

EUROPEAN EXTERNAL ACTION SERVICE



Civilian Planning and Conduct Capability – CPCC

**Guidelines of the European External Action Service**

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**CIVILIAN OPERATIONS COMMANDER OPERATIONAL GUIDELINES**  
**ON**  
**PUBLIC ORDER POLICING**  
**("Crowd and Riot Control")**

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**A. Purpose**

1. The overall purpose of the Civilian Operations Commander Operational Guidelines on Public Order Policing is:
  - To increase Civilian Planning and Conduct Capability's (CPCC) capacity to plan, conduct and review Missions at the operational/strategic level with regard to the specific subject
  - To further improve the capacity of civilian Common Security and Defence Policy (CSDP) Missions to implement their support for the strengthening/reform of Public Order Policing related to crowd and riot control, both at a strategic and an operational/tactical level in the framework of a police reform or capacity building activity; this will ensure greater consistency across civilian CSDP Missions and will support the process of defining the fundamental principles and approaches to this thematic area with host State authorities.

**B. Scope**

2. The Civilian Operations Commander Operational Guidelines (hereinafter 'Guidelines') on Public Order Policing should be:
  - Used in the framework of operational planning (Concept of Operations-CONOPS, Operational Plan-OPLAN) as well as during the Mission's conduct phase in the framework of mandate review/Mission refocusing
  - As appropriate, used by Missions as guidance for the implementation of their respective Lines of Operations as well as for theatre-level operational planning (Mission Implementation Plan)
  - Reflected in and presented during relevant CSDP-related pre-deployment training.

The Guidelines divide possible support by the Mission into three phases (situational assessment, support to Public Order Policing policy/reform formulation and planning and support to key areas of Public Order Policing reform), which are outlined in Sections E.2-E.4 of these Guidelines. A sample structure of a public order manual and an indicative timeline flowchart of the ideal sequencing of actions are respectively provided at Annex A and Annex B.

3. The Guidelines will be focused on the “crowd and riot control” element of the broader topic of “public order”. The Guidelines are not intended to be a manual on the tactical-level anti-riot and crowd control techniques, but rather a practical guide on the Mission's tasks/activities when delivering support to the strengthening/reform of Public Order Policing to host State authorities.

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A balance between general principles and practical approaches has been sought. The Guidelines are meant to be generic enough to be used by all Missions, allowing for flexibility to accommodate to the local context. The Guidelines include a description of the aspects (and related key Mission tasks/activities) that, in a general scenario, would need to be addressed to achieve sustainable results in the field of Public Order.

4. In order to develop these Guidelines the Civilian Operations Commander, with the support of the CPCC has consulted with relevant European External Action Service (EEAS) departments and all the current civilian CSDP Missions engaged in Public Order Policing, namely, the European Union Co-ordinating Office for Palestinian Police Support (EUPOL COPPS) (established 2006), the EU Rule of Law Mission (EULEX) in Kosovo (established 2008), the EU Capacity-Building Mission (EUCAP–Sahel) in Mali (established 2014) and the EU Advisory Mission (EUAM) in Ukraine (established 2014). Other Missions, engaged in the field of Public Order with specific programmes, were the EU Police Mission in the Democratic Republic of Congo (EUPOL DRC) (established 2007, closed 2014) and the EU Police Mission (EUPM) in Bosnia-Herzegovina (established 2003, closed 2012).

## C. Rationale

5. Civilian CSDP Missions are frequently mandated to assist host State authorities to improve their means and concepts for Public Order Policing related to crowd and riot control. The expected reader who will make use of these Guidelines is a person either in theatre or in the CPCC who has professional knowledge about Public Order Policing in a developed country context, while being less experienced in implementing, delivering, planning or supervising advice on reform and conduct related to Public Order Policing in a post-conflict context, i.e. when developing/implementing or reviewing civilian CSDP support to host State authorities.
6. The Guidelines will therefore *inter alia* explain to the user/reader:
  - Which general principles should be applied for sustainable support to host State authorities in the broader framework of a transition strategy (these principles will have to be related, for instance, to long term sustainability, local ownership or coordination of efforts)
  - What fundamental key elements need to be included/taken into consideration in order to assist a host State authority in refining their policies/methods/structures for Public Order Policing (i.e. drafting laws and rules, staffing, equipment, etc.)
  - The importance of the sequencing of different activities/tasks; i.e. why some activities should not start in a process before others have first been initiated, or sometimes even completed.
7. The Guidelines have been designed to be as "hands-on" as possible. Without ignoring existing academic studies, recognised best practices and guidelines from other international

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organisations (in particular the United Nations Department for Peacekeeping Operations (UN-DPKO) Guidelines on Police Capacity-Building and Development), the Guidelines will however not adopt the format (or length) of an academic report/study. They will rather seek to be a comprehensive user-guide providing recommendations on how to provide support to the strengthening/reform of Public Order Policing in theatres of operations in which civilian CSDP Missions operate.

## D. Definitions

8. A **Law Enforcement Officer** is commonly defined as a public-sector employee whose duties primarily involve the enforcement of laws. He/she is usually responsible for the prevention, investigation, apprehension and detention of individuals suspected or convicted of offences under the criminal laws. He/she can be a police officer, a customs officer, a border patrol officer, an immigration officer. According to UN doctrine, the term "law enforcement official" includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention<sup>1</sup>. In these Guidelines we will refer to police officers as those law enforcement officers who carry out public order duties.
9. Commonly speaking, **Public Order** is accepted as a social situation characterised by peace, public safety and security. More precisely, it can be defined as “a condition characterised by the absence of widespread criminal and political violence, such as kidnapping, murder, riots, arson, and intimidation against targeted groups or individuals. Under this condition, such activity is reduced to an acceptable minimum, perpetrators are pursued, arrested, and detained, and the local population-no matter which party to the conflict they may belong to-is able to move freely about the country without fear of undue violence”<sup>2</sup>. In this wider meaning, *Public Order* is a synonym of *Public Safety*.
10. **Public Order Management** includes preventive activities, such as high-visibility patrolling and public confidence-building, as well as crowd and riot control. In accordance with mandated tasks, this may include protection of public and private property<sup>3</sup>.
11. In these Guidelines, we refer to **Public Order Policing** as “the policing of assemblies<sup>4</sup> and/or large gathering of persons, whether peaceful or of an unruly nature”, therefore we

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<sup>1</sup> Code of Conduct for Law Enforcement Officials, adopted by UN General Assembly resolution 34/169 of 17 December 1979

<sup>2</sup> United States Institute of Peace, Guiding Principles for Stabilisation and Reconstruction-1 November 2009 (also in <http://www.usip.org/guiding-principles-stabilisation-and-reconstruction-the-web-version/7-rule-law/public-order>)

<sup>3</sup> UN DPKO Policy (Revised) “Formed Police Units in United Nations Peacekeeping Operations”- 1 March 2013

<sup>4</sup> According to the Organisation for Security and Co-operation in Europe (OSCE) Guidelines on Freedom of Peaceful Assembly, page 29, 2nd edition, 2010, an assembly can be defined as “*the intentional and temporary presence of a number of individuals in a public place for a common expressive purpose*”

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will focus on the activity of **Crowd and Riot Control**, a key Law Enforcement function that, as part of the wider concept of **Crowd Management**, addresses specific events, specifically those assemblies of persons which destabilise or can destabilise the Public Order.

