

Urban Battleground: The Policing of Dissent in Canada's Capital

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Abstract

Current public order policing efforts seek to constitute activists as political subjects that can be categorized, ranked, and controlled in a fashion that undermines efforts to organize effective dissent. In this thesis I argue that these classification techniques target radical elements of social movements, pressuring other activists to distance themselves from these more 'dangerous' actors and practices. I analyze the experiences of activists with the Ottawa Police Service's (OPS) Major Event Liaison Team (MELT) both during the planning and the carrying out of protests. Using interview data from activists and the OPS, I offer an in-depth analysis of liaison policing strategies, surveillance, spatial control, and the conflation of protest and terrorism. Contrary to current scholarship that suggests public order policing has transitioned into a managerial and "soft-hat" approach, this thesis offers an empirically informed Marxian critique that instead finds that the policing of dissent is based on coercion, marginalization, and de-radicalization.

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Introduction

Policing agencies have historically struggled to create an effective strategy that allows them to police protests and demonstrations without resorting to violence. Recent trends in public order policing show that a liaison model, that focuses on communication, negotiation, and information gathering prior to events has become the preferred method for policing demonstrations. In this thesis, I argue that current public order policing efforts seek to constitute activists as political subjects that can be categorized, classified, ranked, and controlled in a fashion that undermines efforts to organize effective dissent against the dominant social order. Activists and affinity group members are policed according to their willingness to conduct themselves in ways policing agencies consider to be acceptable conduct, which unsurprisingly involves minimal disruption to public order. The radical elements of social movements are targeted by policing agencies as dangerous, and activists are pressured to distance themselves from these more radical actors and practices. I analyze the experiences of Ottawa activists with the Ottawa Police Service both during the planning and the carrying out of demonstrations and protests. Using interview data from Ottawa activists and affinity group members, as well as with members of the Ottawa Police Service (OPS) who are or were tasked with managing the public order unit,¹ I offer an in-depth analysis of how the unit's strategic changes were initiated and received within activist communities. By focusing on activists, I hope to avoid a police-centric and post-hoc approach that now dominates research on public order policing.

¹ Formerly known as the Major Event Liaison Team or MELT.

Spitzer, in his valuable contribution to a Marxian theory of deviance, suggested that a “problem population” is one whose “behaviour, personal qualities and/or position threaten the social relations of production in capitalist societies.”² These populations are managed as deviants by the state because of their ability to impede the maintenance and growth of the capitalist system, thereby disrupting class rule.³ To study activists and affinity groups is, then, to study deviance. The policing of social movements should be situated within this larger project of marginalizing deviant populations, and by focusing on the deviant instead of the managing entity, we can begin to shed light on true nature and efficacy of the policing of dissent.

Although the topic of this thesis is public order policing, it is distanced from traditional policing literature by the fact that it is not police-centric. Conceptually, this project seeks not to accomplish an understanding of *the policing of activists*, but rather of *activists being policed*. This involves an analysis of the policing strategies utilized against activists prior to as well as during protests and demonstrations. Current policing efforts show a reliance on liaison units, which seek to govern the conduct of activists and deradicalize demonstrators through the collection of information. A central part of this information gathering is done through video surveillance, which has become a primary tool of public order units. Importantly, these tactics and strategies do not supplant police violence at protests. Some Ottawa activists continue to experience violent policing measures at demonstrations. In addition, permeating at all levels of public order policing, from pre-event planning and intelligence gathering to forceful treatment of demonstrators, is the logic of security. The post 9/11 security apparatus has rendered all

² S. Spitzer, “Toward a Marxian Theory of Deviance” (1975) 22(5) *Social Problems* 638 at 642.

³ *Ibid.* at 642-43.

instances where people gather in large numbers in public a potential “security risk”. For protests and demonstrations, this has resulted in an increased militarization of public space, where city centers are temporarily turned into urban battlefields. The goal of this thesis is to provide a Canadian analysis of public order policing that is both critical and theoretical, and which serves as a starting point for future investigations.

Chapter 1: The Public Order Policing Literature: A Critique

Before a critique of the extant public order policing literature can be provided, it is best to define public order policing and outline the well documented shift in policing strategies from repressive force to negotiation/consultation. Events of public order vary from the political to the celebratory. Public order units are tasked with ensuring order is kept during such divergent events as anti-war protests and Stanley Cup celebrations. In this examination, I follow de Lint and Hall's apposite definition of public order policing as "the use of police authority and capacity to establish a legitimate equilibrium between governmental and societal, collective and individual rights and interests in a mass or collective demonstration of grievance."⁴ They draw on Turner's definition of protest as an act that expresses a grievance which protesters are unable to correct by their own efforts, and thus take action to provoke ameliorative steps by a target group through some combination of fear and sympathy for their cause.⁵

In the United States, there have been significant efforts to explain approaches to public order policing by analyzing the strategies of public order units over extended periods of time. There exists among analysts a general acceptance of a dramatic shift in policing strategies at protests and demonstrations. This shift is said to have occurred during the late 1970s, forming two distinct periods of protest policing: the "escalated

⁴ W. de Lint & A. Hall, Intelligent Control: Developments of Public Order Policing in Canada. (University of Toronto Press: Toronto, 2009) at 14.

⁵ R.H. Turner, "The Public Perception of Protest" (1969) 34(6) *American Sociological Review* 815 at 816.

force” period of the 1960s and 1970s, and the “negotiated management” period of the 1980s and 1990s.⁶

In establishing the characteristics of escalated force, McPhail et al analyzed the policing strategies used at infamous events such as the Birmingham civil rights campaign of 1963, the Chicago Democratic Convention of 1968, and the Kent State University student protests of 1970, to name a few.⁷ During these and similar events the police sought to disperse crowds by force alone, including peaceful demonstrators. The militancy of protesters is matched with increased militancy by the police.⁸ The police stand at the ready, prepared to react swiftly and violently to the first indication of protester violence, force, or disruption of civic society.⁹ The escalated force typology is highlighted by the following five characteristics: a lack of police respect for human rights, a low tolerance for community disruption, no communication between protesters and the police, aggressive arrests as a means of managing the demonstration, and finally

⁶ C. McPhail, D. Schweingruber, & J. McCarthy, “Policing Protest in the United States: 1960-1995” in (eds.) della Porta, D. & H. Reiter, Policing Protest: The Control of Mass Demonstrations in Western Democracies (University of Minnesota Press: Minneapolis, 1998); A.S. Vitale, “From Negotiated Management to Command and Control: How the New York Police Department Polices Protest” (2005) 15(3) Policing and Society 283; P.A.J. Waddington Liberty and Order: Public Order Policing in a Capital City (UCL Press: London, 1994); D. della Porta, O. Fillieule, & H. Reiter “Policing Protest in France and Italy” in (eds.) Meyer, D. S. & S. Tarrow, The Social Movement Society: Contentious Politics for a New Century. (Roman and Littlefield, Lanham: 1998); della Porta, D. & H. Reiter, “Introduction” in (eds.) della Porta, D. & H. Reiter, Policing Protest: The Control of Mass Demonstrations in Western Democracies (University of Minnesota Press: Minneapolis, 1998); P.A.J. Waddington, “Controlling Protest in Contemporary Historical and Comparative Perspective” in (eds.) della Porta, D. & H. Reiter, Policing Protest: The Control of Mass Demonstrations in Western Democracies (University of Minnesota Press: Minneapolis, 1998); de Lint and Hall, *supra* note 4; McCarthy & C. McPhail “The institutionalization of protest in the United States” in (eds.) D.S. Meyer & S. Tarrow, The Social Movement Society (Rowman & Littlefield: Boulder, Co: 1998); M. King & D. Waddington “The Policing of Transnational Protest in Canada” in (eds.) D. della Porta, A. Peterson, & H. Reiter, The Policing of Transnational Protest. (Ashgate: Aldershot, 2006).

