The Policing of Public Gatherings
Evaluating Transparency and Access to Information

What We're Doing

This project seeks to instigate new commitments in encouraging police transparency and a conversation about the kinds of information that police forces in democratic societies should generate, maintain, share with other departments, and make available to the public. In order to demonstrate the utility of transparency evaluations as a tool for reform, the Transparency Audit Network (TAN) Getulio Vargas Foundation, Rio de Janeiro (FGV), and the Open Society Justice Initiative have begun to analyze the extent to which police forces collect and make public information concerning handling of public gatherings, including policies, procedures, training, and equipment. In this first phase we focused on the policing of public gatherings given that assemblies, often in the form of protests, have been occurring with increasing frequency and intensity around the globe, and police responses have triggered (often heated) national and international debates.

Here we present a transparency audit template to evaluate police approaches to public gatherings and some preliminary results in four countries with robust transparency laws. This template can be replicated, without excessive cost or complexity, in order to equip police reform advocates – both within and outside of the police – with an effective tool to better monitor and inform policing policies, practices and oversight.

How We're Doing It

• Teams in 5 countries – Brazil, India, Mexico, South Africa, and England/Scotland –sought information about 18 questions both from police websites and via acces to information (ATI requests). The combined results presented here constitute a total of 13 jurisdictions across 4 countries of the countries. (Results from India are still being received and will be analyzed by mid-November.)

• The 'completeness' of information was scored using a three-point scale for each question, employing pre-established benchmarks. Each score was double-coded, meaning that two different individuals scored the 'completeness' of obtained information to establish inter-subjectively reliable scores and a corresponding statistic.

Aggregated Completeness Scores

23% 🇧🇷 Brazil	**14%** 🇲🇽 Mexico	**44%** 🇿🇦 South Africa	**31%** 🏴󠁧󠁢󠁥󠁮󠁧󠁿🏴󠁧󠁢󠁳󠁣󠁴󠁿 England and Scotland

tion, as well as time detained.

11. Type of equipment used in each public gathering during 2014 & number of injuries.

12. Number and cause of fatal and non-fatal injuries during gatherings over the last 2 years.

13. Particular information about the 3 gatherings at which most arrests were made in the last 2 years.

14. All reports or presentations on public order/crowd management for public, executive or legislative consumption.

15. Number of disciplinary actions – a) complaint, b) sanction, c) sanctioning body – for last 6 months of 2014.

16. Law/regulation relevant to authorizing/giving notice about a public gathering; groups denied for last six months; and reasons for denials.

17. Monitoring: procedures & institution for making complaints; institution's resources & reports for last 2 years.

18. Number, nature, object & outcome of complaints regarding police misconduct for last 6 months.

Disaggregated Completeness Scores

Countries (0-100%)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Brazil	60%	100%	50%	10%	50%	20%	0%	20%	10%	0%	20%	0%	40%	0%	0%	10%	20%	0%
Mexico	50%	50%	75%	0%	0%	0%	0%	25%	0%	0%	0%	0%	0%	0%	0%	0%	100%	50%
South Africa	100%	100%	50%	50%	100%	50%	0%	100%	0%	0%	0%	50%	0%	50%	0%	0%	100%	0%
England and Scotland	20%	100%	60%	0%	100%	60%	10%	0%	0%	0%	100%	0%	0%	0%	0%	10%	100%	0%

🟩 **Completeness of information equal to or greater than 50%**

🟥 **Completeness of information less than 50%**

Audit Queries

1. All standard operating procedures (SOPs) & related documents for the control of public gatherings.

2. Names & details of any special units that may be deployed to respond to gatherings.

3. Organogram of police leadership for (i) central headquarters & (ii) public order policing units.

4. Names of record management systems (arrests, use of force, etc) & details

on categories of information maintained.

5. Training manuals, especially regarding arrests, use of force, and protection of human rights at gatherings.

6. List of all equipment used by police in handling or monitoring policing gatherings, & relevant guidelines.

7. For crowd control or public order policing in 2014, funds budgeted and actually spent, with details.

8. Number of un/authorized gatherings policed during the last 2 years & number of arrests.

9. Number of arrests, charges & outcomes for un/authorized gatherings during the last 2 years.

10. During last 2 years, number of people charged at gatherings & held in deten-

Examples of Better Practices

BRAZIL

In terms of the completeness of police information on protests, Brazil's National Police Force (Força Nacional) was the police force with the highest individual scores. The Força Nacional is a special federal force available to state and municipal governments in critically strategic situations (e.g., pre-Olympics in Rio de Janeiro). Examples of good practices identified in relation to the Força Nacional:

• Very accurate list of equipment that can be used in protests, including audio and video recording devices.

• Information on all gatherings in which Força Nacional was present, including specific protest-level details such as the number of arrests, the number of charges, whether or not each gathering was authorized, the number of people involved, and the equipment used by police.

SOUTH AFRICA

South Africa performed best in terms of the completeness of police information on protests. Examples of good practices identified in relation to the South African Police Services:

- A considerable amount of useful information is set forth in annual reports. Covering a range of topics, these reports demonstrate reporting routines that promote transparency.
- South African Police provided the numbers of protests that were peaceful and violent – the only force to do so in the entire audit.
- The website of the Independent Police Investigative Directorate (IPID) is a significant source of relevant information.

ENGLAND AND SCOTLAND

England and Scotland presented relatively good results in terms of completeness, earning a combined ranking of second out of four jurisdictions. It should be noted that Police Scotland had higher scorings in terms of completeness than any of the 4 jurisdictions in England.

Examples of good practices identified in relation to England/Scotland:

- Police made available a considerable amount of information on training manuals.
- Detailed information and justifications were given in relation to the use of instruments such as screening smoke, water cannons, CS Smoke, etc.
- In relation to item 18, "Oversight Institutions", 5 of the 5 jurisdictions provided very detailed information about investigative processes against police officers for alleged misconduct during protests.

MEXICO

The Mexico City Police Department (Secretaría de Seguridad Pública del Distrito Federal) publishes on its website the set of principles that guide the performance of two special bodies (Community Police and Metropolitan Police) during operations for public order, including a rights-based balance between the maintenance of public order and the right of expressions of all citizens. This includes references to legal frameworks that curb use of force by local police and to protect the civil rights of demonstrators, as well as operation manuals and specific protocols for local police officers on control of demonstrations and detentions.

The two jurisdictions comprised in the study provide full databases of staff and leadership (organograms) of both central headquarters and public order policing units.

FOR FUTHER INFORMATION

Please contact Sandra Coliver (sandra.coliver@opensocietyfoundations.org)
or Gregory Michener (gregory.michener@fgv.br)