal		Measured	*Weapons*	Comprehensive
Restricted	*Heat or Intensity*	Categorical	*Coercion*	Multiplied
Diffused		Reflexive		Asymmetrical
Transparent	*Light or Visibility*	Dualistic	*Communications*	Opaque
Continuous		Cybernetic		Episodic
Proactive	*Time or immediacy*	Telematic		Reactive
Negotiated		Managed	*Zoning*	Imposed
Consensual	*Ground or dominion*	High stakes	*Law*	Disputed
Consensus←		Exclusivity		→Conflict

SUMMARY

There are three broad categories of tools drawing from the authority and mandates of public police. These consist of an array of coercive, informational and legal strictures, prohibitions, or weapons. Police often enjoy special access to these tools and use them in a multi-dimensional approach to resolution, problem solving, or control (de Lint 2003). Each category of these tools may be "harder" or "softer": police may deploy criminal law or seek to involve civil remedies; police may take a control approach to information and communications in which there is a deliberate asymmetry of flow; police may take lethal, less than lethal, or no hardware at all to sites of conflicts. In addition to category, police may give a different priority to each category of tool: police may see conflict first and foremost as a question of legal authority or they may see it as primarily a question of adequate communications or of adequate coercion. It is possible to suggest that police are more or less disordered in their selection, prioritization, and use of tools. Police are more or less democratically inclined and policing is employed more or less to re-integrate or keep integrated troublesome people and problem populations. Selection and deployment of tools, it may also be added, is dependent on police training and on police confidence. Where there is a gap in training or a lack of appreciation for the full range of options available, there is a greater chance that an inappropriate response will be taken.

Altogether, these dimensions articulate a more prohibitive or regulatory, exclusionary or inclusionary, democratizing or authoritarian public order policing regime. A control orientation is repressive, and violence is one of the means of that repression, but communications and law is also utilized, albeit not to further integration. Traditionally, conflict conditions have been

accompanied by public order police delivering comprehensive and multiplied shows of force under permissive rules of engagement.

The craft of public order policing or its professionalism is bound up in how the dimensions of temporality, spatiality, and visibility are deployed. This craft is to offer a form of closure, or a stripping or containing of the ambiguous in contentious political public order. Thus, the object of public order policing in its consensual or democratic form is to keep order without sanctioning politics. The object in its high stakes variant is to push forward toward an order without appearing to sanction politics. In general, this will mean attempting to intrude the absolute minimum into the political order that a reading of the event will allow. Baxter (2001, 281) has usefully analyzed this in terms of levels below or beyond "normal policing." Thus if the scale of anticipated social turbulence is at the level of an insurrection or breakdown, the requisite level of policing may be justified at somewhere between military aid to the civil power or even martial or military law. Where the difference between an objective assessment of the scale of social turbulence perceived and the level of policing imposed is significant, one has a potential police deployment error. However, given that such events develop over a period of time, levels of policing may be altered, as Baxter suggests, between the "contemplative stage," the "initiating stage," and the "intervention stage." In highly preventative public order mobilizations consistent with law enforcement enabling legislation after 9/11, police use greater powers to defuse potential public order events and can then drop the level of policing when the event actually occurs.

Where hybrid or high stakes mobilizations are increasingly common, it might be more accurate to describe the resultant regime in Deleuzian terms as consistent with control societies. This involves the use of categorical suspicion, pre-emption, containment, and expulsion. As Hudson (2003) and Roach (2003), among others, argue, the significance here is that a rights discourse is gradually evacuated as schedules of security become more pressing.

CRAFTING PUBLIC ORDER POLICING

Public order policing is also a craft: it is an expert skill utilizing police experience as well as professional and external knowledges. The dimensions available for this finessing are, as we have seen, many and varied. Police are afforded a wide field of play to create or recreate an ordered site. However, these choices, in whole and in part, will represent a kind of political affirmation or negation. And while the field is wide, it is also constrained, as della Porta and Reiter (1998, 2) argue, by power and cultural considerations: by public opinion, police organization and culture, and the larger political culture. As is now becoming clearer, that larger political culture appears to be in a state of significant transition as more open democratic processes are challenged in various venues by "emergency" measures. The nature of the finessing that police will do in this context has been toward a control and consent hybridization.

WORKING GROUND
The decision about holding, taking, or indeed shifting ground is related to an interpretation of the relative costs of police actions. As already suggested, where the sovereignty of ground is already hotly disputed, especially by groups that have suffered a history of disenfranchisement, this

decision will involve political authorities and the police role is to candidly advise of the likely costs of considered actions while working out a peaceable resolution. Disordered policing occurs here where police do not present a candid assessment, are incapable of offering it due to a lack of sufficient information, or receive and do not register objections to improper communications regarding strategies. It also occurs where police do not exhaust all communications options before moving on to coercive options or where communications are viewed as a step toward coercive resolution. For example, even in conditions of low trust, communications may be made more transparent and representations of police action more diffused. However, offering representations and sharing information (service policing attributes) will be hollow overtures where police determine that they will not participate in affording expression of the grievance, or conceive of its expression primarily as a legal breach and challenge to authority.

The control of ground may be achieved by various instruments. These include legal instruments including various criminal and civil statutes, bylaws, temporary authorizations, emergency measures, injunctions, road closures, enforcement orders, and so on. As Alan Young (August 29, 2004) has summarized, police approach public disorder "armed with a large cache of vague and overbroad criminal laws." They can arrest and remove anyone who is in "breach of the peace," and there is case law holding that shouting through a megaphone may be sufficient. In addition there is the offence of "cause disturbance." This includes "fighting, screaming, shouting, swearing, singing or using insulting or obscene language." In addition, an "assembly" of three or more people that causes the community to reasonably fear this assembly will "disturb the police tumultuously," can cause the offence of "unlawful assembly" to be committed. Finally, the *Criminal Code* defines the serious offence of "riot" as an "unlawful assembly that has begun to disturb the peace tumultuously." Failure to disperse where a "riot act" has been read provides further onerous penalties.

Arresting people—and often dropping charges after the event—is one of the most important tools in the countering of protests. While some number of these arrests may be useful, if indeed they "decapitate" violent groups, it is difficult to determine how often discretion is being used inappropriately. For example, while some of the arrests evaluated by the Hughes Commission were found to be inappropriate and unconstitutional, most of them were evaluated as founded and appropriate. Even the timing of some arrests, calculated to restrict lawful protest participation of protest leaders, could be defended given the improbability of determining police motives. As we saw at the OAS in Windsor, police visited labour and known activists prior to the event to broker terms of participation and perhaps to more fully personalize for those participants the costs of transgressions. At an October 16, 2001, protest in Toronto's financial district two adults and two teenagers were detained and confined in a police wagon for between six and nine hours, effectively neutralizing them through the duration of the event. In anti-war demonstrations in Ottawa, the Ottawa Witness Group reported that four leaders of a protest against an arms show were arrested prior to the event (*Ottawa Citizen*, November 6, 2003). Similar pre-emptive arrests have been made in Kingston (*Whig-Standard*, March 31, 2003). Police operations are also not limited to the time of event termination. The use of surveillance cameras has enhanced post-event arrest facility, and these occur with regularity.