⁷ *Ibid.*

⁸ Vitale, *supra* note 6 at 286.

⁹ *Ibid.*

the use of coercive force to manage the demonstration.¹⁰ This escalation model is opposed to the more nuanced approaches that would follow. The only contact between protesters and the police in this escalated force approach is the apprehension, detention, arrest, and confinement of the demonstrators.¹¹ It is a purely “law and order” philosophy which seeks only to protect the property and persons that are the target of the demonstrations.¹²

Escalated force is generally only used as a marker to distinguish the public order policing strategies of the 1960s from the later approaches. However, one of the few thorough studies which tested the escalated force model found that the overt repression which characterizes the model is overstated. After reviewing the evidence available from protest events in New York State between 1968 and 1973, Earl et al found that the type of forceful policing that the escalated force theory suggests may have been relatively rare.¹³ Although this period is typically thought of as one in which the police hastily suppressed dissent through force and violence, evidence suggests the police had varied strategies for policing protests, including not attending protests at all.¹⁴

From approximately 1970 to the late 1990s, public order policing is thought to have become more conciliatory and cooperative, with police respecting the right to legitimate protest while tolerating limited law breaking and focusing on minimizing disorder through non-coercive tactics. Although the police maintained the ability to

¹⁰ McPhail, Schweingruber, & McCarthy, *supra* note 6 at 51-55.

¹¹ C. McPhail, & J. McCarthy, “Protest Mobilization, Protest Repression, and Their Interaction” in (eds.) Davenport, C., H. Johnston, and C. Mueller, Repression and Mobilization (University of Minnesota Press: Minneapolis, 2005) at 4

¹² *Ibid.*

¹³ J. Earl, S. Soule, & J. McCarthy, “Protest Under Fire? Explaining the Policing of Protest” (2003) 68(4) *American Sociological Review* 581.

¹⁴ *Ibid* at 600.

manage protests and other forms of disorder, they did so with a different approach than previously experienced by activists. The term “negotiated management” has been adopted to refer to this style. Public order policing during this period permitted protests and demonstrations to occur, but sought to bring them within a series of bureaucratic arrangements which limited the scale and scope of the events through management. Negotiated management has received significant academic attention as a signifier of a shift in policing philosophy. The features of negotiated management have been largely accepted by leading scholars and include a greater willingness to allow protests and demonstrations to take place, a more restrained approach by the officers in terms of the use of force, and most importantly, open lines of communication between the police and protest organizers.¹⁵

The violent clashes which characterized the post-war period resulted in a greater attempt to professionalize the public order policing process. By providing a bureaucratic structure through which protest organizers were expected to pass, negotiated management assisted the police in their attempt to avoid coercive intervention to the greatest possible extent.¹⁶ The use of state force against expression of dissenting political or social views is extremely contentious, and damaging to police and state legitimacy. In order to circumvent the negative attention that limiting dissent involves, negotiated management is said to have sought out a middle ground that required a number of minor concessions on the part of the police. In exchange for the ability to police from a distance, the police

¹⁵ *Supra* note 11; P.A.J. Waddington (1994) *supra* note 6; della Porta, Fillieule, & Reiter, *supra* note 6; della Porta & Reiter, *supra* note 6; P.A.J. Waddington (1998) *supra* note 6; J.D. McCarthy & C. McPhail, “Places of Protest: The Public Forum in Principle and Practice” (2006) 11(2) *Mobilization: An International Quarterly* 229; D. Mitchell & L.A. Staeheli, “Permitting Protest: Parsing the Fine Geography of Dissent in America” (2005) 29(4) *International Journal of Urban and Regional Research* 796; King & Waddington *supra* note 6.

¹⁶ della Porta & Reiter *supra* note 6 at 7.

accept limited law breaking and an overall greater tolerance for disorder. This is argued to legitimize their role within the process of public political expression because of their function as peace-keepers as opposed to law enforcers.¹⁷ As we will see, however, the conceptualization of police as a neutral and facilitative influence on demonstrations, while largely accepted by academics (and a portion of the diverse activist population), only obfuscates the coercive nature of these strategies in practice.

Many analysts have echoed the general tenets of negotiated management and argued that a more consensual and cooperative style of policing has allowed the police to take on a managerial role, controlling demonstrations from a distance and avoiding violent intervention. This ‘soft-hat’ policing discourse is often said to emanate from the managerial and routinizing strategies policing agencies have promoted.¹⁸ The managerial aspect of policing dissent is summarized by Gary T. Marx:

Although the police hardly welcome mass demonstrations, in general they no longer arouse the degree of hostility or fear they previously did. To a greater extent than ever before, police view their job to be managing, rather than repressing, protest, protecting the right to demonstrate, and guaranteeing (even to those whose views they may find intolerable) due process of law.¹⁹

P.A.J. Waddington takes a similar approach. He not only sees the police as being able to control protests through negotiations and consultations, but also to routinize demonstrations:

¹⁷ Ibid. at 6.

¹⁸ P.A.J. Waddington “Policing Public Order and Political Contention” in (ed.) T. Newburn, Handbook of Policing. (Willan: Cullumpton, 2003); M. King & N. Brearley Public Order Policing: Contemporary Perspectives on Strategies and Tactics. (Perpetuity Press: Leicester, 1996); N. Brearley & M. King “Policing social protest: some indicators of change” in (eds.) C. Critcher & D. Waddington, Policing Public Order: Theoretical and Practical Issues (Avebury: Aldershot, 1996); C. McPhail, D. Schweingruber, & J. McCarthy, *supra* note 6; della Porta & Reiter, *supra* note 6.

¹⁹ G.T. Marx “Some Reflections on the Democratic Policing of Demonstrations” in (eds.) della Porta, D. & H. Reiter, Policing Protest: The Control of Mass Demonstrations in Western Democracies (University of Minnesota Press: Minneapolis, 1998) at 254.