## E. Guidelines

### E.1 Generic Principles (applicable to all Civilian Operations Commander Operational Guidelines)

- **Awareness and understanding of the local context:** A thorough assessment (baseline study) of the local context as well as the political, legal and administrative framework should be conducted as a pre-requisite, which should ideally be endorsed by the host State authorities.
- **Adoption of global intervention logic:** The intervention logic should ideally not be limited to a single sector but encompass the wider security and rule of law reform process (comprehensive approach). Nevertheless, the mandate of the Mission should prevail.
- **Engagement of all host State stakeholders and adherence to local ownership:** To ensure buy-in and cross-societal consensus, the entire society should be engaged in the reform process. Host State authorities/institutions should be in the lead while the wider population should also be targeted in large communication/outreach activities, notably through civil society organisations and non-state actors.
- **Adoption of a clearly structured phased approach:** Such an approach should be agreed with host State authorities for the Mission's activities, ideally through technical and/or political level jointly agreed documents.
- **Incorporation of sustainability goals:** Sustainability should be integrated into every stage of any civilian CSDP Mission's task/activity planning, implementation and monitoring/evaluation.
- **Adherence to European values, international standards and benchmarks:** Adherence to these standards is paramount while respect and understanding of the cultural context, as well as flexibility, should also always guide the action.
- **Promotion of integrity, accountability, transparency and equitable representation:** These principles are critical in terms of raising legitimacy in the eyes of the public and ensuring long-term sustainable effects, with the possible establishment of oversight structures to that end.
- **Respect for and protection of human rights, minorities and vulnerable groups:** Any civilian CSDP action should promote the participation of all groups at the various decision-making levels, while the outcome sought should ensure human rights protection.
- **Mainstreaming of gender equality:** The participation of men and women should be guaranteed at all levels through the adoption of gender policy documents, statements or codes of conduct.
- **Coordination with the EU family and other international donors:** Regular coordination with the EU Special Representative (EUSR) office's activities, the EU Delegation programming, Member States bilateral projects and other international donors' activities should be pursued to avoid overlap/duplication, ensure complementarity, explore possibilities of support and ensure sustainability. Possible projects to be conducted under the Mission's Project Cell or under the Capacity-Building

in support of Security and Development (CBSD) should also be identified.

- **Overall**, while promoting European values and international standards, local ownership and the local context should always be kept in mind at every stage of any civilian CSDP Mission's task/activity in order to have longer term and sustainable effects enabled through the buy-in from both the host State authorities and the population more widely.

## E.2 Situational Assessment

*In this section follows an outline regarding the importance to make a baseline study and early reflection on sequencing of actions. Different elements to be assessed, and interlocutors to interact with, have been listed. Some of those listed elements and interlocutors would be no different from conducting a baseline study in a developed country, while others may be unfamiliar for readers not used to the post-conflict context. The different elements to be assessed will subsequently assist the reader to describe a "Gap analysis" mentioned in the last paragraph of this section.*

### Map the Public Order Landscape (make a baseline study)

12. **Sequencing of different actions.** As already mentioned in paragraph 6, in order to achieve sustainable goals, it is important to identify at the beginning if and where there is a need for "sequencing of different actions" and, if so, in which order. For instance, a thorough situational assessment must be conducted before starting to provide support to the Public Order institutions of the host State.

*The situational assessment should also identify the existing problems including potentially hindering/delaying factors of change/improvement efforts. It could consist (with a correct sequencing of actions) of a prioritisation table of actions, highlighting the urgency/importance of the needed activities. (EUAM Ukraine)*

Ideally, the assessment(s) should be endorsed by the host State authorities, so as to have a jointly-agreed baseline, and should involve the Public Order Policing institutions and the police units currently employed in carrying out Public Order duties.

The sequencing of activities is outlined in more detail in paragraph 73 and in Annex B.

#### ***When should you start to train and equip?***

*Often training and equipping are instantly being thought of as important tools to assist a host State police. Training and equipping will indeed be likely to become an essential part of creating a new Crowd and Riot Control (CRC) capacity at some point... However, to invest substantial efforts into training and equipping at the wrong time and sequence will not pay off well in terms of sustainability and efficiency as both the UN and the EU have learned in many theatres of operations. If there is no common understanding on what the laws are, what the CRC concept will be and who the actual CRC police officers will be, it will of course be impossible to tailor and target the right training and equipping needs. Nevertheless to conduct a limited amount of training and equipping at a not optimum time for a carefully selected audience may sometimes be important for other reasons, such as endorsement by a counterpart. However, do not fall into the trap of thinking that training and equipping will be the ultimate solution to everything-it will*

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*not! Timing and sequence of training and equipping will be highly essential.*

13. **How to assess and what to assess?** The point of departure in any assessment is the host State police's history and role in and eventual<sup>5</sup>. Consulting with a wide range of state and civil society stakeholders and seeking views of people in rural areas as well as urban centres will help providing a fuller picture of the local context. Getting the support of host State authorities in conducting assessments will naturally also be critical to their accuracy<sup>6</sup>. At the end of the process, all provided information should be re-checked for validity. While conducting the assessment, Missions should focus on the areas listed below.

***What are others doing related to your field?***

*It is of utmost importance to gather information regarding development programs implemented by other actors, starting by the European Commission's Directorate-General for International Cooperation and Development (DG DEVCO) or the Directorate-General for Neighbourhood and Enlargement Negotiations (DG NEAR) as well as bilateral projects of EU Member States. Third countries and/or international organisation may also conduct projects in the context of SSR. (CPCC)*

14. **Policy, legislative and regulatory framework.** At the start, Missions need to examine the host State authorities' existing Public Order policy, legislative and regulatory framework, focusing on the police powers act, internal police policies and guidelines, procedures governing the use of force, laws and regulations on budgeting procedures and procurement activities. This includes all administrative levels, beginning with the ministerial level followed by the various Head Quarters. It would also inter alia involve examination of legal Acts/documents, such as the Police Powers Act, internal Public Order policies and guidelines, procedures governing the use of force, etc. If applicable, it should also comprise an assessment of the division of labours and responsibilities between different actors involved in Public Order.

Attention should also be paid to the handling of police complaints, disciplinary rules and procedures, police oversight bodies, policing peaceful assemblies and police action in support of electoral processes.

Some practical questions might be: How is a riot defined in the host State? What are the cultural aspects that need to be understood? What is to the local acceptance of disorder, violence, law enforcement units? What are the current texts rules and regulations related to a Public Order policy are currently in place and enforced?

The assessment needs to identify existing legal and regulatory gaps in the field of Public Order and propose solutions to address them to the executive branch, legislature and/or the relevant State police leadership<sup>7</sup>.

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<sup>5</sup> UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 5

<sup>6</sup> OECD-DAC Handbook on Security System Reform-Supporting Security and Justice, 2007, page 5

<sup>7</sup> UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 10

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15. **Existence of a Threat and Risk Assessment.** A national strategic Threat and Risk Assessment should ideally be carried out by the host State authorities in order to determine the Public Order capability and capacity to mitigate the threat<sup>8</sup>. It is important to mention that this assessment should be constantly reviewed. In case it does not already exist, Missions could advise or support host State authorities in conducting such a threat assessment. Many key elements should be taken into account: what kind of state it is (i.e. post-conflict, fragile, in transition to democracy)? What is the historical context of the country (i.e. colonial rule, military dictatorship, long-standing democracy)? What is the political will/driver of change (i.e. systems/institutions/actors processes enabling change, factors underlying resistance to change, etc.)?<sup>9</sup> Intelligence gathering, dissemination and utilisation for decision making should also be carefully assessed, in particular with regard to cross-agencies coordination.

***Assessing the threat***

*It could be difficult for the host State authorities, which are in a transitional process, to prepare threat assessments: it may not reflect the actual situation and may be open to the risk of political influence. It could be useful to refer to "Organisation for Security and Co-operation in Europe (OSCE) Guidelines on Freedom of Peaceful Assembly (140)" with regard to the legal obligation of the relevant authority to keep the regulatory framework under review, make recommendations for its improvement and, as a good practice, submit to an appropriate supervisory body (national human rights institution, ombudsman, parliament, etc.) annual reports on its activity, including relevant statistics on the number of the notified/restricted assemblies. (EUAM Ukraine)*

***Assessing the level of threat***

*Missions should also take into consideration that local Public Order police could be confronted with tactical situations considerably different from the most common ones in Europe (i.e. Situations with high-levels of violence, use of weapons, etc.), where hand-defensive equipment may not be adequate. (EUPOL COPPS)*

16. **Host State authorities and other stakeholders relevant for Public Order Policing.** Assess the political, economic, social, cultural, climatic, geographical, infrastructure and other relevant aspects of the environment within which the Public Order units work and which limit or restrict their resources and relationships with the public and non-governmental entities.