In addition, the *Foreign Missions and International Organizations Act* (FMIOA) provides that the RCMP has the "primary responsibility to ensure the security for the proper functioning of

any intergovernmental conference in which two or more states participate" and "that is attended by persons granted privileges and immunities under this Act and to which an order made or continued under this Act applies."[18] The powers of the RCMP under this provision allow that they "may take appropriate measures, including controlling, limiting or prohibiting access to any area to the extent and in a manner that is reasonable in the circumstances." The Act also gives the Solicitor General the right to enter into arrangements with the government of a province concerning "responsibilities of members of the Royal Canadian Mounted Police and members of provincial and municipal police forces with respect to ensuring the security for the proper functioning" of these types of conferences.

In the first instance, a site of potential or existing disorder is understood as suitable or not, given the nature of the activities expected or arising. A university campus, as was acknowledged by various officials and commentators regarding APEC, is by nature an open institution and not a suitable venue for the restriction of communication and mobility rights. It can hardly constitute, in whole or part, a "retreat" from the public and the noisier forms of expression that periodically infuse the public institution. IPP security is by nature a mechanism of closure, and it is unsurprising that control was on occasion lost, given that the ground was so strongly challenged and so unfavourable a host for this event.

In Windsor, the saturation coverage by paramilitary police, helicopters, marine units, and so forth contributed to a lasting impression among at least some residents of the area of the OAS Summit that they were no longer living in a free democracy, since rights could be suspended. At Quebec City as well there was a displacement of residents and visitors from both private and public space in the city centre. The object of attack for demonstrators became the wall separating them not only from IPPs but also symbolically from public space. If there was a balance between freedom and security, this balance appeared to offer little compensation to those who objected to the symbol of the security fence. This lesson was clearly learned by the time of Kananaskis, where choice of venue facilitated turning ground into a militarized zone with relatively less displacement or suspension of public rights, the lesson being that site security measures may trump extant land use at some consequence to police legitimacy.

Another legal instrument is the permit. Police or municipal officials have issued or denied parade permits or attached conditions to permits in order to guide the nature of events. Demonstrators have countered in some instances by using the "snake march"—a spontaneous march through the city's streets with no predetermined route. An exceptional use of permits is found in the United States, where parade permits have been denied to organizations whose politics or profile is deemed controversial or incendiary. In Brainerd, Minnesota, an anti-war or peace group was denied a parade permit to participate in the Fourth of July festivities on the argument that police

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[18] Before the G-8 Summit in Kananaskis, Alberta, in 2002, the *Foreign Missions and International Organizations Act* (FMIOA) was being amended to expand the definition of internationally protected persons to include representatives of foreign states participating in international organizations, their households, and technical and service staff. These were to have privileges and immunities comparable to the privileges and immunities accorded to those under the Vienna Convention on Diplomatic Relations. It provides to "the office of a political subdivision of a foreign state, and to any person connected with that office, any of the privileges and immunities accorded under section 3 to consular posts, and to persons connected with those posts, other than duty and tax relief privileges." Bill C-35 further amends the FMIOA to provide that the Minister of Foreign Affairs may by order either grant or withdraw the "privileges, duties, and immunities" that pertain to these internationally protected offices.

could not guarantee the safety of the marchers. In New York City on February 15, 2003, the NYPD declined to permit an anti-war march and District Court Judge Barbara Jones of The United States Court of Appeals for the Second Circuit upheld the District Court argument that post-9/11 security concerns and the week's terror alert trumped a march of such "size and uncertainty."[19]

Another tool related to the spatial articulation of power is the use of zoning of speech or demonstration, now often referred to as Free Speech Zones (FSZ). In Quebec these were called "sites alternatifs de manifestation" or alternative protest sites, and in Vancouver, the Hughes Commission referred to them as "demonstration areas." The Hughes Commission ruled that the establishment both of a noise free zone and a demonstration area is not inappropriate practice by the RCMP nor inconsistent with the Charter (CPC, 2001a, 13.3.3, 13.4.2). As we've just seen, militarized zones are established via legal and civil emergency measures in addition to international agreements and the FMIOA. It stands to reason that security officials may carve out pockets of respite from militarization. More aggressive content-based zoning of speech is observable in the United States, where demonstrators may be "quarantined" well away from media, IPPs, or favourable circumstances. During the Democratic National Convention in Boston in July 2004, a special "demonstration zone" was built for demonstrators who wanted to be within hearing and seeing distance from the delegates entering and leaving the convention at the Fleet Center in Boston. The zone was bounded by two chain-link fences separated by concrete highway barriers and just large enough to support 1,000 persons. The outermost fence was covered with black mesh designed to repel liquids. It was also covered by another black net topped by razor wire (Avery 2004). Such zoning is not simply instrumental but also obviously telegraphs a message pertaining to the relative value of civil rights, including the right of free speech and assembly. The Orwellian lexicon, the manner in which these zones are kept, and the mechanism by which "speakers" are differentiated suggest Turk's point that the rug of democracy is easily pulled out from under us.

These and other authorizations are used to configure space into authorized places. This brings us to a consideration of the use of legal measures to ready or convert space for security purposes. As Oka shows, a hasty use of injunctions quickly challenges police to apply the law. Where ground is disputed and where the dispute is constitutional in implication, attempting to resolve the matter through the terms of an injunction is to quickly reduce the scope of communications to an off-site interpretation of legality. As Burnt Church demonstrates, interpretations of legality may be a tool of police on-site; law may be pointed at but not enforced so as to actualize the preference to find consensual resolution through communications. On the other hand, arrest no longer needs to be constricted to the place and time of the protest; police are now adept at using the intelligence cycle, that is, to separate collection from intervention.

In addition to legal measures and zoning, police and demonstrators use barricades and barriers to place physical impositions to impede access. To either side these can also be symbols of which the placing or removal is a celebrated moment of victory. At the Republican Convention in New York in August 2004, police used mobile metal fences: they added to existing fencing, allowed movement, and then rearranged the fences, always in apparent control of the choreography.

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[19] Nonetheless, a "rally" took place of some 400,000 people, and it was contained in a variety of barricades set up by police.

According to former NYCLU Executive Director Norman Siegel, this "cattle-pen method" of crowd control was introduced in New York about a decade ago for New Year's Eve festivities in Times Square (Cantarow 2003) The mobile barricade technique is designed to control crowd parade movements and keep them from concentrating in numbers. Barricades are often put in place by demonstrators, as well. In Oka, Ipperwash, and Burnt Church, barricades were placed by First Nation Warriors and Mi'kmaqs and became symbolic of the status of their respective grievances. Yet, they were approached quite differently by police in each case, indicating that police may deploy law and authority on the ground to create a politics of order that is both influenced by and may also contribute to a politics of consent.