Extensive control is exercised over demonstrations and marches; protest in London is not only peaceful, but also *minimally disruptive*. Protest marchers obligingly follow a set of unofficial “standard routes” and comply with police requests to minimize traffic dislocation.²⁰

Negotiated management has as its goal the scripting of demonstrations through police knowledge which is fed by a bureaucratic system to which demonstrators must submit. Waddington, in his study of public order policing in London, finds that the entire process of demonstrations have been subjected to formalization and bureaucratization.²¹ The police are provided information by organizers when they request a permit to hold a demonstration,

The form [requires] the name of the organization, the reason for the demonstration, the number of people likely to attend, whether petitions were to be delivered or meetings held before or after the march, and the names of any speakers who were due to address the rally. The organizer was not obliged by law to provide this additional information, but its presentation as an official form that did lawfully require the provision of *some* information and the failure to explain the scope of legal requirements seemed to act as a strong inducement.²²

Establishing a system whereby demonstrators who use public space must obtain a permit is a tool of public space management used in many U.S., European, and Canadian cities. Mitchell and Staehli view the legal processes surrounding the planning of demonstrations as dissent management. They argue that the effect of these systems is that demonstrations are regularized and routinized by institutions seeking to limit their effects.²³ As I will show, although the permit system in Ottawa does contribute to the management of demonstrations, it is very limited in its powers, and is often not used by affinity groups even when they engage in pre-protest communication with the police.

²⁰ P.A.J. Waddington, (1998) *supra* note 6 at 120, original emphasis.

²¹ P.A.J. Waddington, (1994) *supra* note 6 at 69.

²² *Ibid.* at 76, original emphasis.

²³ Mitchell & Staehli, *supra* note 15 at 799.

Others have argued that the police have been so successful in their extension of a bureaucratic model to demonstrations that it is possible to state they have become institutionalized.²⁴ In de Lint and Hall's discussion of this process of institutionalization, they posit that police liaison units have ensured that both labour and protestors are brought within their system of management and 'policing from a distance'.²⁵ Establishing boundaries within which demonstrations are tolerated and "softly" policed allows the police to appear as a neutral third party, avoiding the contestations that are costly both materially and ideologically. Although their analysis is largely focused on labour as opposed to the so-called "new social movements", de Lint and Hall do see the process of institutionalization spanning across both strikes and protests.²⁶ This argument is less convincing, because affinity groups place significantly less emphasis on the requirements of the police than the police liaison unit would lead us to believe.

The notion that the policing of demonstrations is softened through a process of negotiated management has been challenged by King and David Waddington.²⁷ They distinguish the policing of transnational protest as a break within this trend, and argue that a number of crucial qualifications must be recognized.²⁸ In their typology, "superficially soft-hat" policing is where the police take advantage of their newly gained reputation for being open to negotiation and employing policing strategies which use force as a last resort. The police at these large, diverse events use their liaison units to create the guise of accommodation, while behind the scenes efforts are made to manipulate activists. An image of negotiation and fairness in their operations is

²⁴ de Lint and Hall, *supra* note 4; J.D. McCarthy & C. McPhail *supra* note 6.

²⁵ de Lint and Hall, *supra* note 4.

²⁶ *Ibid.* at 5.

²⁷ King & Waddington *supra* note 6.

²⁸ *Ibid.*

promoted, but in reality the police use surveillance and any information attained through the trustful divulgence of protest leaders to manipulate and control events in their favour.²⁹

Reflecting on the end of the twentieth century to the present has led a number of researchers to distinguish the late 1990s as a period which requires new theoretical approaches. This group of research can be best characterized as attempting to move beyond negotiated management and toward forging new theories or typologies which account for current public order policing strategies. After all, the meetings of supranational corporate and state elites have provided a stage for transgressive direct action and their associated violent policing responses. The policing strategies witnessed at these events are philosophically varied at best, and unorganized and inept at worst.

Several typologies have been developed which seek to account for these varied strategies. For instance, “strategic incapacitation” suggests a police reliance on information gleaned from surveillance data, and the sharing of that information with other agencies, as well as the reliance on the control of space to minimize the ability of protestors to demonstrate.³⁰ “Superficially soft-hat”, as we have already seen, posits that the potential for coercion is never far off, as police officers in riot gear are literally waiting just out of sight, ready to spring into action at the first sign of unplanned unrest.³¹

These proposed models share two commonalities. First, they cast the “return to coercion” thesis as a tired, (post-)Marxist analysis which refuses to accept public order

²⁹ Ibid. at 76

³⁰ P.F. Gillham & J.A. Noakes, “‘More Than a March in a Circle’: Transgressive Protests and the Limits of Negotiated Management” (2007) 12(4) *Mobilization: An International Quarterly* 341 at 350.

³¹ King & Waddington *supra* note 6 at 95.

policing as anything other than the strong, suppressive arm of capital and corporate power. And second, they seek out a conceptual middle ground which allows for both the obvious police preference for liaison and negotiation, as well as the constant displays of force and violence by the police. The difficulty in applying any of these typologies is twofold. First, many more recent protests are displaying characteristics of both soft and hard policing styles. In many cases, the so-called “soft policing” strategies are actually far more coercive than they first appear. By continuously referring to strategies such as keeping riot police out of sight³², using “intensive surveillance” to acquire information and deter protest³³, and using space to keep crowds out of sight and docile³⁴ as ‘soft’ or ‘soft-hat’, the coercive nature of these strategies is obfuscated. Even more conceptually slippery here is the potential for conflating “legitimate” policing with fewer instances of violence. Creating non-violent policing the ideal end result during demonstrations legitimates other policing strategies which are non-violent, but coercive and not conducive to effective demonstrations of dissent. Although minimizing violence can³⁵ be positive, this should not imply without qualification that these strategies are not infringing on the ability to stage effective demonstrations of dissent or popular opposition.

³² Ibid.

³³ M. King & D. Waddington, “Flashpoints Revisited: A Critical Application to the Policing of Anti-Globalization Protest” (2005) 15(3) *Policing & Society* 255 at 278-9

³⁴ W. de Lint, “Public Order Policing in Canada: An Analysis of Operations in Recent High Stakes Events” (2004) Research paper commissioned by The Ipperwash Inquiry at 24.

³⁵ The purposeful refusal to speak of violence in absolute terminology is to leave space for the productive nature that violence can have in this context. This is recognized by Day in his discussion of the Black Bloc tactic: “By participating in a Bloc, activists offer up their semi-protected bodies to state-sponsored violence, in the hope not only of saving other protesters from physical harm, but also to provoke shock, horror and perhaps even dissent among liberal citizens who hold to values like freedom of speech and the right to legitimate protest.” Day, *supra* note 68 at 29.

The attempts to pigeon-hole a specific protest into a policing typology obscures the fact that most large scale protests involve both negotiation and coercion strategies.

Fernandez identifies this tension:

[t]his juxtaposition is problematic because it does not help us understand how or when police use different techniques of control...the negotiated management model in fact may mask how permits and police negotiations actually regulate, pacify, and control dissent.³⁶

Beyond Fernandez's suggestion that the soft techniques obscure the coercive ones, it can further be stated that the soft techniques should not be considered soft at all, because these techniques themselves pose significant limitations to the efficacy of demonstrations. Beginning an analysis with a public order policing typology which labels strategies as soft and working from the top down creates an apologetic standpoint from which to analyze these problematic strategies. A discourse of soft policing contributes to a circumlocution of police coercion within protest policing strategies. Moreover, these soft strategies can often be seen working in tandem with more coercive ones, questioning the usefulness of discussing them as independent.

de Lint and Hall suggest that their model of "intelligent control" accounts for both cooperative and coercive strategies without casting aside forceful policing strategies as diversions from the norm. In their analysis a hybrid of hard and soft, forceful and consensual, coercive and cooperative *is* the norm.³⁷ "Intelligent control" resituates force as a selectively used strategy that is often at least partially determined by the willingness of organizers to play by the liaison team's rules. Reconciling the debate in this post-hoc fashion, however, redefines what are really ad hoc actions as simply part of a greater plan

³⁶ L. A. Fernandez, *Policing Dissent: Social Control and the Anti-Globalization Movement*. (Rutgers University Press: New Jersey, 2008) at 168.