***Obtaining relevant information***

*The required information could be gathered within the relevant ministries and other applicable actors in the host State. Use the experience and the knowledge of the EU Delegation and the embassies of the Member States to get a full picture of the situation in the country. (CPCC)*

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<sup>8</sup> EUAM Ukraine, A new Public Order Policing Approach for the Ukrainian National Police, 19 August 2015, page 15

<sup>9</sup> OECD-DAC Handbook on Security System Reform-Supporting Security and Justice, 2007, page 52

***Make good use of interaction with other EU actors***

*EU Delegation Somalia hired specialised consultants to carry out the mapping of Somali Security Sector actors. The findings of the consultants were then cross-referenced with information collected by the CSDP Missions deployed to the Horn of Africa. (CPCC)*

The stakeholder analysis aims to assess the problems, interests and the potential of different groups in relation to the conclusions drawn from the situational assessment. It is used to identify potential stakeholders related to the Public Order Policing reform and planning and to determine their interests, constraints, influence, power and whether that influence is positive or negative to the reform<sup>10</sup>. It is important to consult a wide range of actors beyond the narrow sector considered a priority<sup>11</sup>. For instance, in the case of Public Order Policing, it will also be important to interview other officials from police, justice and corrections to look at potential linkages in the Public Order Policing reform programme.

17. **EU and international stakeholders active in the field of Public Order Policing.** In order to identify what should be done in the specific field and avoid overlapping, an analysis of the past and present activities of EU and international actors in support of the Public Order police (and in the wider context of the Security Sector Reform and Rule of Law) should be done and regularly updated.

***Mapping***

*Have any international donors provided training support in the past? Who, when, what specifically, existing links, what failures/lessons learned? (EUAM Ukraine)*

18. **Policy framework.** The existence/relevance/implementation of a national policy on Public Order should be assessed. Similarly the existence/relevance/implementation of a reform plan on Public Order should be assessed, including its insertion in a broader Security Sector Reform (SSR) plan.
19. **Institutional framework.** The **organisational structure** has to be based upon a law or decree. The purpose of the assessment of the institutional framework is to ensure that the Public Order agencies/units have the required organisational structure to allow a professional implementation of their duties. Therefore, a comprehensive and holistic assessment of the organisational structure at central, regional and local level including the staffing related to their tasks, the representativeness, the gender, the chain of command, the location of the units is essential. On central level, the senior management is usually *inter alia* responsible for the policy development, the legislative drafting, the operational oversight and the high-level communication.

<sup>10</sup> International Security Sector Advisory Team-Centre for the Democratic Control of Armed Forces (ISSAT-DCAF), Course on Policing and Police Reform in Complex Environments, October 2015, lesson 3, page 11

<sup>11</sup> OECD-DAC Handbook on Security System Reform-Supporting Security and Justice, 2007, page 48

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20. The assessment of the institutional framework contains the analysis of an **existing Public Order strategy** and related concepts. This means the creation of policy and strategy at the highest executive levels, where also accountability mechanisms including disciplinary rules and procedures should have been designed.

*Accountability mechanisms (i.e. disciplinary rules and procedures, oversight bodies) should be in place to tackle the misuse of public resources, ensure integrity, good performance and to address misconduct. Missions should also assess whether a Code of Ethics exists, and if so, how closely it is adhered to. In this context, particular attention should be paid to the Police-Prosecution cooperation modalities.*

21. **The allocation of budget** to these institutions/Public Order agencies/units should be analysed, to determine whether it is sufficient/proportionate.
22. **The existence/use/professionalism of a 24/7 Crisis/Operation Centre** at national and/or regional levels should be assessed, including the existence/use of Terms of References and activation procedures. How is Public Order managed in different situations, such as riots and/or disorders linked to a planned event or linked to an unexpected emergency situation? The organisation of the Command and Communication Centres is crucial for a successful daily activity.
23. The assessment should take into account the **possible existence of a Gendarmerie**-police force with civilian competences, enjoying the full spectrum of police powers but organised and structured according to their military status that complement the national police and army<sup>12</sup>.
24. Beside the local units, there should usually be **mobile units** deployable to different locations depending on the security situation, based on the conclusions of the risk analysis unit.
25. The **administrative systems** (logistics, equipment and infrastructures): the assessment should cover the quantity and the quality of the Public Order equipment, including anti-riot equipment, as well as are procurement process in place. The evaluation should also encompass the level and quality of Public Order vehicles, communications systems and weapons, including the related supply and maintenance chain. With regard to the infrastructures for Public Order Policing dedicated units, the existence of a training facility for general policing and specialised Public Order training, including activities such as physical training, defensive tactics, shooting, theoretical basic training, should be considered as a priority for every police force<sup>13</sup>.

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<sup>12</sup> OECD-DAC Handbook on Security System Reform-Supporting Security and Justice, 2007, page 167

<sup>13</sup> EUPOL COPPS, "Palestinian Public Order Police Assessment"-15 January 2007, page 7-10, 38

*To collect the required information, it would, in agreement with the host State authorities, usually be an advantage to monitor the Public Order units at the operational level for a certain period of time. This is to make sure that dedicated experts and advisers get a full understanding of the situation and can give reliable and sustainable advice and support. Missions often work with a time constraint but it is important to give experts enough time to fully understand the situation and build trust. Preferably, experts should be imbedded/co-located within authorities full time. (EUCAP Somalia)*

26. **Procedures.** Procedures define how the work of the agency is done by identifying responsibilities and giving a detailed description of how to implement a specific task. Clear procedures enhance consistency and avoid arbitrary; e.g. that similar cases are handled in the same way. Procedures can take the form of decrees, instructions, circulars or manuals. Clear procedures enable law enforcement officers to act in a majority of more routine/normal cases without asking for supervision and approval in each and every case. Consequently it is of interest to scrutinise if the current procedures in the host State authority are detailed enough to enable its target audience/staff to act without specific direction in a majority of cases and situations. There has also to be a clear regulation in which situations superiors need to be informed in order to give guidance and decision making. The collection of procedures should also include the internal fiscal budget. It is of particular interest with transparency mechanisms and mechanisms for financial oversight.

Similarly with the same aspects in mind, procedures for **human resources management** are also of interest. The procedures and mechanisms for the **exchange of information**, including classified intelligence among host State agencies and government entities are also of interest to assess.

27. **National Intelligence Model.** The procedures of any existing National Intelligence Model and the use of intelligence in operational decision-making and the allocation and direction of resources should be analysed. Intelligence gathering, dissemination, utilisation for decision-making should also be carefully assessed, in particular with regards to cross-agencies coordination.
28. **Oversight, transparency and accountability.** Assess the mechanisms for oversight, transparency and accountability as well as the mechanism to identify and rank posts in terms of corruption vulnerability.
29. **Use of force and weapons policy applied in Public Order Policing.** Similarly, this is a particularly important aspect to be assessed in the framework of Public Order Policing capacity development. What are the local principles framing the use of force? Are the military forces involved at a certain stage in the management of Public Order tools/scale?

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Do the police recognise and abide by UN principles and international standards associated with the use of force and firearms?<sup>14</sup> The generic principles to be followed for the use of force are: a graduated response, proportionality and absolute necessity to use it. When are the authorities allowed to trigger the use of force and according to what kind of rules (i.e. written agreement given to the police authorities on the ground)?

30. **Police media and public communication capacities, policies and practices.** This is particularly relevant as Public Order/riot control operations generate important media attention and communication needs to be properly handled.
31. **Human Resources.** Sometimes the host State has “lost track of their staff”. An assessment of the available **human resources** should then be carried out if needed in order for the host State to regain control. A census and identification programme pursues one fundamental and simple objective of identifying the boundaries in terms of personnel for the police: its primary purpose is to assess membership, not individuals, based on an objective and easily verifiable standard of recognised membership of the police<sup>15</sup>.

*A census of the available human resources might take time to be gathered and can be more sensitive to conduct than one would imagine at first glance. The figures might not be readily available; there might also be (political) resistance within the host state authorities or government to share the precise figures due to many different reasons, sometimes connected to the initial conflict. A census and identification programme should not be confused with vetting of staff. (CPCC)*

The competence, the skills and the integrity of staff in the Public Order units and in the related Headquarters are essential to the quality of the service delivered. The competent staff should be recruited in a transparent selection procedure according to objective criteria. The Public Order training is as crucial as the training on the basic skills in law enforcement. The promotion system should be transparent and merit-based.