There has been much creative activity in the readying, keeping, changing, and moving of ground for public order events. As I have indicated, some of this innovation is harder and firmer, disallowing various interpretation and contesting of ground, while other innovations are more pliant and adaptive to the movement of speech and rights across space. Since taking and occupying ground has instrumental value and also significant symbolic value, in that it affirms or brings into question the relative capacity and legitimacy of a claim, each decision about choice of tool and approach requires careful weighing of spinoff effects as well as strategic imperatives. Choices to firm up ground pre-emptively, prematurely, or through harder instruments ought to be defensible against the overall nature of the grievance and the chances of success of more flexible tools.

WORKING WITH LIGHT AND TIME (COMMUNICATIONS)

I would like to emphasize what is already well-known: that communications offers the greatest leverage in balancing rights against security in the ordering of public order events. As is also clear, recent public order events have seen great strides in the use of communications in the reconciling of police and demonstrator objectives. That being said, communications can also be more service- or more control-directed: they can be more or less ingenuously aimed at resolving disputes or facilitating demonstrations without recourse to harder countering tactics.

We have divided communications into information and representations, loosely connected to how communications are both presented or conveyed and also made immediate or temporal. Here, I will break down the communications tool-kit into a variety of strategies and gambits to reveal how communications operations may be more reflexively and consciously utilized.

Beginning with the disputed ground public order illustrations, it is evident that communications at Oka were episodic and reactive while those at Burnt Church might be seen as initially reactive (applying the law in making arrests). However, with a change in command authority, the operation adopted proactive and continuous communications as well as daily intelligence briefings. This would place the Burnt Church operation somewhere between the hybrid and consent public order type, at least if communications are the determinative dimension.

Failure to finesse available time will often pull coercive options closer; it will strip communications options. This is evident in public order events at which police have failed to provide, in the words of Ted Hughes, "opportunity to comply" after ordering protesters to disperse or move back. Instances of the use and misuse of immediacy demonstrate that the lesson of time management is not easily learned. During APEC on October 25, 1997, RCMP Staff

Sergeant Hugh Stewart ordered protesters to clear the road nine seconds before dousing protesters with pepper spray. Ted Hughes concluded poor planning by the RCMP had left Stewart with only four minutes to clear the road at UBC, resulting in the "unnecessary pepper spraying" of protesters. Yet at the Summit of the Americas on April 21, 2001, RCMP officers rushed the protesters using tear gas, rubber bullets, and a Taser gun two minutes after ordering them to disperse. In the meantime, the issue of RCMP officers not giving protesters enough time to comply with orders had already been highlighted by the RCMP Complaints Commission as early as March 2000—in a review of the force's handling of protests in New Brunswick in 1997.[20] According to Heafey, the RCMP's tactical squad violated its own procedures by giving inadequate warning and then using tear gas, rubber bullets, a "flash bang" grenade, and a Taser gun to scatter crowds during a day of protest (*Calgary Herald*, November 13, 2003.)

How police show, display, or allow to be seen various dimensions of public order operations is a key variable in the management or control that is exercised. It also indicates, to a large extent, the political culture that is resident. This is perhaps most obvious in the proximity or visibility of the coercive options. While at the OAS in Windsor, tactical and paramilitary deployments were, it would seem, deliberately visible in a representation of traditional general deterrence. At the G-8 parallel protests at Ottawa, however, there was a finer graduation of this coercive visibility. It was more reflexively fine tuned to perceptions of demonstrator conduct. The Major Events Liaison Team or MELT members were dressed either in civilian clothes or in police-style shorts and golf shirts that were clearly marked "police liaison." Police without riot gear, along with easily identifiable members of the MELT, patrolled the fringes of the crowd. A third rung of police, tactical police squads, were kept in buses and vans close to the action but out of sight. (Allen 2003)

The relative transparency of communications also produces a range of options. It is obvious that in conflict situations and in "closed" societies, communications are not only asymmetrical (information is gathered from everywhere, shared selectively), but also opaque (there is little reviewability). In Canadian experience, there have been examples of police obscuring badges or identification. This was cited by the Commission for Public Complaints regarding the school protests in New Brunswick (CPC, 2000) and also by the Citizens Panel on Policing and the Community regarding the G-20 World Bank protests in Ottawa on November 16–18, 2001. (CPPC 2002) It was also alleged at the protest at OAS Windsor (WPC, 2001) and at an anti-poverty rally at Queen's Park, Toronto (Levy, *Toronto Star*, July 11, 2000).

More elegant is a dualistic schedule in which there is a great deal of trust building among suitably open liaison officers and vigorous and opaque information gathering that deploys emergency measures provisions and enlists information sensitivity or security to restrict reviewability. As I have noted, at Burnt Church, daily intelligence briefings supplemented the many trust-building interactions between police and both disputing communities. At the various high stakes policing events, joint intelligence groups have become central information clearinghouses. At the G-8 protests in Ottawa, there were regular public "Open Lines" meetings held to build trust between police, community members, and protesters. As previously mentioned, Paul Redekop of St. Paul's University also led seminars that involved police, media, and

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[20] Shirley Heafey of the Public Complaints Commission recommended that police "must ensure that persons have enough time to leave the demonstration site" before the use of force.

demonstrators in a trust-building process. At the June 2002 G-8 Summit the RCMP appointed a "professional" mediator to set up a hotline. These initiatives were explained by the RCMP's Mike O'Reilly as extensions of community policing strategies. They were initiated to improve trust and further "consensus building" between protester groups and the RCMP (Farrow 2003, 678–679). Liaison efforts were also furthered to "create relationships," including contact numbers that could open up "situational discussions" at a moment's notice to de-escalate a crisis situation (ibid., 679). At the same time, as Allen (2003) reports, these liaison efforts were intelligence-gathering efforts, that is, the communications were also designed for an asymmetrical uptake: information given could be exploited later for agency purposes. In this way, the MELT is almost too reflexive as an acronym for this dual expression of communications. The MELT openly met protestors as they arrived in Ottawa because JIG intelligence had identified protesters before they left their cities of origin, tracked them en route, and shared this with the MELT.

Tilly (2004) argues that informal trust networks may be periodically politicized as extensions of state capacity. However, where valued resources that these networks exist to protect are exploited, voluntary contributions will dry up. In the same way, the dual nature of communications under hybrid police forms (emphasizing control) require continuous reinvestments, particularly as the "soft" approach may come to be perceived for covert information gathering rather than co-operative trust building. Of the "Open Lines" meetings, one participant representing the group Take the Capital, stated: "I think it's all a matter of optics." The group also stated that they viewed police communication efforts as working rather to "marginalize all forms of political dissent" (*Ottawa Citizen*, June 19, 2002).

How police then use information, how they take it up and play it back, is an indication of its coercive utility—for information can be weaponized or disarming. In divided society contexts in which transparency of police is understood with weakening authority, creating inefficiencies, or aiding "the enemy," the information relation is deliberately asymmetrical and opaque. In social conditions in which local security is a consensual endeavour, the spread of information is more diffused and it is more transparent. Under "society of control" hybridization, visibility is dualistic. On the one hand, police fully recognize and harness the public relations potentialities of public order events and "get ahead of the ball." Police liaison officers, negotiators, and leadership statements cater to this imperative. However, they also seek to limit the negative footprint of police action by delimiting its optics, by such tactics as embedding reporters or zoning their action. In the meantime, they also deploy information systems coercively according, in part, to a preliminary categorization of subjects. They utilize expanding networks and a two-track diplomacy in which community trust-building exercises are taken concurrently with intelligence gathering. Finally, police anticipate the "look" of operations and are engaged in assessing and evaluating past operations so as to, among other things, avoid additional external audits.

