



# Operation Aviator

2018

## Gold Strategy

As the nominated 'Gold Commander' I am in overall command of this operation and as such am assuming **responsibility** and **accountability** for this operation.

I will ensure that the strategy and its rationale for this operation are clearly documented in order to provide a clear audit trail, including any revisions to the Strategy.

In considering the overall Gold intentions I have taken into account the impact this operation has on the wider public, and of the potential impact any policing involvement in this operation will have on our different communities, particularly those that are considered to be vulnerable. I have also taken in to account the rights of those who will be affected by this operation, including members of the community that may be opposed to the action and may engage in protest activity.

I have set the policing style and tactical parameters for this planner operation from a position of facilitating the individual and collective rights of all people, including police officers, affected by this operation.

I have considered the Human Rights of such persons in that:

- a. Every person has the right to life (Article 2 ECHR)
- b. Every person has the right to be free from torture, inhumane or degrading treatment (Article 3 ECHR)
- c. Every person has the right to liberty and security (Article 5 ECHR)
- d. Every person has the right to a private family life (Article 8 ECHR)
- e. Every person has the right to freedom of conscience, thought and religion (Article 9 ECHR)
- f. Every person has the right to freedom of expression (Article 10 ECHR)
- g. Every person has the right to freedom of assembly and association (Article 11 ECHR)
- h. Every person has the right to freedom from discrimination (Article 14 ECHR)
- i. Every person is entitled to enjoy their possessions, including their property (Protocol 1 Article 1)

The Police Service will do their utmost to balance the needs of all persons within the cull areas during the period of this operation, which includes those who reside within the area of the cull, those who wish to visit and observe, those who wish to visit the area and peacefully protest against the cull, those visitors or passers-by who do not wish to be troubled or affected by any activity connected to this operation and professionals involved in the cull implementation. These competing needs can only be determined on a situation by situation basis. In order to achieve this balance the policing operation will pay due accord to the Human Rights Act 1998 and the ECHR Articles, and all police action will be proportionate, legal, accountable and necessary.

As part of developing this strategy, I have considered the information and intelligence and debrief from last year. In accordance with the national decision model, the strategy will be continually subject to review and change in event of any further information and intelligence, which may necessitate a change in this strategy.

## **Policing Style**

It is intended to police this event in an impartial manner in accordance with the Code of Ethics and, whilst attracting dedicated resources, will be designated as a 'general policing' operation.

The operation will be managed in partnership with relevant partner agencies and stakeholders and, when appropriate to do so, Cheshire Constabulary will proactively engage with the local community and identified groups.

The full range of operational support appropriate to the identified level of threat / risk will be available to support the core of the neighbourhood policing response.

## **Strategic Objectives**

**The overarching strategic aim of the operation is public safety and the protection of human life.**

The strategic objectives, in policing this event, are to work with relevant partners to effectively police this operation and maintain community cohesion trust and confidence in the Police Service.

To achieve this overall strategic objective as far as reasonably practicable it is my intention to:

1. Minimise the risk to members of the public.
2. Allow and facilitate the right to peacefully protest by those who wish to exercise their right to protest under Articles 9, 10, and 11 of the European Convention on Human Rights as enshrined in the legislative framework of the United Kingdom.

3. Maximise the safety of officers and other professionals involved in or affected by this operation, providing a safe working environment for staff engaged in the lawful and licensed cull of Badgers within the defined geographic parameters and the conditions imposed by Natural England.
4. Maximise the use of intelligence to inform a proportionate strategic, tactical and operational response to this Operation.
5. Where possible to prevent crime and disorder, and if it does occur to provide a **proportionate, effective and timely** response together with a high quality investigation of the crime dealing proportionately and fairly with offenders and securing the best evidence for any prosecutions.
6. Provide a multi-agency co-ordinated response to minimise disruption and provide reassurance to residents of **all** communities.
7. Ensure that appropriate resources are dedicated to achieve the strategic objectives but maintain the operational resilience of Cheshire Constabulary.
8. Maintain the confidence of the public and provide community reassurance to our communities before, during and in securing an effective return to a steady state of a new normality within the communities after this operation.
9. Ensure that any identified good practice or 'lessons' learned are capture and included in future operational planning.

The achievement of these strategic objectives shall take place within the following tactical parameters that set the limitations of the tactics that may be used to achieve them.

## Tactical Parameters

1. The implementation of the cull within the terms of the TB Eradication Order and other appropriate legislation is the role of the DEFRA and / or authorised agents acting on their behalf.
2. The role of the police is to safeguard the communities within the pilot cull area and to ensure that:
  - All communities are protected within the pilot cull area;
  - Peaceful protest is enabled.
  - DEFRA and / or authorised agents acting on their behalf are safely and properly able to carry out their lawful duties within the pilot cull;
  - Crime and disorder is prevented; and
3. Police planning assumptions and resource deployment will take place on an intelligence risk and harm basis to ensure the safety of the public and staff and remain subject to continual review in compliance with the nationally recognised national decision model (NDM).
4. Any tactical options deployed must be commensurate with the threat/s posed and be reasonable, proportionate, legal and necessary. These will take the form of a phased response initiating with a neighbourhood policing intervention.
5. The mode of dress of staff deployed on this operation will be determined by the Silver Commander.
6. Arrests will be made for substantive offences in accordance with the arrest policy.
7. Any police actions, including the use of force, will be proportionate, lawful, accountable and necessary.
8. Deviation from any of the strategic intentions or the deployment of tactics that are outside these tactical parameters will not take place without prior agreement from the Gold Commander or unless there is an immediate risk to life.