32. **Training capacity.** The training capacity in Public Order Policing should be assessed including the training institutions, their facilities, capabilities and methods.

The current training programmes and the current training curricula for the basic as well as the advanced and the specific training courses that should form part of an overarching organisation wide Training Management System within the applicable Human Resource Management Plan should be assessed. The training curricula for specialised training should *inter alia* incorporate risk analysis, document examination, public order techniques, investigation, criminal intelligence. The courses for the management level should *inter alia* include leadership, Human Resources management, Project management, communication strategies, Command and Control of joint operations. The basic training should integrate cross-cutting issues such as human rights, gender and anti-corruption.

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<sup>14</sup> OECD-DAC Handbook on Security System Reform-Supporting Security and Justice, 2007, page 165

<sup>15</sup> UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 6-7

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33. The **professionalism and integrity** of personnel involved in Public Order Policing functions (be it at the relevant Ministry of Interior, Headquarters or Units level) should also be evaluated: knowledge and skills (i.e. awareness of the role of a police officer, knowledge of the law, tactical skills, report writing, etc.) to deliver Public Order Policing services, including Command and Control issues for the high and middle management.
34. **Communication and information exchange.** The Communication, Command and Control system, the information management including the existence of a 24/7 Crisis/Communication Centre should be assessed. Special observation should be put on Command and Control during operations. A structured communication and information flow should facilitate an efficient and rapid exchange of the required information and an effective documentation. The system of information exchange should be described in operational instructions, which should also include standardised forms and templates for the reporting and the submission of statistical data. Conditions allowing, an electronic based information system would be an asset.
35. The processing of the **required information and data for the risk analysis** and its linkage as a basis for the operational planning should also be analysed.
36. The **capacity to implement and evaluate the operational planning cycle** should be examined: situation-planning-orders-implementation-results-evaluation.
37. The cooperation between **law enforcement agencies and prosecution should be assessed with regard to information flow, juridical meetings and exchange of staff.**

*A crosscheck if the procedures on communication and information exchange are implemented is part of the monitoring task. By observing and asking your counterparts on all levels, you will complete your picture on this topic step by step.*

38. **Infrastructures and equipment.** The level, quality and allocation of the basic equipment (such as uniforms, boots, handcuffs, bullet proof vests and weapons) and specialist equipment for Public Order (helmets, body protection, gas masks, batons, other non-lethal equipment such as tear gas, vehicles with specific protection and water cannons, teasers, etc.), communication equipment at both tactical and operational level and logistics should be assessed. Similarly the infrastructures at both units and Head Quarters level, including the continuing training areas, maintenance workshops for vehicles and warehouses, should be assessed.
39. **The activities of international actors** (e.g. UN, OSCE, African Union-AU) in support of the Public Order Policing units in the field of equipment and infrastructures should be analysed, including the programmes carried out by the EU (EU Delegation, EU Member States) or in the framework of a potential support through the Capacity Building for Security and Development (CBSD-initiative).

***How an overall assessment was planned***

*The assessment of the Palestinian Public Order police followed a process in four phases; first, to determine and define the current structure and chain of command, secondly to list and examine the already working procedure and operational guidelines, thirdly to monitor at the operational level and fourthly to propose solutions in order to improve the working standards in accordance with a democratic rule of law. (EUPOL COPPS)*

40. **Additional areas to be mapped.** Assess the public perception of the police/Public Order units/institutions. This could for example be done by conducting polls or by interviewing interlocutors. There should be also tools to evaluate, which is the cause for the possible mistrust and lack of confidence in the Public Order units/institutions, e.g. corruption, poor performance and how to remedy this and communicate to the public in order to improve public perception and support of the population.
41. **Broaden capacity building beyond Public Order: justice and corrections.** In respect of law enforcement functions, an accountable Public Order Policing contributes little if prosecution, courts or prisons are dysfunctional. Capacity building of Public Order needs therefore ideally to take place in concert with improvements in the broader justice areas to ensure the sustainability of overall international rule of law support. It also has to be taken into account that different agencies most likely report to different ministries like the Ministry of Justice, Ministry of Interior, Ministry of Transport, Ministry of Defence etc. In case the Mission's mandate does not cover these areas, Missions are encouraged to identify and/or engage with possible other EU/institutional actors involved in such areas.
42. **Clarify responsibilities between the Mission and the host State.** Missions need to encourage the host State authorities to express its support for the capacity building at the highest governmental level by endorsing a Development Plan and to provide funding for the process. The Plan needs to set target dates for the completion of various activities, expected outcomes and performance indicators, and ensure that the roles and mutual responsibilities of the host State and the Mission towards the implementation of the plan are clearly defined.

**Needs Assessment**

43. **Gap analysis.** The situational assessment should enable the identification of the existing Public Order Policing capacity and resources. On that basis, Missions should ascertain what is needed to reach the desired performance level; this is done through a gap analysis, the purpose of which is to help identify the gap between the current situation and the future level that the host State authorities, with the support from the Mission, want to reach. However it will be important to check that the ambitions of the host State authorities are realistic and within the means of the budget allocated to sustain personnel costs and to maintain logistics. This gap analysis, including recommendations on how to address this

gap and prioritise most urgent activities, should ideally be endorsed by the host State authorities. This will then help to structure the way the Mission will implement its tasks, in line with its mandate.

### **E.3 Support to Public Order Policing Policy/Reform Formulation and Planning**

*Once the Situational Assessment and Gap Analysis are completed, including recommendations for reform/development, Missions can start planning their support to the Public Order Policing policy/reform. Accordingly, this section lists important stakeholders to address. It also outlines general recommendations for the planning support to assist readers who are less familiar with a post-conflict context.*

***"The Desired End State"***

*This is what EU Member States, in agreement with the host State authorities, would like to achieve. It could for example be limited to "the revision of the legislative framework related to Crowd and Riot Control". On the other hand the desired end state could be more ambitiously formulated, such as: "The police Public Order units, composed of trained personnel, are operational and able to manage public events in line with international standards with full respect for the human rights. A Public Order management system is established, with a functional Command and Control structure in place". (CPCC)*

### **Stakeholders' Engagement**

44. **Engage stakeholders throughout the process and set up a Public Order Policing Reform Steering Board.** Engage identified stakeholders within and outside the police service. Stakeholder engagement should start from the outset during the assessment phase and continue during the policy design phase as well as the implementation phase<sup>16</sup>. A Public Order Policing Reform Steering Board, supported by various sub-working groups characterised by plurality, should ideally be established with the national authorities in the lead, consisting of governmental agencies, international partners, civil society organisations, etc.

In order to avoid resistance to the change management process, it is essential to ensure the strongest political buy-in combined with the local ownership for all proposed activities, notably from the highest political authorities, e.g. the President, Prime Minister, relevant Ministers. If necessary, the EU Delegation and Member States Missions should contribute in that regard.

The aim is to establish a mechanism to design, monitor, evaluate and if necessary, adjust the Public Order Policing development plan, as well as to coordinate donors support to the host State.

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<sup>16</sup> UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 12

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*The establishment of a Public Order Policing Reform Steering Board is aimed at ensuring strong ownership by the host State authorities, ensuring an adequate budget allocated for the Public Order police reform and effective coordination between the relevant stakeholders. However, Missions should check and ensure that the established mechanism is conducted at the right pace (i.e. by performing the Secretariat role, especially if the Board is funded by the Mission).(CPCC)*

45. **Government.** Missions need to encourage the Government to be represented at a senior level on the Public Order Policing Reform Steering Board and to regularly chair and inject momentum in the Board discussions. The Government is also responsible for ensuring sufficient and timely budgetary allocation for the Public Order police reform activities<sup>17</sup>. Members of Parliament (budgetary committee) could be involved with regard to the police budget.
46. **Public prosecutors and courts.** These authorities are important as they provide judicial oversight and are usually expected to prosecute following Public Order police action that would constitute criminal acts committed by individuals. This is notwithstanding the fact that – in order to strengthen accountability – there should also be internal mechanisms within the police responsible for enforcing a Code of Conduct and possibly taking disciplinary action<sup>18</sup>.
47. **Civil Society Organisations (CSO), media and professional police associations.** CSO (human rights Non-Governmental Organisations (NGOs), women’s groups, vulnerable groups, etc.) can be extremely useful for a democratic-oriented and gender-oriented Public Order Policing reform planning, as a source of information throughout the policy process. Media might have an important role in reporting on achievements and/or exposing police shortcomings. Professional police associations, if existing, could also offer a valid contribution<sup>19</sup>.
48. **Managing donor relationships.** If not already existing, set up or rather support the host State authorities in setting up a donors committee, that will meet regularly, putting host State authorities in the driver’s seat. The donors committee is set up only for a certain period of time, with the aim of reaching sustainability as soon as conditions allow. In close coordination with the EU Delegation, Missions could explore if the Capacity Building for security and Development (CBSD) concept within the EU mechanisms may be applicable.