Because public order is a highly reviewable instance of police action (it is both experienced and witnessed, but often by different parties) and a tangible expression of state legitimacy, police seek to minimize untoward perceptions by containing the intensity of their responses (training, drill, planning), by containing the scope of the expression (riot dress, availability of less-than-lethal weapons), by reducing its visibility to non-participants (e.g., Free Speech Zone), and by

stretching their response outside of the envelope of the event *per se* (negotiating with protesters ahead of time and following up with organizers, leaders, and so forth after it [post-event arrests]). Understanding that public order events carry a potential legitimacy crisis for policing, police may exploit dimensions of visibility and immediacy to distribute consequences across time and space.

This measure of police competence in public order crises is well understood by practitioners but must also be understood by policy-makers. The implementation of police deployment is not simply instrumental but is expressive because it is a highly dramaturgical exercise that telegraphs will. Police are now becoming aware that the perception of police mobilization is extremely important in the management of the outcome. This is why police now embed officers in crowds wherever strategically possible. There is much room for error in the interpretation of crowds due to dynamism, insecurity, and standpoint. Yet, in many of the instances of recent public order events it is clear that police performance has been hampered by the erroneous expression of deployment, often in impulsive response. Again, the misuse of deployment capabilities devolves compliance and high stakes policing into disordered and crisis policing.

WORKING WITH HEAT (COERCIVE FORCE)

It is primarily the expansion and integration of coercive and communications options that have produced the kind of nuanced operations we see today. Yet as we saw earlier, police also have more fine gradations of "heat" to work with than ever before. To longstanding weapons of choice many others have been added, providing a greater adjustable range of countering options. These are applied, more or less, to "contain, isolate and disperse" (King 1997).

With Torrance (1986) we have seen that the overuse of coercive capacity to meet public order events may de-skill conciliatory capacities. With Tilly (2004) it is found that trust networks may easily be disestablished by state action if hard countering methods work to convert community or informal liaison into a means to an intelligence end. Yet, as we've already seen, in a "pure" hybrid form where management is the major objective, coercion is not displaced by conciliatory or service-oriented dimensions so much as it augments "soft" policing. It may also be that community policing is not converted into a means for an intelligence-led end, but practised ingenuously for violence reduction and only displaced once a certain "tipping point" is reached. In this way, public order events may offer police opportunities for continuous re-skilling both of coercion and conciliation, intelligence and trust building.

Paramilitary operations use multiplied and comprehensive coercion. The most dramatic of these may be numbers of riot gear–clad officers. The past several high stakes public order events saw the deployment of massive quantities of police to each successive event with each replacing the next as the biggest policing operation in Canadian history. In some of these, police have outnumbered protesters. This was the case at the OAS Windsor, and follows American experience. Police numbers in a protest at a G8 conference in Savannah, Georgia, in June 2004 were at a 10-1 ratio to the 310 protesters that attended. (Savannah-Chathan Metropolitan Police, in *Harpers* 2004, 96). Police numbers were in excess of the limited 1,000 protesters who turned up at a protest against the meetings of the Trans-Atlantic Business Dialogue in Chicago in November 2002, although the exact number was withheld "for security reasons" (Street 2002, 2). Such numbers are meant to provide a general deterrent. They also convert into specific

deterrence where they are deployed against groups in specific encounters. Recounting the OAS event, an OPP officer said in interview (de Lint and Hall, forthcoming):

> So our response is we'll be there in such numbers that if you act up, we're gonna extract you from the crowd quickly, and we're gonna cap this thing quickly. And it looks high-handed. It looks like the balance of power is definitely on the side of the state if you will, and these poor demonstrators got absolutely no hope in hell of getting their message across because every time they turn around there's a cop staring in their face with pepper spray in his hand.

Paramilitary police or tactical weapons units are among the most unwieldy "weapons" in the police arsenal, and their gradual proliferation across North America is often viewed as counterproductive to liberal consent policing (Kraska and Kappeler, 1997; Drinkwalter, 1990). Designed to behave organizationally to facilitate the translation of top-down command into action, these units are designed to act as a single will on targets, and this feature also stimulates the cultural rigidities and siege mentality that can take police rigidities to the breaking point. They are often prepared for use within insular subcultural niches in which several problematic attributes often identified with police culture, including authoritarianism, racism, and machismo, are exaggerated (cf. Braiden 1994). Where selection into these units is predicated on a keenness to exploit police weapons and where chances to exhibit skills are frustrated by long periods of downtime awaiting "action," there is a recipe for overzealous engagement of targets (cf. Jefferson 1990). Numerous "flashpoints" (D. Waddington 1992) can be associated if not attributed to poor or overzealous decision making of police officers within such units. A 1989 Ontario report on tactical units in Ontario (Drinkwalter 1990) found escalating call outs (over 2,700 calls between 1984–1989, where only 75 involved hostage taking) and inadequate training, and recommended standardized training, psychological testing, and a mission of non-violent resolution within the units. The OPP's Central Ontario Tactics and Rescue Unit was disbanded early in 2004, following an incident in which OPP criminal investigators could get no co-operation from the "tight-knit" group, at least one of whom had allegedly defaced Native symbols in a resident's home following an armed standoff (*National Post*, March 12, 2004).

Mounted police are also a mechanism of force multiplication. Genealogically identified with state police mobilizations from the Royal Irish Constabulary to the North West Mounted Police, mounted police officers have the deterrent value of three or more unmounted officers. The deployment of officers in various phalanxes including wedges and so forth is intended not only as a crowd-ushering technology, but also to multiply officer capacity where police may be outnumbered. The practice of riot dress–clad police banging their shields with their truncheons or batons is also meant to communicate overwhelming force potential. This has been reported at a number of recent events, including Ipperwash, the OAS, and in an anti-WTO in Montreal on July 2003 (de Schutter 2003).

These force multiplication technologies in general are among the clumsiest instruments in the police tool-kit and their use against large swaths of demonstrators comes with the consequence that many people caught up by them will perceive unjust treatment. One of the complaints by demonstrators is that such tactics are used both pre-emptively and indiscriminately and that they are defended on site by police with "guilt by association" logic. Recall Victoria police Chief Paul

Battershill's statement, cited earlier, that masked persons at protests are "not there to sing nursery rhymes." In a letter to the Ontario Civilian Commission of Police Services Boards, an anti-poverty group wrote of police response to demonstrators at a rally in Queen's Park in 2000, that

> rather than contain and de-escalate the situation when demonstrators approached the Legislature, the police created a situation by attacking demonstrators with truncheons and pepper spray. Lines of police surged forward hitting people with little apparent regard about what the person was doing. Further chaos was created by the police when they used horses at full gallop to charge through the public demonstration. (in *Toronto Star*, July 11, 2000)

More precise targeting by way of "snatch squad" tactics, where a group of officers dart quickly into a crowd and apprehend a marked individual and bundle him off into a nearby paddy wagon, may produce disordering consequences. At a peaceful anti-war protest in Kingston in March 2003, uniformed police in an unmarked minivan snatched David Burling, a first-year engineering student at Queen's University, in a case of mistakenly perceiving him to be a protest leader. The consequence was a shift in the targeting of the demonstration from American foreign policy to police brutality, with protesters shouting discontent outside the Kingston police station where the police were holding demonstrators. Here, there was an abuse of tactics that pulled an event from consensuality into disorder: A failure to read the tone and direction of the protest led to a misapplication of the police tool-kit. Instrumental and symbolic damage to police, and public perception of police commitment to democratic values, was the result.