## **Intervention Policy**

Early intervention should always be considered before arresting any individual for offences which threaten public safety. The principles of legality, necessity and proportionality will be key considerations. An officer must be satisfied that there is a clear, legal basis to exercise that power and to consider if their action is fair and balanced given the circumstances as presented.

This Intervention Policy will comply with the European Convention on Human Rights (ECHR). The following Articles will have particular significance:

- Article 2 – The right to life
- Article 5 – The right to liberty and security
- Article 9 – Freedom of thought, conscience and religion
- Article 10 – Freedom of expression
- Article 11 – Freedom of assembly

## **Arrest Guidelines**

The following ECHR Articles will also be relevant following any arrest:

- Article 6 – Right to fair trial
- Article 7 – No punishment without law

If possible before resorting to arrest an officer must consider the use of Tactical Communication in regard to communicating with the person/s in question, warning them of any inappropriate behaviour and any possible consequences if they should continue or commit an offence requiring the necessity for arrest.

Where clear criminal offences have occurred that meet the SOCAP the necessity test for arrest then officers should make the arrest quickly and effectively (see Tactical Parameter (8) above).

The safety of both the public and our officers are paramount and this needs to be borne in mind when staff are considering making arrests. The geographical distance of the appointed custody suite(s) for this operation also needs to be considered particularly as it relates to the visibility of staff deployed on this operation. The decision to arrest must give due consideration to the seriousness of the offence and the prevailing circumstances of the time. The totality of a safe and trouble free operation must always be uppermost in all considerations.

The principle within this process is to enable the use of a full range of Criminal Justice interventions that includes the appropriate use of police warnings, bail undertakings, penalty notices and arrest to properly bring offenders to justice to maintain public confidence in the criminal justice system.

## Potential Outcomes

### Preferred Outcomes:

- All of those involved in this operation (partners, businesses, protestors) including communities and our own staff are free from harm, crime and are able to pursue their respective lawful activities.
- That a peaceful protest is facilitated and people are able to exercise their rights in accordance with Human Rights Act 1998; and that stakeholders involved in the culling of badgers, plus partners and local communities are able to go about their normal business without fear, threat of violence, intimidation, serious disruption and that lawful activities are allowed to continue unhindered.
- That we are able to take reasonable steps to prevent crime and disorder when they are reported and conduct an efficient, effective and proportionate investigation; secure best evidence and where evidence exists bring offenders to justice.
- That we have a wide range of information, from a number of sources, to provide a full picture of the operation and that this is utilised to generate actionable intelligence.
- That (i) strategic partners and key stakeholders are appropriately briefed and all recognise and understand the important role they have in this operation; (ii) a safe environment is created, within which the community can see clear involvement of community based policing, they understand the police activity and tactics and show clear support for the decisions made and options taken; (iii) there is extensive evidence of partnership working, with partners taking full responsibility for their part in safety of the operation; (iv) there is no, or minimal, community unrest and tension; and (v) the policing operation is proportionately based against the threat level and supported by the intelligence, community impact assessment and stakeholder engagement plans.
- That we are able to reassure the public and maintain their trust and confidence through an effective communication strategy.
- That information sharing agreements are documented between police, partners and others involved.

### Acceptable Outcomes:

- That where efforts do not succeed to fully protect the public, protesters, partners including officers and staff, that we are capable of responding to any incident where there is a threat to life in a timely fashion. When protestors act unlawfully, in pursuit of a legitimate aim (such as public safety) the prevention of crime and disorder and the protection of the rights and freedoms of others is necessary and proportionate.
- That with any large or extended operation, there may be some degree of disruption and minor disorder or low level criminality, but the policing response is timely, proportionate and effective in preventing any escalation. I accept that

some minor disruption to the wider community may occur in the exercise of the right to peaceful protest and out duty to facilitate such lawful gatherings (Articles 9, 10 and 11 of the HRA 1998). I accept that there may be some short term disruption or delay to lawful activities and likewise expectation of those involved must be managed.

- That having taken all reasonable steps to prevent crime and disorder that we are able to reduce the volume of its occurrence with the proportionate and justified use of legislation and a timely police response.

### **Unacceptable Outcomes:**

- That officers are not properly briefed, trained, equipped or commanded and placed in positions where the risk has not been properly assessed and their own safety compromised. It is unacceptable outcome if there is excessive use of force.
- That (i) there is serious injury or death to any person or there are serious incidents of crime and disorder and that we, the police, fail to co-ordinate an effective response to an emergency incident; (ii) the police act disproportionately or in a discriminatory manners and public trust and confidence is undermined; and (iii) lawful activity is prevented from taking place for significant periods of time.
- That no steps are taken ahead of the event, by the police to prevent crime and disorder that was reasonably foreseeable.
- That no response occurs or that no reasonable steps are taken to secure and preserve evidence.
- That (i) an unsafe environment is allowed to become established; (ii) there is no evidence of partnership working, or worse, partners take no responsibility for the safety of the operation; (iii) there is serious injury or death to any person or that there are serious incidents of crime and disorder and that we, the police, fail to co-ordinate an effective reponse to an emergency incident; (iv) public trust and confidence is undermined by disproportionate actions of the police and there are no community impact assessments and robust community engagement plans; (v) there are no protocols or Memoranda of Understanding (MOUs) in place that outline “who owns what and when” or detail who has responsibility for what during the operation.
- That no attempts are made to communicate with the public and stakeholders and as a consequence, significant public disorder occurs which could have reasonably been foreseen and prevented which has a significant impact on the public and the reputation of the service and its ability to deal with such matters.