*It is vital to create functional and close cooperation with all international actors in theatre, participate in regular coordination meetings and adjust the implementation plan to avoid overlapping and find joint complementarity.(CPCC)*

<sup>17</sup> UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 13

<sup>18</sup> UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 14

<sup>19</sup> UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 14

49. **Mitigation strategy.** In order to avoid that stakeholders in the police or other affected groups/individuals try to counteract parts of the Public Order Policing reform, it would be essential to continue to secure the strongest political buy-in and ownership of all the proposed activities, notably from the highest political authorities and the relevant Ministries. If needed the EU Delegation should contribute to this effect<sup>20</sup>. It could be useful to enlist the support of those divisions/Ministries that are not directly involved so as to avoid an “us versus them” mentality<sup>21</sup>.

### **General Recommendations for the Planning Phase**

50. **How to plan the Public Order policy/reform.** Before undertaking the policy planning, it is fundamental to immediately identify political will and guidance in the field of security and Public Order Policing. Then, a common goal, with the host State authorities and the steps that lead towards it, have to be defined. Clear roles, responsibilities and timelines need to be identified, engaging national stakeholders in the process. Timelines and roadmaps should be endorsed by the host State authorities. All levels of hierarchy should be targeted and involved in the capacity building activities. Close cooperation with the relevant authorities and political leadership should be carried out in order to ensure a full understanding of the policy reform and its process. In order to ensure concreteness and buy-in, existing organisational systems and procedures should be integrated into Mission plans<sup>22</sup>.
51. **Project management tools** are commonly used in many European Police forces and civil administrations and they will more frequently also be used for the most important activities of civilian CSDP Missions. In order to align a mutual understanding of planning and performing of any supportive activity it often proves to be valuable to use interactions with the host State authorities to ensure a common understanding of progress.
52. **Support needs to be adapted to the context.** Missions need to be sensitive to local culture and traditions. Mission personnel should not ignore ground realities, still recognising and incorporating fundamental international principles and standards<sup>23</sup>.

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<sup>20</sup> European Commission, Support to reform of the Myanmar Police Force in the areas of crowd management and community policing, 22 August 2013, page 10-11

<sup>21</sup> ISSAT-DCAF, Course on Policing and Police Reform in Complex Environments, October 2015, lesson 3, page 22

<sup>22</sup> ISSAT-DCAF, Course on Policing and Police Reform in Complex Environments, October 2015, lesson 3, page 17

<sup>23</sup> Relevant international standards could be found in the European Convention on Human Rights (ECHR, Council of Europe/European Court of Human Rights, Rome, 1950) and in three UN publications:

- Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice (UNODC, 2006);
- United Nations Criminal Justice Standards for United Nations Police (UNODC, 2009);
- Human Rights Standards and Practice for the Police (OHCHR, 2004)

*The balance between introduction of modern equipment and adaption to the ground realities*  
*Quickly the International Community and the UN inter alia introduced brand new computers, forensics equipment and cars to the newly established Police National in Timor Leste (PNTL) in 2002-2005. Everything looked to be a sunshine story and the UN Mission was subsequently rapidly downsized by the UN Security Council to a minimum in 2006. After a couple of months the operational capability of the PNTL all collapsed. Among the reasons for the collapse it could afterwards be established that way too little attention had been spent on mechanisms to maintain and keep such (modern) equipment functioning within the PNTL.*  
*The UN Secretary General, Kofi Annan made the following recommendations in his report (S-2006/628) to the UN Security Council on 8 August 2006 in order to better ensure a more sustainable institutional and operational functioning of the PNTL.*  
*"Insofar as insufficient logistical support, lack of resources and inadequate administrative systems significantly constrain the operational functioning of PNTL, it would be essential for the force's communications and information systems, fleet management and maintenance, budget and finance, power supply systems and other critical logistical functions to be reinforced in order to strengthen PNTL as an institution." (UN DPKO)*

53. **Absorption capacities and priorities definition.** Depending on the past history of the host State, the Law Enforcement Agencies' absorption capacity might be very limited. Plans should be adapted to the target audience. Priorities to be endorsed by host State authorities must be identified and explained accordingly. Missions should also keep in mind that host State authorities may not be capable of "digesting" over complex plans and communication. Therefore, any plans should be kept simple, with the style assumed in communication adapted to the target audience. Any reform priorities which host State authorities are expected to endorse must be identified and set forth in an understandable manner.
54. **Public Order Policing policy/reform as part of a broader Police/SSR plan/strategy.** Particular attention needs to be paid to ensuring (as much as possible) that the Public Order Policing reform plan is integrated into the broader police/Security Sector Reform plan/strategy of the host State authorities. In this regard, and prior to the implementation of any reform/change approach, some basic conditions of the wider police reform must be clarified in order to target the right addressees as well as to "fine tune" the concept:
- Future structure and future staffing of the police at national level, human resources policy included;
  - Future available budgets;
  - Future approach towards police general education and training system<sup>24</sup>.

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<sup>24</sup> EUAM Ukraine, A new Public Order Policing Approach for the Ukrainian National Police, 19 August 2015, page 20

55. **The Public Order Policing policy/reform plan/strategy must be feasible and targets achievable.** All identified policy objectives should be SMART (Specific, Measureable, Achievable, Realistic-in terms of resources available and Time-bound) and aligned with national priorities<sup>25</sup>. Ideally, a several years plan/strategy will be further detailed into Public Order development annual plans and the host State will have to align budget to annual goals based on sound financial assessment. Public Order equipment expenses will be included based on a credible needs analysis.

***"Easier to do it yourself?"***

*Since a Mission usually has high-level experts at its disposal, it may at first glance seem faster and more effective for the Mission to "take over tasks and processes of the host State", for instance drafting of legislative proposals. It will be crucial that any Mission aims to build up a long term and self-sustainable capacity in the host State. This requires that the host State assumes primary responsibility and that the Mission actively supports the work and processes at an appropriate level. (CPCC)*

56. **Support host State authorities in ensuring wide dissemination/implementation, training, and compliance.** A solid legal and policy framework is an important step towards a responsive, representative and accountable police but it must be matched by the rigorous enforcement of these policies. Accountability will be achieved by wide dissemination and consistent enforcement of the key rules and regulations (e.g. a pocket book for all police personnel, integration of legal provisions and policies in basic and specialist training, monitoring of compliance and sanctions for non-compliance), investigation of serious misconduct cases and exemplary conduct by senior managers, serving as role models<sup>26</sup>. Missions might support the development/strengthening of such enforcement capacities/procedures.

**E.4 Support to Key Areas of Public Order Policing Reform**

*This section provides an outline regarding key areas related to Public Order Policing reform to take in particular consideration for readers who are not familiar with a post-conflict context. The common denominator for all these key areas is that they tend to be less debated or controversial in a domestic context. However in a post conflict and international context each one of them has proven to be in areas where "things can go wrong".*

**Public Order Policing Legislative, Regulatory and Institutional Framework**

57. **Support to the review or update of the Public Order Policing legislative/regulatory framework.** Missions could be asked to provide support to the drafting or to the review of relevant legislation and regulations on Public Order Policing institutions. The legislative process could, for instance, be commenced with a law on public assemblies. In doing so, it

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<sup>25</sup> OECD-DAC Handbook on Security System Reform-Supporting Security and Justice, 2007, page 69

<sup>26</sup> UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 10, para 33

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is essential to cooperate with other institutions involved for a broader oversight (e.g. prosecution services, intelligence services, military forces, correctional service, etc.). Attention needs to be paid also to the regulatory framework and procedures, which need to be in compliance with the requirements of law<sup>27</sup>.