A great number of "less-than-lethal" weapons are designed to immobilize or disperse crowds of people. These include "crowd dispersal" pepper spray projectiles, "flash-bang" grenades, rubber bullets and "stingballs," and stun guns or Tasers. Other devices being deployed or tested to manage or monitor crowds include acoustic, laser, and high-powered microwave devices. For instance, the Long Range Acoustical Device is used to convey information from up to four blocks away or to disable groups of people by emitting a 145-decibel sound that produces migraines and excruciating pain. Still other devices include portable field monitoring technology capable of reading a variety of types of environmental emissions, gunfire locating technology, a sniper rifle that can deposit a GPS chip in protest leaders for post-event location and arrest, and throw netting that can entangle groups of demonstrators for convenient round-up. At protests during the Republican National Convention in New York in August 2004, a group of demonstrators were wrapped in orange netting and then bundled off to a temporary remand centre at Pier 57.

With many of these instruments the problem is the measurement of appropriate dosage of countering force, and sufficiently flexibility both in the technology and human users in being able to increase or decrease dosage as required. Med-Eng Systems, an Ottawa-based manufacturer of police protective equipment, including less-than-lethal force technologies, was a co-sponsor of Shirley Pare and Paul Redekop's St. Paul's public order workshops. Med-Eng's participation was predicated, according to its CEO, out of a concern of not wanting their equipment overused by police. Tools are made and "ask to be used" and over-selection of targets is the consequence. (see, e.g., WPC 2001, 23–24) Yet, the overuse of Tasers, for example, is now a frequent complaint both in inquiries into use of force and in an increasing number of wrongful

death suits in the United States. Ted Hughes and Shirley Heafey both found inappropriate use of pepper spray (at the APEC and Summit of the Americas protests, respectively). While Hughes pointed out unfortunate consequences of under-preparedness, a consequence of technological over-preparedness is also that it may escalate violence.

The other problem is the maintenance of control over the temperature and the inclinations toward "self-help" (Black and Baumgartner 1980) retaliatory force. A consequence of over-preparedness and over-drilling may be that police get frustrated by a lack of action in the event. A police respondent (de Lint and Hall, forthcoming) covering the OAS acknowledged that police occasionally had to let off steam. There are many instances of overreaction to harmless protester actions (swarming a protester holding a piece of chalk after a police officer yells "he's got a smoke bomb" [WPC 2001, 17, 18]). In his study on public order in Great Britain, Geary (1985) quotes a senior officer as saying that it is part of the heat of battle that police lose their temper and brutality occurs: "it's a bit like Generals turning a blind eye to rape and pillaging during wartime." As Gaetan Heroux of the Ontario Coalition Against Poverty (OCAP) put it, "[t]here's lots and lots of anger out there and the question is to what degree do you allow that anger to manifest itself" (quoted by Duffy in *Ottawa Citizen*, April 14, 2001). What this suggests is that both police and demonstrators require suitable outlets for frustrations built up during long standoffs and demonstrations.[21]

A control orientation is concerned with countering expression and managing crowds through, as King (1997) suggests, containment, dispersion, and isolation. A service orientation, on the other hand, can only restrict or minimize reliance on force in managing public order where there is either already an influential socio-cultural backdrop inviting demonstrator self-control, where there is a strong commitment to legal authority, or where preparations have already been made to offer grievances other outlets. One needs at least one favourable circumstance among the politics of law, consent, and order. As I hope we've shown, however, even in conditions of favourable consent and constitutionality, policing can be clumsy, inept, or disordering.

VI. BEST PRACTICES IN PUBLIC ORDER POLICING

Public order policing will continue to be an important indicator of a healthy democracy, and Canadian experience in the past 15 years suggests that much has been learned by police, suggesting that Canada is a leader in the field. Nevertheless, there have been missteps, and current direction is at a very important crossroads. Democratic consent policing will require some fancy footwork if it is to avoid stumbling or falling between disorder and crisis. This is because the hybrid form that is emerging may only be temporarily efficient and legitimate: Temporarily efficient because to the degree that it counters mass demonstration grievances from spearheading social movement, it also invites a redrawing of social movement strategy, making a

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[21] There has also been consistent complaint that protester arrestees are kept confined for inordinate periods, are verbally abused, are denied adequate food or water, and are prevented from seeing legal counsel (e.g., Cantarow, Montreal, Windsor, Quebec City). In Quebec City, some protesters were denied access to lawyers for more than two days (Pugiese and Bonskill, *Ottawa Citizen,* Aug. 18, 2001). Again, this practice appears to be more pronounced south of the border. In New York in August 2004, police reported 1,765 arrests related to the Republican National Convention, with the majority of arrestees kept at a temporary remand centre without access to lawyers for up to 72 hours (Bovard 2003).

new round of innovation and counter-innovation necessary; temporarily legitimate because the invisibility of countering efforts for a control agenda may produce trust issues that will later, if not sooner, undermine transparency overtures that are evident in its service component.

Before I address overall objectives and specific measures that derive from this analysis, it may be useful to provide a short synopsis of recommendations by the major inquiries. Inquiries into public order policing reported in 2000 and 2001 have provided the groundwork for much recent analysis and have also contributed to police knowledge. These reflect on specific operations including the events in the communities of Saint-Sauveur and Saint-Simon, New Brunswick, in 1997 (CPC 2000; 2001a), the APEC Summit in Vancouver also in 1997 (CPC 2001b; 2002), the G-20 Summit Meeting in Ottawa in 2001 (OPS 2002). The following is a list of eight recommendations that derive out of the public inquiries. The emphasis is strikingly on communications, with some reference to the proximity and visibility of paramilitary force. The usage of zoning and barricades (or the maintenance of ground) is dealt with by the Hughes report (CPC 2002), in particular, but only inasmuch as it finds the establishment and use of security perimeters or noise-free zones to be consistent with the Charter.

1. Better preparation, delineation, and training of public order command and control (CPC 2000; CPC 2001a; CPC 2001b; CPC 2002).
2. Open dialogue with protest leaders (CPC 2000; CPC 2001a; CPC 2001b; CPC 2002, OPS 2002).
3. Better sharing and coordination of strategic and tactical intelligence data (CPC 2001b; CPC 2002; RCMP 2001).
4. Ensure better recording of communications and events (CPC 2000; CPC 2001b; CPC 2002).
5. Ensure better identification of police (CPC 2000; OPS 2002; CPPC 2002).
6. Ensure demonstrators are adequately visible (CPC 2001b; CPC 2002).
7. Provide timely warning prior to using force (CPC 2000; CPC 2001a; CPC 2001b; CPC 2002).
8. Deploy force less visibly and proximately: only as last resort (CPC 2000; OPS 2002b).