³⁷ de Lint & Hall, *supra* note 4.

of intelligent control. The disjointed principles upon which intelligent control is ostensibly based might better be interpreted as proof of the unmanaged difficulties and complexities faced by police liaison units rather than evidence of an ordered strategy. There should be greater care exercised in our models of public order policing precisely because of the unpredictability of mass demonstrations that call forth various police responses based on changing conditions, political developments, and social reactions.

The field of public order policing literature is overrun with models and typologies which seek to account for what has been an ongoing struggle within policing agencies to find a method of policing dissent that offers consistency. I suggest that the continuity in this field is in fact the inconsistency with which the police have approached dissent. As we have seen, there exists a significant intellectual consensus that the history of public order policing in North America went through two distinct periods, “escalated force” and “negotiated management”. However, understanding the history of public order policing according to these two periods is problematic, as an empirical examination of this stark divide in policing philosophy found this thesis to be overstated.³⁸ The rise of the new social movements and the violent policing that accompanied them caused some to create new models which accounted for this return to violence.³⁹ There should be greater caution exercised in the creation of additional models which seek to reconcile an already problematic thesis with newly emerging and contradictory evidence. As I will demonstrate, there is nothing new about new strategies for policing dissent; it is their target that is shifting. Social movements are in constant evolution and require new

³⁸ *Supra* note 13.

³⁹ *Supra* note 30.

policing methods to contain them. The shape and nature of newly emerging social movements may be the impetus for changes in the policing of dissent.

As documented above, there exists a desire amongst analysts of public order policing to steer clear of Marxian theories of coercion and control, and instead point to the conciliatory and cooperative efforts made by policing agencies. This may be due, in part, to the fact that a convincing body of literature that articulates a Marxian theory of policing dissent is lacking. The “coercion” and “return to coercion” thesis is met with harsh rejection, and for good reason: they lack a compelling level of analysis and thus evidence.⁴⁰ While Marxian analyses of private policing⁴¹ and the overall project of police⁴² have been far more sophisticated, such approaches to public order policing have yet to form. Researchers are forced to derive these approaches from tangential public order scholarship, such as the criminality of disadvantaged urban populations, or labour critiques. For instance, Panitch and Swartz⁴³ provide a valuable history of the state’s coercive control over Canada’s labour movement, but do not analyze demonstrations in significant detail. Rather, they leave these situated as simply a part of the greater state project of labour coercion. Gordon, who offers critiques of the coercive nature of “law and order” public order policies⁴⁴ and Canada’s “war on drugs”,⁴⁵ views the police as a suppressive element tasked with transforming “deviants” into capable and productive

⁴⁰ de Lint & Hall *supra* note 4 at 11-14.

⁴¹ G. Rigakos *The New Parapolice* (University of Toronto Press: Toronto, 2002).

⁴² M. Neocleous *The Fabrication of Social Order* (Pluto Press: London 2000); G. S. Rigakos, J.L. McMullan, J. Johnson, & G. Ozcan *A General Police System* (Red Quill Books: Ottawa 2009).

⁴³ L. Panitch & D. Swartz *From Consent to Coercion: The Assault on Trade Unions and Freedoms* (University of Toronto Press: Toronto 2008).

⁴⁴ T. Gordon “The Political Economy of Law and Order Policies: Policing, Class Struggle, and Neoliberal Restructuring” (2005) 75(Spring) *Studies in Political Economy* 53.

⁴⁵ T. Gordon “Neoliberalism, Racism, and the War on Drugs in Canada” (2006) 33(1) *Social Justice* 59.

workers. Palmer⁴⁶ and Clarke⁴⁷ document the criminalization of the advocacy group the Ontario Coalition Against Poverty, and their struggle to resist the social order. However, their general appeal to law as a weapon of control for the political status quo is too simplified and instrumental.

Over-theorizing the policing of dissent as the strong arm of the state has driven many scholars to look for opposing trends, resulting in a literature which now over-emphasizes “soft-hat” trends in public order policing. I argue that a more sophisticated Marxian analysis rearticulates, in a more conceptually and analytically compelling way, the coercive element within public order policing. Fernandez⁴⁸ has taken a bold step forward in building toward a more sophisticated Marxian analysis of policing dissent that includes considerations of how activists are produced and classified as a “dangerous population”, how the shape of current social movements stymies the development of effective policing strategies, and how surveillance and counter-surveillance affect the behaviour of demonstrators and front line police officers. My approach builds on this scholarship in particular, and the more recent Marxian formulations of policing offered by Marxist scholars Neocleous and Rigakos.

My critique of the extant literature on public order policing may be summarized through reference to three inextricably connected and depoliticizing conceptual threads. I contend that:

1. There is an over-reliance on the use of models and/or typologies that fabricate an artificial coherence for policing strategies at different locations and times,

⁴⁶ B. Palmer “Repression and Dissent” (2003) 37(3) *Canadian Dimension* 12.

⁴⁷ J. Clarke “Social Resistance and the Disturbing of the Peace” (2003) 41 *Osgoode Hall L.J.* 491.

⁴⁸ Fernandez, *supra* note 36.

and at various types of demonstrations such as marches, strikes, counter-summits/convergences, and other methods of demonstrating dissent.

2. This reliance on models and typologies has resulted in a general consensus among analysts that a shift away from the overt coercion that marked public order policing in the post-war period has occurred, and that cooperation, negotiation, and liaison between activists and policing agencies has replaced the need for repressive strategies.
3. These two accepted maxims, coupled with an anti-Marxian reaction, have entrenched a 'soft' policing discourse within public order policing literature, obfuscating the resilient and consistently coercive nature of contemporary public order policing.

Having examined the extant public order policing literature and situated my own analysis within this field, I turn in chapter two to the theoretical framework which guides this research. Here, I outline the concepts employed to formulate a neo-Marxian analysis of public order policing which avoids the vulgarization of simplifying the police as a force tasked with crushing opposition to government and corporate interests. Chapter three outlines the various methods used in this study: formal interviews with activists and a high ranking member of the OPS public order unit, access to information requests, and archival research of media responses to protest.

In chapter four I establish the context for this thesis by outlining the rise of the Major Events Liaison Team, and its reception within the activist community. This contextual information sets the stage for my analysis, which begins in chapter five with a reconceptualization of liaison policing efforts. I argue here that liaison policing is a tool

of intelligence gathering, and coercive strategy which relies on the threat of violence. The efforts by Ottawa activists to resist this extended hand of the police are also documented.