***Sequencing of actions***

*Support to the legislative, regulatory and institutional framework must ideally precede capacity building support. Training conducted in the absence of a regulatory framework is much less likely to be sustainable.*

58. **Public Order systems.** From an international perspective, there is a range of different public order systems that could be adopted and that would be acceptable within international standards and conventions. Each state tends to have its own unique Public Order system-often influenced by this State's history and traditions. A system is centralised when the Public Order activity is fully managed at ministerial and police Headquarters level, while it is de-centralised when the role of local authorities in the activities of Public Order units is expanded, so that the regional level is enabled to handle Public Order situations, e.g. mass public events. A system can be defined as mixed when the regional level is enabled to manage Public Order events up to a certain number of participants and/or threat level of expected violence with their own capacities. Beyond a certain level, Public Order events could be supported by centralised stand-by units deployed to focal regions/areas. Whatever Public Order system is chosen, democratic governance must always be ensured (separate decisions must be taken between civilian authorities-i.e. minister of interior, prefect-and police).

***Which Public Order system is better?***

*There is no straight-cut answer to that question. It depends on a variety of factors, such the size of the area to be controlled, the organisation of the police and judiciary systems, etc. As a rule of the thumb, Mission personnel should try to retain as much as possible of the previous Public Order system-as long as it is within acceptable international standards and as long as it is what the host State and the public continue to want. If a more significant change to the Public Order system is determined to be needed, let that in any event be driven by the needs agreed with the host State and by needs that may have evolved as a result of an initial domestic conflict. Introducing an entirely new (foreign) Public Order system will often prove to be much more challenging and politically sensitive. (CPCC)*

59. **Support to the creation/reform of Public Order Policing related institutions, departments or units** (as a follow-up to a clarified division of responsibilities between the central and local level as referred to above). Advice might be provided on institutions, departments, units, terms of reference and mandates, on job descriptions and on **human resources** and staffing aspects, including a possible link with the Ministry of Finance for the budgetary aspects (key for sustainability). In that context, Missions might have to

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<sup>27</sup> EUAM Ukraine, A new Public Order Policing Approach for the Ukrainian National Police, 19 August 2015, page 18

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support/advise host State authorities on some critical processes when reforming Public Order structures:

- The possibility of political influence on activities of the personnel should be minimised (de-politicisation);
- A civilian model of operations and relations with the personnel should be preferred to the military one (de-militarisation);
- If determined to be feasible, de-centralisation should be encouraged<sup>28</sup>;
- Inter-Agency Anti-corruption Strategies as well as a Common Code of Conduct should be developed.

***Is the Chain of Command structure fit for purpose?***

*The structure of the police in Ukraine is strictly centralised and hierarchical. Even administrative day-to-day decisions like personnel replacements are taken care of centrally from MoIA in Kyiv and reflect the era of Soviet Union of "over-controlling". (EUAM Ukraine)*

60. **Role of a Police force with military status (i.e. Gendarmerie, National Guard).** The existence of a Police force with military status has to be taken into account, with the subsequent need to clarify its role with regard to the hierarchical line: when performing Public Order duties, a Police force with military status will (ideally) need to serve under the Ministry of Interior or civilian regional authorities in charge of Public Order services and not under the Ministry of Defence. In policing, a variety of command structures may be in accordance with accepted international standards, however it must not affect the core values of democratic policing, civilian oversight and sound human resources management.

***Police forces with military status***

*Gendarmerie forces work normally under the Ministry of Interior; they shift to the umbrella of the Ministry of Defence only in case war or emergency is declared. Typically, Gendarmerie-like forces are responsible for smaller cities and the main part of the rural areas and Civilian Police forces are responsible for larger cities. In smaller countries with both forces (Gendarmerie and Civilian Police) it should be taken into consideration to give the Crowd and Riot Control capabilities and responsibility to only one of them (usually the Gendarmerie) in order to avoid replicating Crowd and Riot Control units and resources.(EULEX Kosovo)*

## Public Order Policing Operational Aspects

61. **Coherence must always be sought.** When a new Public Order model has been identified and inserted in the overall policy/reform context, a maximum of coherence must be sought throughout the implementation phase (i.e. avoid using different doctrines in training, policy development and in the tactical procedures). Giving technical advice in the training activity conducted by other partners could ensure more coherence and consistency. Mission

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<sup>28</sup> EUAM Ukraine, A new Public Order Policing Approach for the Ukrainian National Police, 19 August 2015, page 18

personnel should always seek coordination with other international/bilateral initiatives in the Public Order Policing area in order to avoid confusion or overlapping.

***Coordination***

*A challenge identified in Kosovo is that several other countries bilaterally provide extra training to Kosovo Police Specialised Units without liaison or coordination with EULEX. They use twinning projects, the embassies or international organisations to invite Kosovo Police Crowd & Riot Control members to attend specific modules of training. (EULEX Kosovo)*

In order to prevent the above-mentioned problems happening, it would be useful to proactively engage with other actors, previously identified with an accurate mapping. (Please see "section E2")

***Which Crowd and Riot Control (CRC) concept should be used?***

*Once a study has been completed and a suitable CRC concept has been identified as being optimum for a specific country, it should be avoided at all cost to change the chosen CRC concept. This will be important to keep in mind also at rotations of Mission personnel. Though incoming Mission personal may be used to a different concept in their home country, it is important to keep in mind that a wide variety of different acceptable CRC concepts are used in democratic states, including EU Member States. All of these concepts have their advantages and disadvantages. Thus, it is not advisable to change on already chosen concept merely because incoming Mission personnel is used to another concept, will only be likely to confuse the host State police and create significant delays. (EULEX Kosovo)*

62. **Operational Guidelines, Standard Operating Procedures (SOPs).** The following areas of local capacities/expertise should be covered<sup>29</sup>:

- Strategic Leadership: key elements to be covered are, in particular, the local capacity to set clear strategic objectives, to agree tactical parameters and to establish/use various levels of delegated authority
- Operational Command: the local capacity to take fast decisions and make a flexible use of resources should be considered as a key element
- Tactical Command: in particular the local capacity to develop tactical options on the basis of an overall methodology. The latter should comply with international standards
- Establishment or implementation of inter-ministerial Command and Control (C2)/coordination arrangements, as well as coordination/cooperation arrangements with prosecution services
- Existence of a Crisis/Operation Centre (C/OC): the existence or reform of a 24/7 C/OC is a critical element for proper management of Public Order situations. Key elements to be covered are, in particular, the development/review of ToRs and responsibilities for the C/OC and its activation/procedures and use

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<sup>29</sup> EUAM Ukraine, A new Public Order Policing Approach for the Ukrainian National Police, 19 August 2015, page 16-17

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- Situational Awareness: in addition to obvious equipment related aspects, key elements to be covered are, in particular, the development, review and use of procedures for the gathering and exchange of information with relevant services, with the aim of deploying resources based upon real time threat assessments (see also below “Use of Intelligence”)
- Communication Flow: in order to establish an efficient exchange of time critical information, a development/review of the communication procedures should be conducted
- Effective interoperability between different agencies and units is needed. The development or review of the division of responsibilities and related procedures/SOPs should be established or checked, with a view to maximising the use of all available assets internal and external-especially in case of an unexpected threat
- Personnel identification and reallocation (match resources to demand), based upon the above mentioned threat/risk assessment, should be conducted.

*Very often, the implemented Crisis/Operation Centre (C/OC) lacks the most important feature: real time information. A C/OC is a facilitating element to make correct decisions. The only way that a Commander seated in a C/OC can actually do it is when (s)he is fed with updated info in a given moment. A C/OC without detailed charts, real time video streaming and proper communications is virtually worthless. (EULEX Kosovo)*

63. **Use of Intelligence.** Intelligence-led policing is the model which probably fits better into Public Order Policing than a more reactive approach. It treats data as a foundation stone of decision-making, with pre-emptive function<sup>30</sup> and helps the police decide more effectively on priorities, resource allocations and crime-reduction strategies. Information gathering could also be carried out through patrolling and surveillance throughout the Area of Responsibility<sup>31</sup>. The following areas of local capacities/expertise are considered essential elements for a proper use of intelligence in the context of Public Order Policing<sup>32</sup>:

- Development/review and use of procedures:
  - For the timely gathering and distribution of intelligence to inform command decision-making (both pre-event and real time)
  - For a coordinated process of intelligence analysis within all relevant agencies, to provide a comprehensive picture and avoid duplication of effort
  - For regular after action reviews/debriefs to identify lessons learned
- Provision of intelligence briefings for all relevant staff
- Development/review and use of assets to fill identified intelligence gaps, including intelligence gathering teams.