OVERALL OBJECTIVES

While the provision of public order policing requires representations from everyone concerned with the maintenance of vibrant democracy, public order maintenance is in Canada largely a public policing responsibility and should remain so. This means that two developments need to be largely turned back. One of these is the use of emergency measures that facilitate the changing of ground into militarized security zones. Such measures have been made too convenient by recent legislation, but they are offensive to democratic policing. They undermine the authority of democratic police by creating a foundational legitimacy problem of governance. The second development is the celebration of intelligence-led policing and the proliferation of joint intelligence groups as hubs for communications. As I have suggested (and is well known), communications are indeed the key to the reduction of expressive violence. However, where there is an interpenetration of military and civil and domestic and foreign intelligence, or where the flow of restrictions of intelligence information is not well understood or well monitored, the use of information to counter political expression is also too convenient. Both developments in ground preparation and information or communications preparation may provide good value to police in preventing public relations events in "pepper-spray" newspaper stories, but they cannot be seen as favourable in the long run to the development of democratic policing or democracy

itself. Those who argue that security requires exceptional uses of territory and information have already conceded much of the value of democracy.

The overall objectives of democratic police should be in the other direction. Police should be involved very early to provide expert advice on the likely chances of Charter violations where events are sponsored that involve governments in contentious political issues. Similarly, they should be evaluated by provincial authorities regarding their consultations in handling public order events. Reports on these consultations ought to be provided to provincial or federal oversight bodies so that transparency of communications is offered. If intelligence has been used to categorize or evaluate the nature of the demonstrator grievances and demonstrators themselves, such records should also include the nature of these evaluations and the steps taken both to accommodate and counter demonstrator interests.

Steps taken to find appropriate venues for demonstrator grievance communication should also be clearly outlined. Police already know that frustrated communication or expression on both sides of conflicts is one of the preconditions for violence. The more police do to accommodate expression, the less support for radicalized expression in the form of violence. Repression and countering, including when it is practised in covert intelligence practices, should be recognized as indicators of democratic failure or even crisis when these practices begin to proliferate. It is understood that the majority of police will know this already; police leaders must continually reinforce it even where political authorities do not.

As Canada continues to develop best practices in public order policing, I believe that the overall objectives of a more integrationist police effort will be served by recognizing politics, facilitating communications, and defusing violence.

RECOGNIZING POLITICS

Police already have a long tradition in which the maintenance of order is balanced against the enforcement of law (e.g., Scarman 1981). Public disorder events, especially of the disputed ground and high stakes varieties, place police in the uncomfortable but familiar position of recognizing politics. Police will fail in their duty to maintain order and, indeed, prevent violence if they fall back to a reactive law enforcement orientation; and we have seen that a service orientation is more amenable, where it can possibly be practised, to integrative aims. To do public order policing well requires an understanding of underlying claims and contexts and, as I have argued, facilitating platforms for communications of those claims.

Needless to say, police have attempted variously to off-load and *re*distribute this function in addition to developing strategies and programs to effectuate it without too much damage to their institutional autonomy. This, possibly more than any other factor, is what has generated current sophistication in meeting this public order mandate. Both problem-solving and intelligence-led approaches, not to mention when and how to deploy "law enforcement" or the paramilitary response, is an effort to structure what is essentially the on-the-ground politics of public order. As may be understood, this is an especially tall order given that the public order venue is one that expresses that politics in ways that are often hostile to police sensibilities. This is also why police are easily tempted to neutralize this politics through pre-emptory measures.

The public order policing product is political inasmuch as the weighting of local and extra-local views of legality, rights, the appropriate timing of arrests, decision making on whether to hold ground or relinquish it, the use and style of communications are all decisions grounded in an assessment of risks to the police organization and institution of public policing and to the legitimacy of the democratic order itself. In the types of public order outlined above, it is expected and appropriate that police will determine the modality and intensity of police interventions from an assessment of its sensitivity vis-à-vis the political order. Again, this is not suggestive of any impropriety on the part of police. On the contrary, the modifications in strategy demonstrates that police have found means to balance three main concerns in matching modality to political order sensitivities: securing or ordering sites, allowing expression, reducing police violence.

In comparing disputed ground and high stakes public order policing I have intended to clarify the input of local and extra-local political considerations. Here it is important to note that police are relied upon and are schooled to be good at delivering a political product that is, in appearances at least, divested of partisan favour from the outset. To accomplish this, police in their service orientation recognize extant political differences and provide them weighting according to a view intended, if not accurately, in the direction of just distributions; and they can do this only by being knowledgeable about contests over ground or the politics of law. This means that the craft of public order policing is to find and create that balance between securing a legally sanctioned venue for a prescribed use and affording contesting politics a vehicle of claim. Such a craft requires bold innovation: it sometimes requires cautious resistance against doctrinaire readings of law and authority itself; it often benefits from creative problem solving.

This is part of what I mean to convey by emphasizing the dramaturgical or "appearance" value of liberal democratic policing. The appearance of legality, including impartiality, provides that justice is done.

Here it may be appropriate to borrow a quote—although for different effect—from Robert Mark, cited by Kent Roach:

> I do not mean to give offence when I assert that in matters of public order, demonstrations, political, industrial or racial, the public trust the police a great deal more than politicians in government or opposition and I think it significant that all of the Home Secretaries that I have known have been only too glad to disclaim any responsibility for police operations in that sphere. (in Roach 2004, 42)

Indeed, politicians are often keen to off-load sensitive political problems to the police. In recognizing the politics of public order events, it is important that police attempt to do more than merely reproduce an order or a *status quo ante* that has spurred the contentious politics they are addressing.

The recognition that policing is a political enterprise requires that police are more firmly sensitized and schooled in an understanding of Canadian social, cultural, and political heritage. There is a danger inherent in the militarization of policing that police professionalism redounds to mere execution of the executive function. This is a latent tendency that is easily enlarged in

times of real or imagined national crisis. Against this fascist tendency, the most ready counter is, of course, the Charter and its entrenchment of rights and freedoms. But police need to be sensitized as well to the political context, to public–private, community–corporate, local–extra-local interests, in the exercise of their duties. They also need to be more fully cognizant of the distribution of public monies in the security enterprise, and the responsibility of police to ensure that that the distribution does reflect current and defensible commitments. Police training must now include recognition of political interests; it must including sensitization that police are caught up in the weighing of these interests, and that police do play politics inasmuch as they must defend the value of the public interest, even against the wishes of an executive.

FACILITATING COMMUNICATIONS

As has been stressed throughout this report, improved communications are the best way to improve public order practice. This has already been the finding of previous investigations. The Commission of Public Complaints against the RCMP (CPC 2001), the Ottawa Police Service's *Agenda for Excellence* (OPS 2002) and the RCMP's "Measured Response" (RCMP 2001) are just three examples in which investigations into public order policing have produced policy recommendations emphasizing enhanced communications.