In chapter six I continue my analysis of policing dissent by pointing out the surveillance strategies used by the OPS to monitor demonstrators, and the surveillance frenzies which are evident during mass mobilizations. Activists in Ottawa and beyond have begun countering the panoptic gaze of police by deploying their own brand of hand-held surveillance, and I survey the opinions of activists on this issue. It is in this chapter that I challenge the efficacy that counter-surveillance has on instilling accountability within policing agencies.

Chapter seven focuses on the spatial policing strategies used to marginalize and pacify dissent. I draw on Marxian geographical theory to reposition the police as urban planners who ascribe a specific ideology into the construction of the urban battlefield. Dissent is highly territorialized, with activists and police engaging in battles over access and use of public space. I argue that the police re-territorialize dissent by erecting fences and barriers which limit mobility, and by moving summits “off-shore” to keep demonstrations in areas that lend to the construction of zones for urban containment.

In chapter eight I conclude with an examination the conflation of protest with terror, and how the logic of security has penetrated all levels of policing dissent. Policing agencies both domestically and internationally have begun employing strategies once restricted to the monitoring of criminal organizations to political groups. I use the treatment of student political groups by private university police to show how the logic of security has empowered the private sector to participate in this control of dissent.

Chapter 2: Theoretical Concepts and Terms

A. Re-Conceptualizing Liaison Policing

Police liaison units typically present themselves as the stereotypical “good cop”. Cooperation and participation with the liaison unit is said to be the best way to guarantee the safety of demonstrators and police officers. Correlating a degree of safety with the acceptance of the liaison process creates a passive implication that violence may occur if activists choose not to liaise with the police. The liaison unit presents itself as a way of ensuring that demonstrators are kept safe, which places considerable pressure on organizers to liaise with the police despite the recognition by many that this contributes to the pacification and institutionalization of dissent. If activists will not submit to the liaison team process and their corresponding rules, the “bad cop” constantly looms as a potentially violent alternative. Accepting the liaison process is thus framed as a security measure that organizers should take in order to ensure non-violence at demonstrations. Nonetheless, there remains a significant degree of violence at demonstrations where the liaison process is used. This calls into question the purpose and function of the liaison unit. Although they present themselves as a liberal and progressive arm of the law, liaison units coerce, construct, classify, and categorize activists. They are a significant contributor to the attempted institutionalization, and thus pacification, of dissent. Liaising with policing agencies is thought by many organizers in Ottawa to be a responsible decision, as it helps ensure that demonstrators will be safe, and that the event will remain “family friendly”. In so doing, however, activists contribute to their own production as good or bad, even reproducing their classification by trying to maintain their good reputation by policing their own demonstrations. Foucault’s analysis of

governmentality is helpful in understanding how, in this instance, power is decentralized and internalized by the activist population.

For Foucault, government is the “conduct of conduct”.⁴⁹ It is “a form of activity aiming to shape, guide, or affect the conduct of some person or persons.”⁵⁰ Free individuals are lead, according to mechanisms of coercion, to behave in a certain way within a more or less open field of possibilities.⁵¹ To govern is thus to establish the “possible field of action of others” and to guide one’s conduct to meet these desired ends.⁵² It is in this sense that individuals are conceptualized as subjects over which power can be exercised by institutions.

Governmentality, as defined by Foucault, is:

“the ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security.”⁵³

To study governmentality is thus not only to attend to the programmes aiming to regulate the behaviour of the self and others, or to analyze the calculations, measurements, and technologies used to know the self and populations, but also to understand the

⁴⁹ C. Gordon, “Governmental Rationality: An Introduction” in Burchell, G., Gordon, C., and Miller, P. (eds.), The Foucault Effect (University of Chicago Press: Chicago, Illinois 1991) at 2.

⁵⁰ Ibid.

⁵¹ M. Foucault, “The Subject and Power, Afterward” in H. Dreyfus and P. Rainbow, Michel Foucault: Beyond Structuralism and Hermeneutics (University of Chicago Press: Chicago, Illinois 1982) at 221.

⁵² Ibid.

⁵³ M. Foucault, “Governmentality” in Burchell, G., Gordon, C., and Miller, P. (eds.), The Foucault Effect (University of Chicago Press: Chicago, Illinois 1991) at 102.

“aspirations, mentalities, and rationalities intertwined in attempts to steer forms of conduct.”⁵⁴

The OPS liaison unit is a strategy used to foster ideal demonstration conduct, and to steer both the participants and the event itself in a direction which creates as little disruption to public order as possible. This policing strategy is an exemplar of the logic of governmentality. The police seek to foster within activists a level of predictability and self-governance, and the logic of governmentality helps us to understand how this is made possible. However, policing agencies are also able to use the liaison unit as a means of collecting information and recasting activists and organizations as statistical aggregates which can be analyzed and subjected to targeted, intelligence based, interventions. I draw from risk theory in order to demonstrate how the liaison unit should be understood as a governmental technology which collects information for the purpose of knowledge creation, statistical measurement, and intervention against those activists and groups which show deviation from the imposed norm.

An abstract and encompassing concept, risk stretches over a plurality of disciplines and has been approached theoretically in numerous ways. In order to approach public order policing through risk theory, it is first necessary to situate my analysis within this plurality of theoretical approaches to risk. Rigakos conceptualizes analyses of risk as divisible into two areas of thought. First, the “instrumental and economistic” approach, which is positivist, and uses risk assessment tools for empirical analogies of potential harms.⁵⁵ The second approach is focused on “how instrumental risk thinking is

⁵⁴ M. Huxley, “Geographies of Governmentality” in J. W. Crampton and S. Elden, *Space, Knowledge and Power* (Ashgate: Gower House, England 2007) at 187.

⁵⁵ G. Rigakos, *Nightclub* (McGill-Queens University Press, Montreal 2008) at 25.

constructed” or, “the study of the study of risk”.⁵⁶ This latter category subsumes the newer approaches to risk theory which view risk as a social and political construct. It is within this category that governmentality theorists, in their conception of risk as “a rhetorical and political strategy for organizing populations”, are located.⁵⁷

Governmentality based risk theorists posit that individuals are recast as statistical aggregates by risk technologies and power/knowledge mechanisms, which seek to categorize, classify, sort, and measure according to a determined norm.⁵⁸ Deviations and abnormalities from this norm, once determined, serve as the basis for a risk-profile.⁵⁹ Not only do these risk calculations constitute populations actuarially, but also come to be accepted by these populations objectively; if individuals and groups accept the way that they are classified, they will in turn act according to the normative descriptions of themselves or their group.⁶⁰ Or, as Miller and Rose have eloquently stated, technologies of government seek to translate governmental thought into the domain of reality and “to establish ‘in the world of persons and things’ spaces and devices for acting upon those entities of which they dream and scheme”.⁶¹ The term ‘technologies’ is used to draw particular attention to the actual mechanisms used by authorities and institutions to “shape, normalize and instrumentalize the conduct, thought, decisions and aspirations of others in order to achieve the objectives desired”.⁶²

⁵⁶ Ibid. at 25-6.

⁵⁷ Ibid. at 26.