<sup>30</sup> UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 17-18. Intelligence-led policing works in tandem with community-oriented policing

<sup>31</sup> EULEX Kosovo Standard Operational Procedure (SOP) SPD CRC Forces, 1 September 2014, page 4

<sup>32</sup> EUAM Ukraine, A new Public Order Policing Approach for the Ukrainian National Police, 19 August 2015, page 16

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64. **Public Order operational planning.** Missions' support should cover the following areas of local capacities/expertise, considered essential elements for a sound operational planning capacity:

- Capacity to plan based on clear methodology, including strategic objectives and tactical parameters, as well as threat and risk analysis
- Capacity to start planning at an early stage and in consultation with relevant stakeholders
- Capacity to regularly update generic plans as well as develop viable contingency plans
- Development/review and use of procedures for regular after action reviews or debriefs to identify lessons learned<sup>33</sup>.

65. **Public Order operational procedures.** Missions' support should concentrate on the development/review/use of such procedures in particular in the following areas:

- Control of major public events, sport events included
- Anti-riot policing for public gatherings (including negotiation and mediation), illegal gatherings (including giving dispersal orders to crowds), demonstrating, rioting
- First response on terrorist attacks, police control on the road and in urban areas, house searches<sup>34</sup>
- Respect for human and fundamental rights and consequences in case of breaches (oversight body, prosecution liability, etc.).

Utmost attention must be paid to the obligation of law enforcement officials to respect and protect the life and the security of all persons<sup>35</sup>. For that purpose-as in all other law enforcement activities-the authorities must abide by the principles of **legality, necessity, proportionality** and **precaution**, i.e.:

- Their action must pursue a legitimate (i.e. lawful) objective
- It must be necessary in order to achieve a legitimate objective (i.e. there is no less restricting measure available that would achieve the same objective)
- Any restriction of fundamental rights must be proportionate to the legitimate objective
- All precautions must be taken to avoid excessive use of force or endangering and injuring uninvolved persons and the authorities must take all possible measures to minimise damage.

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<sup>33</sup> EUAM Ukraine, A new Public Order Policing Approach for the Ukrainian National Police, 19 August 2015, page 16

<sup>34</sup> EUPOL COPPS input to the Guidelines

<sup>35</sup> International Committee of the Red Cross (ICRC), Violence and the Use of Force, July 2011, page 16

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The practical application of these measures will depend on the nature of the assembly: whether it is lawful or unlawful and whether it is peaceful or violent<sup>36</sup>.

The importance of negotiation and mediation should also be emphasised in the procedures. Public Order units should manage the situation on the ground resorting to the use of force only as the last option.

66. **Use of force/weapons policy.** An excessive use of force is often at the core of the distrust between the host State police and local population<sup>37</sup>. Mission personnel should ensure that the development/review of the use of force/weapons policy is in full compliance with international human rights and criminal justice standards. The establishment/development of a Code of Ethics could also contribute to form a new organisational culture of the host State Public Order police.
67. **Graduation of use of force in Public Order operations.** The concept of proportionality will apply, starting with minimum force, and where necessary escalating to the appropriate levels as required by the developing situation. This concept covers successive levels, ranging from negotiations with the opponents to the use of tear gas in order to avoid physical contact, the use of non-lethal weapons and the use of firearms<sup>38</sup>. Public Order units should not use firearms against persons except in self-defence or to protect others against persons committing an on-going attack or causing imminent threat of such an attack, which could cause death or serious injury<sup>39</sup>. To sum up, the use of force must always abide by the principles of necessity and proportionality<sup>40</sup>.

*Based upon law, the terms of reference with respect to graduation of the use of force should be explained in a document, endorsed by the Director of the Police. The sequence of the levels to be applied by using different technical means should be clear (e.g. when facing a demonstration, use of physical force, tear gas, water cannons, dogs, rubber bullets). This will give the proper background support to the use of force in the theatre of operations. International conventions allow for "the proportionate use of force with a wide range of different technical means". However, the more technical means for the use of force that are allowed to be used by the police, the more training for staff will be needed to ensure appropriate handling of those different technical means. Additionally most technical means will continuously need to be substituted/updated (e.g. tear gas and rubber bullets) and/or maintained (e.g. water cannons and dogs). (CPCC)*

<sup>36</sup> Ibid. page 17

<sup>37</sup> UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 10

<sup>38</sup> EULEX Kosovo Standard Operational Procedure (SOP) SPD CRC Forces, 1 September 2014, page 8. Besides tear gas, other commonly used non-lethal weapons are: baton, shield, teaser, "pepper" spray, water cannons, horses (mounted police), as partially reported in the European Union Police Services Training, "EUPST 2011-2013, Tactical, Technical Procedures for CSDP Police Operations", page 25. This equipment is useful only if properly managed by the personnel, so an adequate level of training is required to get familiar with it (ibidem)

<sup>39</sup> EULEX Kosovo Standard Operational Procedure (SOP) SPD CRC Forces, 1 September 2014, page 9

<sup>40</sup> EUPOL RD Congo-Police Nationale Congolaise, "Cours d'instruction de Maintien et de Rétablissement de l'Ordre Publicque (MRPOP)", septembre 2012, page 57

68. **Public Order media/communication.** Considering the high visibility of the Public Order duties, Missions' support should also focus on the development/review of Public Order specific media/communication capacity/policy/Standard Operating Procedures. This could ideally be added to the sample structure of the Public Order manual as developed in Annex A to these Guidelines.

***Development of a media approach strategy***

*Embedding media with Crowd and Riot Control (CRC) forces is the best solution to ensure appropriate media coverage and to get a good feedback from the work on the ground. Any kind of interview given by CRC police officers during the operations should be avoided. (EULEX Kosovo)*

**Enabling Services**

69. **Public Order Policing equipment, infrastructures and logistics.** Missions could provide support in developing or reviewing the equipment/infrastructures/logistics policy, including spare parts, maintenance and procurement. **Options for synergies** with other security services should be explored.

*In order to ensure the necessary maintenance and repair of the vehicles of the Nigerien Defence and Security Forces (Police, Gendarmerie, Garde Nationale and armed forces), including in remote/desert areas, EUCAP Sahel Niger developed the concept of mobile garages (workshop vans). The Mission also developed the concept of mutualised garages, so one maintenance facility/garage is available for the security forces. This saves money and allows a better coverage of this large country. The Mission provided training, information technology (including software to plan the regular maintenance of the vehicles), equipment (fully equipped vehicles, tool boxes, some spare parts). The international community (e.g. Canada) contributes with buying spare parts. (EUCAP Sahel Niger)*

**Public Order Police Accountability**

70. **Accountability is a key principle of policing**<sup>41</sup>. Fundamentally, police are accountable for their performance, the use of public funds allocated to them and for the way in which they exercise coercive powers entrusted to them by the law. Assisting the host State police in establishing or strengthening police accountability mechanisms is frequently an integral part of a Mission's mandate<sup>42</sup>. This is naturally valid for the whole police service, not specifically only to Public Order Policing. As far as the latter is concerned, it would however be important to strengthen the accountability of the Public Order units through specific means (i.e. expedients allowing the identification of the police officers, such as numbers on helmets).