Communications, as we've argued, consists both of uses and presentation. Communications may be seen as trust network building and trust network exploiting. A police orientation that is purely interested in control will be enamoured with low visibility of police operations and high penetration of targets. This is not a zero-sum relationship, but clearly how information is presented and used will set the tone of the relationship between police, protesters, and society at large. Against the equivalency between control and service suggested in the hybrid model, integrative policing requires that trust network building between police and all members of the policed community is to be valued over communications that exploit covert mechanisms and are purely countering in intent.

The Ottawa Police Service, in its *Agenda for Excellence* (OPS 2002, 2), however, argues for "strengthening community partnerships" through "transparency in planning and operations". The APEC Public Complaints Commission, similarly, recommended that the RCMP "continue and enhance its open door policy of meeting and working with protest groups, well in advance of events." The RCMP Commissioner, in turn, argued that an "open door" policy, "which is a cornerstone of the RCMP approach to policing such events, was used successfully on numerous occasions during the week at APEC." He also responded that the RCMP has increased its "efforts in this area" and that "the development of cooperative relationships between police and peaceful protesters at major public order events is a key to minimizing conflict" (CPC 2002, 31.1.9).

The flow of communications is important for timely and appropriate decisions. Disordered and crisis policing can easily result from a misapprehension or erroneous interpretation. In restorative justice work, it is well understood that communication between victims and offenders is an indispensable ingredient of peace making. That flow of communications, as we've just indicated, is dependent on some transparency of intention and will be constricted where information is exploited against the interests of a communicator. While a good knowledge of crowd intentions

or mood does require a system of information uptake, that system is better, where possible, through visible liaison.

Mass public grievances are expressions of discontent that, to satisfy the grievor, must be adequately witnessed. Witnessing is a mild form of legitimation, but without at least mild legitimation, grievances can become radicalized in their expression. Research has found that size, police involvement, conflict, and the presence of amplified sound and counter-demonstrators are predictive of media coverage (Oliver and Maney 2000; Oliver and Myers 1999). The police are better off, as the CPC report also suggested, with a default position in which they endeavour to provide demonstrators "a generous opportunity ... to see and be seen in their protest activities" (CPC 2001b, R.31.1.1, 433).[22]

Protesters must also find a fine line between legitimacy and newsworthiness (McLeod and Detenber 1999). Police and protesters may conceive of events as a dramaturgical co-production to maximize newsworthiness while minimizing violence. However, while protesters have seized on the value of irony to play up the asymmetrical distribution of resources between police and protesters, police can do much to contribute to the farcical spectacle at appropriate times. There can still be more creativity and innovation in this activity, especially where an emphasis on dramaturgy is seen as a redirection of subordinate group frustrations (see, for instance, Mackay 2002, 29). Police need to develop public relations to the degree possible in conjunction with protest organizers. Police and protesters have a shared interest in non-violence and in favourable media representation. Police should appreciate that protester ambition for grievance representation requires some novelty of expression if it is not to depend on numbers, noise, or violence.

In sum, police must ask themselves both if they are presenting themselves appropriately to maximally reduce violence, if they have provided a sufficient platform for speaking (that is matched to good knowledge and understanding of the key grievor interests and claims), and if they can do more to offer value to the "production" of demonstrations.

DEFUSING VIOLENCE

In public order policing there have been three general approaches to the defusing of violence. A control view sees the ramping up of countering techniques, including overwhelming displays of capacity, as key to success. A service approach places the emphasis on liaison building and community outreach and the minimizing and restriction of capacity display. To this I have added that hybrid public order policing offers both a control and consent orientation concurrently, allowing for a quick graduation to lethal coercion concurrently with vigorous liaison and low-coercive presentation to those groups deemed responsive to such an approach. While this may be "measured," to borrow from the RCMP's terminology, it is important to remember that such measuring ought not to sweep persons into actionable categories merely because they are expressing a right not to co-operate with police in scripting their demonstration.

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[22] In that case the target was "guests to the event." In other cases, it will be media, government officials or politicians, and corporate representatives. Numerous examples demonstrate that some politicians are keenly aware of this. Paul Martin, while Minister of Finance, said critics of the FTAA "had a legitimate case to make." Bill Clinton appeased some Seattle demonstrators when he voiced sympathy for their concerns.

Police and protester violence are difficult modes of expressions to manage. For police, protester violence is identified with uncertainty, which is anathema to their objective of control. For some demonstrators, violence is a convenient expedient in the cultivation of uncertain or ambiguous relations, which may make an event remarkable (de Lint and Virta 2004). Again, this is why I have emphasised the importance of police co-production in staging expressions that allow for the remarkable without the violent. In preplanned events, much can be done to set the tone of expression and to set rules of conduct such that violence will be impugned. In addition, as I have noted, better and timely communications are also important.

SPECIFIC MEASURES

TRAINING AND LEARNING

Training is not the vehicle for organizational refreshment and change, particularly in cultural sensibilities, that it is generally touted as being. A true learning organization cannot compartmentalize training or learning since these are ongoing and increasingly undifferentiated from knowledge production and dissemination. That being said, it is also understood that each significant policing operation with its attendant process of knowledge production is also an extremely useful training vehicle. Specifically what is required following such knowledge production is a widespread knowledge transfer, particularly of the complex relationships and stakes that these democratic policing operations entail. The dissemination of information regarding such operations should be less arcane and privileged even if, as a more closed democracy might suggest, such information may be considered useful for protester countering strategies. These are legitimate vehicles of expression of which the rules and protocols require free and open discussion both in specific and general terms.

Paul Redekop and Shirley Pare's training seminars and the publication of Allen's article in the *Police Chief* are examples both of rich understanding and knowledge transfer. I reiterate the APEC Public Complaints Commission recommendation that comprehensive training programs for incident commanders be readily available. Also important is the utilization of records of communications from public order operations and the preservation of those records for this purpose. This may form the basis of a central database that may be remotely accessed. As was noted in the APEC Public Complaints Commission, a "comprehensive training program for Commanders" (2001, R31.1.4, 444) will prevent the "reinvention of the wheel on each and every occasion" (2001, R31.1.8, 445). To repeat, although such a reference may be stripped where necessary of compromising personal identifiers, such police knowledge should be widely accessible.

At the same time, there is a danger in that high stakes protest events are now viewed as *live* training to cultivate police knowledge. The danger here is that strategies and tactics are deployed not so much out of the immediate necessity to contain or manage the event, but for the rare opportunities they present for their experimental value in pushing the envelope of police operations. The anticipation and planning for big police operations and the expected knowledge dividends (e.g., intelligence, tests of new tactics) can exacerbate a knowledge detachment or "scandalous rationality" in which police knowledge is too self-referential and isolated from cognate vales and institutions. This is further complicated where latent tools co-exist with a paucity of targets.

ORGANIZATION AND CULTURE

Police at the rank-and-file and administrative levels of police organization often view public order events differently, as Waddington (1992) and Jefferson (1990) demonstrate. While incident commanders and police executives are relatively immune from the "heat" of opposing interests, line officers are often insulated from the "heat" of macro-political pressures (cf. de Lint and Hall 2002). While it is the task of commanders to oversee the entire operation, it is the task of line officers to produce the little peaces that sometimes lead to a favourable outcome.