⁵⁸ R. Ericson and K. Haggerty, Policing the Risk Society (University of Toronto Press, Toronto 1997) at 92.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ P. Miller and N. Rose, “Governing Economic Life” (1990) 19(1) *Economy and Society* 1 at 8.

⁶² Ibid.

While these risk theorists suggest that individual governance replaces class control through individualizing techniques, Rigakos and Hadden have shown that class has always existed in parallel with the rhetoric of individualism, and that risk governance is inextricably linked to the protection of capitalism.⁶³ The connections between risk, the protection of property, and the construction of the ideal bourgeois state can be identified as early as the seventeenth century, well before they are commonly said to appear in the works of Bentham and Beccaria, begging the question: exactly what is new and modern about the so-called ‘risk society’?⁶⁴ Understanding risk, and thus risk policing, as individualizing, ignores the “very long history of policing the poor through insurance thinking and leads to assumptions about risk categorizations that somehow now subsume and/or overcome older class cleavages and other forms of stratification, including race and gender”.⁶⁵

The Ottawa Police Service public order unit makes use of risk technologies which collect information on activists for the purposes of swift and targeted social control. These actuarial arrangements have assisted in the maintenance of class and gendered cleavages. The policing of activism operates along a similar logic – reinforcing the ideal bourgeois state through risk technologies that allow for police interventions against activists who threaten it with radical social upheaval.

At the beginning of this chapter I critiqued the liaison unit’s ability to achieve the non-violence it is said to ensure, and that more specifically, we must question the true function of the liaison unit in the face of continued violence against demonstrators. A

⁶³ G. Rigakos and R. Hadden, “Crime, Capitalism, and the ‘Risk Society’” (2001) 5(1) *Theoretical Criminology* 61 at 73-5.

⁶⁴ *Ibid.* at 74-5.

⁶⁵ *Supra.* note 38 at 27.

second basis of critique stems from the structure of the liaison unit. The Ottawa Police Major Event Liaison Team strives to meet with “representatives of organizing groups”⁶⁶ in order to liaise and communicate about demonstrations. The police seek out leaders with which to liaise, but the current structure of dissent and, more specifically the “newest social movements”, do not correspond to this hierarchical structure with which the police are most familiar, and this may help to shed light on the resulting disorganization of the police approach to demonstrations.

Before any thorough analysis of policing political activism or dissent can begin, it is necessary to establish exactly what dissent in this context means, how it is realized, and what it consists of. The term “anti-globalization movement” has become entrenched amongst academic, activist, and political discourse. While the usefulness and logic of this term has been addressed elsewhere⁶⁷, it is nonetheless necessary to understand where this term fits with the current state of social movements. Day cautions us to ensure that the understanding of “anti-globalization” does not subsume the incredibly diverse “spectrum of resistance to the new world order”.⁶⁸ Rather, these movements are “particular sites of condensation within a much more complex field of *contemporary radical activism*”.⁶⁹ For Day, the newest social movements are “contemporary” in that they formed primarily in the late 1990s and early 2000s (with principle connections found in the new social movements of the 1960s), and “radical” because this type of activism involves a conscious effort at altering, impeding, destroying, or constructing alternatives to existing

⁶⁶ Ottawa Police Service, *An Agenda for Excellence for Major Events* (15 April 2002) at 8.

⁶⁷ D. Graeber, “The Globalization Movement and the New New Left” in S. Aronowitz and H. Gautney (eds.), *Implicating Empire* (Basic Books: New York City 2003); D. Graeber “The New Anarchists” (2002) *New Left Review* 13; Fernandez, *supra* note 36; N. Klein, “Reclaiming the Commons” (2001) *New Left Review* 9.

⁶⁸ R. Day, *Gramsci Is Dead* (Pluto Press: New York, and Between the Lines: Toronto 2005) at 4.

⁶⁹ *Ibid.* emphasis in original

“dominant structures, processes, practices, and identities”.⁷⁰ The focus of the newest social movements is not only on the content of current modes of domination, but also on their forms.⁷¹

Day suggests that the “newest social movements” are effective precisely because they are rooted in the logic of affinity, which avoids the counter-hegemonic trap that ultimately works to reinforce the neoliberal form. The logic of affinity withdraws itself from neoliberal structures by operating non-hegemonically as opposed to counter-hegemonically.⁷² Affinity groups emerged out of Spanish anarchist circles in the late nineteenth and early 20th centuries, where they were adopted out of conscious opposition to traditional Marxist styles of political organizing. Taking the shape of the world order which they seek to promote, affinity groups are namely non-hierarchical, decentralized, stateless, non-authoritarian societies. Importantly, they are “consensus driven, and oriented to achieving maximum effectiveness with a minimum of bureaucracy, infighting and exposure to infiltration.”⁷³

The affinity based structure of the newest social movements has presented a new set of challenges for policing agencies that are unfamiliar with leaderless organizing. Affinity groups are not disorganized, but their form of organization is viewed as scattered by policing agencies, and may help to shed light on the disorganized and varying policing strategies seen at large demonstrations. Further, developments in the policing of dissent have proceeded in the direction of information collection, negotiation, and communication with activists. These activist networks are less accessible to such policing

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid. at 8.

⁷³ Ibid. at 35.

approaches, and may contribute to the continued reliance on violent and repressive policing tactics witnessed at demonstrations.

B. Surveillance and Counter-Surveillance

It has become commonplace for policing agencies to engage in video surveillance of demonstration of dissent. This policing tactic is justified as a means of gathering intelligence with respect to crimes taking place during demonstrations, and as a means of rapid response to incidents of violence. Surveillance works in tandem with the above outlined micro-power arrangements which produce activists. Foucault's contribution to surveillance is especially useful in its application to demonstrations because of his insistence on the directive and productive effect that centralized observation can have on visible bodies.⁷⁴ Surveillance is a technology which makes the sorting and classification of activists possible. Along with bureaucratic systems and liaison units, surveillance contributes to the construction of protestors as "good" and "bad", and protestors internalize these constructions and regulate their own conduct and the conduct of fellow protestors.⁷⁵

Foucault's analysis of panopticism was based on the architectural principle of which Jeremy Bentham was the designer.⁷⁶ Bentham designed the Panopticon as an architectural method of curing social ills by subjecting prisoners to constant, unverifiable surveillance. The principle would easily extend to other institutions where surveillance

⁷⁴ M. Foucault, Power/Knowledge: Selected Interviews and Other Writings 1972-1977 (Pantheon Books: New York 1980) at 146.

⁷⁵ Fernandez, *supra* note 36 at 27.

⁷⁶ *Supra* note 74 at 147.

was necessary, such as schools and hospitals.⁷⁷ The inmate is constantly an object of information, and never a subject in communication.⁷⁸ The constant visibility and individualizing effect renders it impossible for prisoners to plot escape and discuss future crimes, for schoolchildren to copy, chat, and waste time, for patients to share sickness, or harm each other, for workers to waste time, slow down, or discuss conditions.⁷⁹ This, then, is the true effect of the Panopticon: “to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power”.⁸⁰

The gaze of the inspector over the inmates remains constant yet unverifiable. Thus, surveillance remains permanent in its effects even if it is discontinuous in its actions.⁸¹ The inmates, or other subjects of surveillance, are forced to regulate their bodies, actions, and communications in the way deemed proper and normal by the supervisory authority. The gaze renders being caught a certainty, and it is this certainty which has the powerful effect on behaviours and bodies. Individuals are perfectly free to pursue actions which deviate from the norm, the ideal, but these actions become a significant risk because of the unverifiability of being watched. The rational individual chooses to be risk averse and regulate their behaviour according to the directives.