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<sup>41</sup> A reference document for police accountability is the United Nations Code of Conduct for Law Enforcement Officials, adopted by General Assembly resolution 34/169 of 17 December 1979

<sup>42</sup> UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 29

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71. **Oversight mechanisms/bodies.** Crowd and Riot Control is an activity with high visibility, where it is fundamental to have accountability mechanisms in place. Therefore, Missions should provide support in the set up/development of internal and external oversight mechanisms/bodies, if not existing or not correctly functioning. They will be relevant for all policing and not only for Public Order duties. With reference to the field of Public Order, the oversight functions will mainly be related to legitimacy:
- Whether measures taken are legal and have been proportionate;
  - Whether agreed procedures have been respected;
  - Whether there is accountability of the service and its personnel for their actions.
72. **Other accountability mechanisms.** A system of rewards (e.g. promotion) and sanctions (oversight and prosecution) should also be put in place. A close cooperation with the public and local communities should be implemented, in the framework of a service model focused on solving issues faced by the community, (in the Public Order field, the Community-oriented policing and the Intelligence-led policing principles should not be an alternative to each other)<sup>43</sup>.

**Public Order Policing Training Related Aspects**

73. **Sequencing of activities.** The sequencing of activities is particularly important in the training sector. For instance, it would likely be less sustainable to start training police officers in Public Order if there is no common understanding with the host State authorities on concept/equipment/tactics, relevant legislation and available funding for future Public Order Policing. However, it may still be required to start conducting training for other reasons, such as attracting visibility and overall support for reform. Thus Mission personnel need to keep in mind that deviation from the preferred sequence may affect the sustainability factor. As outlined in Annex B, the ideal sequencing of actions would start from the Needs Assessment/Gap Analysis. It should be followed by development or revision of the Policy Framework, Legislative Framework, Institutional Framework, Procedures and finally Capacity Building. It must be taken into consideration that this sequence may vary depending on the situation in the host State.
74. **Development/strengthening of local Public Order Policing training department.** In coordination with the local training institutions and Public Order counterparts, Missions should provide support to the development or strengthening of a public order training department/capacity within the police training institutions?<sup>44</sup> which may comprise the

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<sup>43</sup> Intelligence-led policing works in tandem with community-oriented policing. Improved community relations result in better information supply by the community, more informed decision-making by the police and, ultimately, increased safety and crime prevention in the community concerned (ibid. page 17)

<sup>44</sup> OSCE **Guidelines** on Freedom of Peaceful Assembly, page 29, n. 147: “Governments must ensure that law enforcement officials receive adequate training in the policing of public assemblies”

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following divisions: planning, anti-riot, anti-terrorist, use of weapons, hand-defensive tactics and others<sup>45</sup>. Registration and certification procedures of the trainees should always be ensured. In theory, most of the areas indicated above, as potential areas requiring reform or further development, would require an appropriate targeted training to take place only once census and vetting of staff have been completed, new procedures have been established, and new doctrine developed, etc. While this "perfect scenario" rarely happens, it needs at least to be kept in mind that greater deviation will severely affect impact, output and overall sustainability of any training conducted.

75. **Development/review of manual/curricula/training schemes.** Based on a prior training needs assessment, support will also be provided in the development/review of manuals/curricula/training schemes and in the trainers/trainees selection. The structure of a Public Order procedure manual (adopted by EUPOL COPPS) is outlined in Annex A as a sample. Missions should also pay attention to the importance of human rights, gender, anti-corruption and accountability/sanctions to be mainstreamed into training curricula to be developed or reviewed by the host State authorities. Support to the host State authorities could be given in providing direct training with the aim of handing-over training responsibilities (i.e. Train the Trainers activity). If this is the case, ensure that training curricula used by Mission personnel have been agreed or accredited by the host State authorities.
76. **Support the sustainability of training resources.** To deliver Public Order management training in a sustainable way, Missions need to support the identification of a pool of qualified local police personnel with good, or potentially good, training skills to become trainers, including by delivering training of trainers<sup>46</sup>. A framework regarding status, selection/generation process, funding, for these trainers should be developed, not least to ensure the sustainability of the training resources.
77. **Possible Public Order Policing training topics.** If needed, Missions could carry out direct Public Order training for local police officers. The training could for instance focus on:
- Operational planning
  - Methods of public gathering control, including negotiation and mediation
  - Universal defensive tactics
  - Use of special anti-riot equipment
  - Inter-ministerial coordination/crisis management
  - Practical tactical exercises at the scale of the different unit-level
  - Police-prosecution coordination
  - Cross-cutting issues.

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<sup>45</sup> EUPOL COPPS, "Palestinian Public Order Police Assessment"-15 January 2007, page 34

<sup>46</sup> UN-DPKO, Guidelines on Police Capacity-Building and Development, 1 April 2015, page 19

*The establishment of permanent partnerships with “comrade” Police Services of interested EU Member States may form the base for future bilateral projects with the host State police service. (EUAM Ukraine)*

### **Monitoring, Review and Evaluation Phase**

78. **Monitoring, review and evaluation of the achievements/performance of Public Order Policing actors.** Even if this phase comes at the final stage of the process, it should be planned and integrated from the very beginning, setting aside the required human and financial resources. Missions should select quantitative or qualitative indicators that will provide clear means of measuring achievements or help assess performance and determine the data collection methods (documents review, questionnaires, surveys, interviews, etc.)<sup>47</sup>. Links with the Mission's Mission Implementation Plan (MIP)/OPLAN benchmarking have to be established. The measurement of the Public Order performance should be part of the evaluation system of the wider police performance.
79. **Monitoring and evaluation of the policy/reform plan/strategy by the host State authorities.** Support the development/review of monitoring and evaluation capacity within the host State authorities. Regularly track the implementation of approaches that work well and those that need refinement.

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<sup>47</sup> ISSAT-DCAF, Course on Policing and Police Reform in Complex Environments, October 2015, lesson 3, page 25

**Sample Structure of Public Order Unit Manual (as Adopted by EUPOL COPPS)**

The content could change depending on several aspects such as unit tasks, organisation structure, intervention procedures, SOPs, logistics, etc.

1. Anti-riot Unit
  - Legal Framework
  - Features
  - Selection process
  - Tasks
  - Structure
  - Geographical deployment
2. Logistics
  - Pictures and specifications from each item
  - Vehicles
  - Equipment: personal and collective
3. Communications
  - Call signs assignment procedure
  - Call signs
  - International Phonetic Alphabet
  - Radio equipment guide of use
4. Basic individual positions
  - Weapons way of carrying
  - With or without riot equipment
5. Structure-Group
  - Group concept
  - Group weapons and riot equipment
  - Group tasks
  - Group leader tasks/job descriptions
  - Group formations
6. Structure-Company
  - Company concept
  - Company weapons and riot equipment
  - Company tasks

- Company leader tasks/job descriptions
  - Company formations
  - Company vehicles formations
7. Unit Basic Structure
- Sections
  - Sections tasks
  - Unit leader tasks
8. Anti-riot tasks/Police controls
- Legal framework
  - Police control concept
  - Requirements and features
  - Structure
  - Human and material resources
  - Setting up and dismantling Police road blocks
9. Anti-riot Unit tasks-Sport events
- Legal framework
  - Police tasks during a sport event
  - Planning a sport event
  - Executing a sport event
  - Phases Previous/Before/During/After
10. Anti-riot Unit tasks-Demonstrations
- Legal Framework
  - Planning a demonstration
  - Executing
  - Phases: Before/During/After
11. Anti-riot Unit tasks. Static & Dynamic Protection
- Concept
  - Protection theories
  - Dynamic
    - On foot
  - Bubble protection/Tasks/ Composition
    - With vehicles
  - Static
12. Anti-riot Unit tasks-Terrorists attacks response
- Terrorist attacks-bombs
  - Terrorist attacks-mobile

- Intervention Procedure
- Arrival
- Report
- Search
- Cordoning
- Evacuating
- City enclosing

13. Anti-riot Unit tasks-Large Scale Disasters

- Thread Rating:
  - GREEN
  - BLUE
  - RED
- Op.Plan for Large Scale Disasters
- Op.Plan. Orchart
- Resources
- Operational Areas Distribution
  - Intervention area
  - S.O.S. Area

14. Anti-riot Unit tasks-House Searches

- Legal Framework
- Planning
- Gather information
- Resources
- Executing
- Enclosing
- Entering
- Reserve
- Dismantling
- Report and debriefing

15. Weapons & Shooting Training

- Weapons specifications
- Weapons handling
- Shooting training system

Public Order Policing Indicative Timeline Flowchart