The command of public order events, as the APEC Public Complaints Commission recommended, requires a seamless movement from preplanning, planning, delivery or execution, post-operations, and evaluation or assessment. Non-transferability in senior postings is preferred, as this enhances continuity and responsibility or ownership of a given element of the operations. If a proper approach or orientation to the incident command has been established, this can be best perpetrated through strong, knowledgeable, and consistent leadership. At the level of the rank and file, however, the same logic of durability may not apply. In long sieges or standoffs in particular, but in any engagement in which there are retributive exchanges between police and the grieving group, there is a possibility if not a probability of what Donald Black terms "self-help." In public order policing, "self-help" will take the form of violent response to provocation. Professionalism demands, however, exploiting time and space to delay, pre-empt or exhaust the utility of violence. My recommendation is that incident commanders should be on the lookout and should rotate out of front-line public order duty, any "hot" personnel. These are officers who demonstrate frustration with the pace of developments, who have suffered personal attack, or who have shown discontent with an integrative orientation. In long sieges, there is an accumulation of frustration, and there needs to be rotation of personnel to prevent that frustration from finding vents in disordered policing.

This applies more generally to police units that may be utilized for public order duty on a regular basis. As the Christopher Commission revealed in the case of the LAPD, pockets of cultural impoverishment can form and fester within police organizations and persons must be rotated out of the most likely candidates for such festering on a regular basis. I mentioned earlier the disbanding of the Central Ontario Tactics and Rescue Unit as a result of a similar finding by investigators. Police associations ought to co-operate fully with police administrators in ensuring this organizational refreshment.

Of continuing importance is political and cultural sensitization—police professionalism requires continual re-establishment. As police agencies already know, this requires first and foremost a representative police agency, and it is noteworthy that some agencies in Canada have been backsliding on this requirement to hire more visible minorities and women. In the meantime, it is also important to incorporate academic police research, particularly here, concerning the correlation between rebuffed authority and police violence. (cf. e.g., Piliavin and Briar 1964). Particularly in political and cultural contexts that are not suitably emenable to an integrative police orientation, rebuffed authority produces a keen sense of vengeful solidarity in police subcultures. As was the case at Waco, most notably, long standoffs in particular call up this reaction. This known pattern must not only be monitored, but vigorously countered.

DECISION MAKING AND COORDINATION

In major public order events there have been two deaths in the past 15 years, and both of these may be attributed, at least in part, to errors of judgment. As in other professional undertakings, good police work depends on good decisions. These decisions are made at the highest and lowest ranks. Arrest decision making is most frequently made at lower ranks, but this is complicated in public order events by an added complexity in which peace officers are expected to follow directions *en masse* at the same time that they are personally responsible for any criminal violations. In response to this tension, the Ottawa Police Service's "agenda for excellence" has stipulated that line officers will be understood to exercise discretion in arrest decision making. It makes the point that each officer must view arrest decisions within the overall objectives both of major event policing and statutory requirements.

This has become more possible through real-time intelligence and communications. Given that order maintenance is as much a part of the police mission as law enforcement, assessing the possible immediate consequences especially of precipitous arrests undertaken by "snatch squad" exercises is now a much less formidable undertaking. But in order for continued improvements, a record of decision making is essential; in order to prevent a repeat of disordering actions, police must maintain records of assessments leading to decisions that turned out to be problem creating. Again, whatever their usefulness for individual misconduct, these need be used to make system-wide adjustments so that police objectives in violence reduction, communications, and balanced politics are met.

RESPONSIBILITIES AND ACCOUNTABILITIES

Public order policing in liberal democracies is a multi- accountable exercise of authority. Police report to local and provincial authorities, to the courts or to the rule of law under the Charter, to a variety of stakeholders or community groups, and to professional organizations. As we have seen, national police may even be evaluated by supranational agencies and interests through various multilateral agreements. Multiple accountabilities may sometimes be finessed, as when the requirement to answer to one party is used to counter the requirement to answer another. Such finessing may be facilitated given the tensions between multiple authorities in liberal democracies, as is being seen in the Charter-proofing of counter-terrorism legislation (Roach 2003).

We have already seen the effects of the RCMP's Public Complaints Commission as a vehicle of accountability. The RCMP Commissioner has responded to a variety of recommendations. A similar example is found in the response by the Ottawa Police Service to the Citizens Panel recommendations following the G-20 event in Ottawa in 2001. In response Ottawa Police instituted its "agenda for excellence," which falls somewhere between the Consent and Hybrid type. In Toronto, following public criticism and a police apology for holding four young persons in custody without access to toilet facilities during an anti-poverty rally, Toronto police instituted new policies where mass arrests may occur.

The Toronto Police Service now has a policy by which one officer is designated to supervise the treatment of all people taken into custody. That officer is responsible for their well-being and can be held accountable. Police "have made it clear to court employees driving police wagons that they are responsible for the safety and treatment of their charges" (Jordan Heath-Rowlings,

Toronto Star, August 11, 2004, A01). Such practices may be fruitfully extended so that officers are also responsible for their share of communications. As intelligence-led policing creates a need for reward structures that understands police work in communications bits, systems will continue to develop in which contributions may be recovered and assessed for credit and for criticism. Again, this requires that all communications become part of a reviewable record.

Finally, it is suggested that there be a required protocol of periodic external assessment (every five years, or so) of such reviewable communications records in selected Canadian jurisdictions by international public order experts drawn from a panel consisting of leading police agencies and universities. These reviews can also contribute to the store of professional and public knowledge of public order policing in Canada.

CONCLUSION

This report has examined the policing of a recent selection of public order events in Canada and developed some analytical tools designed to assist further examination. The main finding is that public order policing is innovating a hybrid police form in which control and service are practised simultaneously in a morphing of intelligence-led and community policing orientations. Public order policing is not simply becoming more "soft hat" or "hard hat": it is both. The report also finds that the politics of law, of consent and order, produces a grid of mobilizations that deviate more or less from the hybrid form, these being control, service, disordered, and crisis. Disordered and crisis policing occur where the policing function itself contributes to a disintegration of consent. This kind of policing has occurred at Oka and APEC, the Summit of the Americas in Quebec City, the OAS meeting at Windsor, and, although it was not analyzed, Ipperwash.

It is now a staple among practitioners and theorists that the administration of public order is best achieved though the building of participatory, if asymmetric, networks. This produces a danger that bears repeating: at the same time that neo-liberalism strips distributive capacity from civil institutions and reduces the strength of "the social" as an antidote to the tyranny of both market and executive authority, the technical, institutional, and professional development of control institutions are more directly involved in pre-empting political expression by managing or vetting venues, contexts, and even contents. In public order policing, these trends are seen in the movement from reactive "law enforcement" response to interventions that are calculated, graduated, and tailored and that take from paramilitary, problem-solving and intelligence-led mobilizations.

Will the "end of the story" (Fukuyama 2006) link with the technical management of political expression to produce a double depoliticization of civil society? Not if both a liberal police and liberal polity are on the job.

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