The thorough architectural analysis Foucault provided is not alone sufficient to warrant the ubiquity which is panopticism in surveillance literature. The deserved

⁷⁷ M. Foucault, Discipline and Punish (Random House: New York 1977); The design featured, at the periphery, a ring of divided cells facing inward, with no vision between the cells themselves, and at the center a tower with wide windows which open to the inner side of the ring, making visible each divided cell from the tower, and the tower visible from each cell. The cell windows permitted light to penetrate throughout, making visible the silhouettes of the inmates within, rendering them immediately individualized and constantly visible from the tower. The supervisor is placed within the tower, making his or her presence unverifiable to the inmates, and rendering visibility a trap (Ibid.).

⁷⁸ Ibid. at 200.

⁷⁹ Ibid. at 201.

⁸⁰ Ibid.

⁸¹ Ibid. at 201.

attention that panopticism has received since the publication of *Discipline and Punish* was a result of Foucault's use of Bentham's Panopticon as a metaphor for the principles upon which the operation of power in contemporary society is based.⁸² Foucault envisioned panopticism as the surveillance strategy which "was destined to spread throughout the social body; its vocation was to become a generalized function".⁸³ However, panopticism does not operate within this generalized framework for power itself, nor for the salvation of an ill society specifically, but rather to strengthen the social forces by increasing production, efficiency, and morality, thereby strengthening the economy and the health of the population and state.⁸⁴

Panoptic surveillance involves the monitoring of a population which resides at a lower point in the social hierarchy, with physicians monitoring patients, guards watching inmates, teachers watching students, and managers watching workers. Specific and marginalized groups are placed under a microscope and subjected to the unidirectional gaze of the powerful who watch yet remain unseen.⁸⁵ Groups are differentially positioned with respect to surveillance, with the ability to exploit the mechanisms of surveillance often structured according to traditional social cleavages.⁸⁶

An important critique of panopticism is advanced by Mathiesen, who suggests that synopticism⁸⁷ exists in addition to panopticism as a parallel form of surveillance.⁸⁸

⁸² K.D. Haggerty, "Tear Down the Walls: On Demolishing the Panopticon" in (ed.) D. Lyon, Theorizing Surveillance: The Panopticon and Beyond (Willan Publishing: Portland 2006) at 25.

⁸³ *Supra* note 77 at 207.

⁸⁴ *Supra* note 77 at 203.

⁸⁵ *Supra* note 82 at 29.

⁸⁶ *Ibid.*

⁸⁷ Synopticism is derived from the Greek word *syn*, which stands for 'together' or 'at the same time', and *opticon* which has to do with the visual (T. Mathiesen, "The Viewer Society: Michel Foucault's Panopticon Revisited" (1997) 1(2) *Theoretical Criminology* 215 at 219)

⁸⁸ *Ibid.*

Foucault negated the parallel process of the many watching the few in his conception of surveillance, both historically and in contemporary society. Mathieson's analysis suggests that we live in a society in which the few watch the many, and the many watch the few, creating a 'viewer society', and that had Foucault recognized this opposing surveillance structure, his "whole image of society as far as surveillance goes" would have been completely transformed.⁸⁹

Synopticism has been suggested by some as a process which levels the hierarchies of surveillance by making known the controversial behaviour of persons of higher social status and power.⁹⁰ Synopticism is thus regarded as a way of striking back against those who have sufficient resources to operate outside of the systems of surveillance domination. The monitoring of the powerful has been made increasingly easier as technological advances in hand held recording devices drive down cost and drive up availability, making wider scrutiny now possible. Haggerty and Ericson claim that while surveillance inequalities still exist, individuals of a certain status no longer stand outside of the routine monitoring, and that every person in the social hierarchy is now subjected to surveillance from various institutions.⁹¹ The gaze is thus crisscrossing, and the result is that no major population group stands outside of surveillance scrutiny.⁹² Although the efficacy of counter-surveillance strategies is limited⁹³, in specific instances counter-

⁸⁹ Ibid. at 219.

⁹⁰ K. Haggerty and R. Ericson, "The New Politics of Surveillance and Visibility" in (eds.) K. Haggerty and R. Ericson, The New Politics of Surveillance and Visibility (University of Toronto Press: Toronto 2006); K. Haggerty and R. Ericson, "The Surveillant Assemblage" (2000) 51(4) *British Journal of Sociology* 605; S. Nock, The Costs of Privacy: Surveillance and Reputation in America (Aldine de Gruyter: New York 1993); *Supra* note 87; *Supra* note 82.

⁹¹ Haggerty & Ericson (2006) *supra* note 90 at 6.

⁹² K. Haggerty and R. Ericson (2000) *supra* note 90 at 618.

⁹³ Synoptic or bottom-up surveillance has been said to level surveillance hierarchies, but the strategies through which it is said to accomplish this feat are overstated. The reason that panopticism continues to be the guiding principle for surveillance strategies and is the appropriate theoretical lens through which to

surveillance of police officers may lessen instances of violence or abuse of demonstrators, and have the levelling effect that Haggerty and Ericson suggest.

C. Territorializing and Re-Territorializing Dissent

Inextricably linked to these micro-power arrangements outlined above are techniques of spatial control, which seek to keep demonstrators marginalized, immobile, segregated, separated, and pacified. Techniques of spatial control range from the bureaucratic permit systems, to militarized control of public spaces. Fernandez⁹⁴, Crosby⁹⁵, and Herbert⁹⁶ provide valuable analyses of the territorial or spatial policing which has been evident at mass demonstrations since 1997. These analyses focus on the police recasting the public realm as an urban battleground on which protestors and officers in riot gear engage in violent clashes. Spatial/territorial control physically keeps activists at great distance from those their opposition is directed towards, and subjects them to great amounts of violence and repression.

The police re-territorialize the urban terrain during demonstrations by incorporating an ideology into these spaces. This ideological construction of physical space works in tandem with the logic of security, and contributes to the perceived “dangerousness” of demonstrations and demonstrators. Protest zones are created to

analyze these systems is because technological advancements are making it easier for the powerful to monitor the powerless, the few to watch the many. Synoptic growth as it currently stands is limited to visual surveillance, which is significant and can allow for limited instances of accountability, but it does not allow for the same monitoring and control of populations which panopticism does. In short, the synoptic gaze is limited in time and space, and relies heavily on chance and circumstance.

⁹⁴ Fernandez, *supra* note 36; L. A. Fernandez, “Policing Space: Social Control and the Anti-Corporate Globalization Movement” (2005) 3(4) *Canadian Journal of Police and Security Services* 241.

⁹⁵ A. Crosby, “Spatial Strategies in the Policing of Protest” (2008) *Cultural Shifts* <<http://culturalshifts.com/archives/301>>.

⁹⁶ S. Herbert, *Policing Space: Territoriality and the Los Angeles Police Department* (The University of Minnesota Press: Minnesota 1997); S. Herbert, “The Battle of Seattle Revisited: Or, Seven Views of a Protest-Zoning State” (2007) 26 *Political Geography* 601.

contain the perceived threat that demonstrators pose, and all attempts to step outside of these corrals are immediately cast as “bad” behaviour. In this sense, the strategies that policing agencies use in the control of space contributes and reinforces the power arrangements which classify protestors as “good” or “bad”. It is necessary in any discussion of policing dissent to understand the connections between these two fields of control, the micro power and spatial.

It is useful to consider the ideological uses of public space, and specifically the way that ideologies are *physically* constructed. Harvey’s theoretical contributions to urban planning⁹⁷ are useful in conceptualizing policing agencies as planners of an ideologically constructed environment conducive to social control. The urban planner constructs a built environment suitable for production, circulation, exchange, and consumption, and in so doing, secures society’s most basic principle, its own reproduction.⁹⁸ The planner’s task is thus to contribute to the processes of social reproduction. He or she is equipped with the necessary powers for the “production, maintenance, and management of the built environment which permit him or her to intervene in order to stabilize, to create the conditions for “balanced growth”, to contain civil strife and factional struggles by repression, cooptation, or integration”.⁹⁹

There are numerous parallels between Harvey’s Marxian analyses of urban planning and the preparation for demonstrations by policing agencies. Just as the urban planner must ensure the smooth functioning of urban spaces and make them suitable for social reproduction, policing agencies must ensure that demonstrations do not interrupt

⁹⁷ D. Harvey *The Urbanization of Capital* (The John Hopkins University Press: Maryland 1985).

⁹⁸ *Ibid.* at 166.

⁹⁹ *Ibid.* at 175-6.

the summits and meetings of delegates and dignitaries. The 1999 *Battle in Seattle* serves as a worst case scenario for policing agencies precisely because demonstrators effectively shut down the meetings of the World Trade Organization. It is a reminder that appropriate measures must be taken to keep protestors at an acceptable proximity from the delegates and conference centers.

Harvey's urban planner is able to distance herself from the ideological component of her work by cloaking urban planning in the neutral language of technicality.

[t]he planner's knowledge is used ideologically, as both legitimation and justification for certain forms of action. Political struggles and arguments may, under the planner's influence, be reduced to technical arguments for which a "rational" solution can easily be found. Those who do not accept such a solution are then open to attack as "unreasonable" and "irrational".¹⁰⁰

In the policing of dissent, the reasonable and rational logic of technicality is replaced by the reasonable and rational logic of security. Opposition to the security apparatus constructed around conference centers that temporarily house the world's elite are cast aside as irrational and unreasonable. Dissent is to be "balanced" with security, yet security continues to literally push dissent to a greater proximity from those intended to hear and see it. This context is an exemplar of the myth of balance that Neocleous cautions us to be wary of. It may not be fruitful to engage in any discussion of balancing liberty and security, "for such talk of balance merely disguises a more fundamental commitment to the latter rather than the former".¹⁰¹

D. Protest as Terror and the Logic of Security

¹⁰⁰ Ibid. at 177

¹⁰¹ M. Neocleous, "Security, Liberty and the Myth of Balance: Towards a Critique of Security Politics" (2007) 6 Contemporary Political Theory 131 at 145.

Since 9/11, terror and security have undoubtedly been the most influential concepts in political discourse, and this remains true of policing dissent. Terrorism and security came to dominate political discourse during a time of mass mobilization of anti-globalization and global justice groups. Public (dis)order became inextricably linked to terrorism and the potential for terrorism. The perceived need for the militarization of urban terrain continues to be seen during large public gatherings, and is only intensified during demonstrations of dissent where latent desires to marginalize and repress “radical” actors are realized. The state security apparatus is regularly operationalized during demonstrations, and the same tools used to secure the threat of terrorism are applied in the context of political dissent.

Neocleous points out that violence displayed during periods of emergency are framed as a necessary response to the dictating conditions¹⁰², and his is a useful analysis for the policing of dissent. Early emergency legislation in the United Kingdom was focused on labour revolt and industrial disputes. The nature of these disputes and of emergencies in general is temporary, but the powers that they provide are too enticing for the state to keep shelved for these temporary periods:

Emergency powers are politically more revealing when considered in terms of periods of ‘peace’ and the everyday functioning of civil society, for they are then exposed as nothing less than a persistent attempt at the fabrication of order by imposing a discipline on an oppositional labour movement and obedience on radical political organizations – for ‘securing’ a particular social order generally rather than merely for ‘securing’ it from external enemies.¹⁰³

Just as the logic of emergency paved the way for the quelling of challenges to the social order, so to does the logic of security. Mass demonstrations are treated as threats to order

¹⁰² M. Neocleous, *Critique of Security* (McGill-Queens University Press: Montreal 2008) at 53.

¹⁰³ Ibid.

and security, and repressing these threats is re-branded as a necessary component of protecting against security risks. Neocleous traces the creation of a state of exception into one of normalcy. The torture of enemy combatants at Guantanamo Bay and Abu Ghraib, for example, “are legitimated through law on the grounds of necessity and in the name of security”.¹⁰⁴ The state of emergency becomes a state of normalcy, and the threat that affinity groups pose during demonstrations becomes a threat that requires regular monitoring and surveillance

The conflation of dissent with terrorism underlies all levels of my analysis. We can see it most clearly in recent tactics that policing agencies are engaging in to monitor activists. Political groups are the subject of police spying and infiltration, peaceful protestors (most often with no previous criminal records) are enmeshed in national criminal databases, activists participating in demonstrations are subjected to regular and aggressive video surveillance, acts of protest are being re-branded acts of terror, and even Universities have begun sharing information about student-run political groups with local law enforcement agencies. This conflation is dangerous precisely because it allows the state security apparatus, which suppresses criminal elements, to be used against political groups.

By drawing on these above theoretical concepts, I seek to accomplish a Marxian analysis of policing dissent which goes beyond instrumentalism, and views current policing strategies as de-radicalizing and marginalizing, relying on coercive strategies which are relative to the population targeted; the most dangerous activists are policed with overt coercion, while the less radical with subtle coercion. Constraints on police

¹⁰⁴ Ibid. at 71

have forced coercive strategies to bury themselves within pseudo-liberal ones, which have been misread as accommodating or “soft-hat”. To summarize this chapter, and therefore to articulate the assertions guiding this research, I offer the following:

1. Modern policing approaches to policing dissent rely heavily on the production of knowledge about activists. This knowledge is produced through disciplinary and intelligence gathering strategies such as liaison units and surveillance, which construct and classify activists who threaten public order as “radical” and “dangerous”.
2. Police reinforce “good” and “bad” dissent by subjecting those activists who refuse to regulate and police their own behaviour to the most violent of policing tactics. Activists internalize their classification and seek to reproduce it in order to be policed non-violently, creating divisions amongst activists along these lines. Through liaison, public order policing units establish the “rules of engagement” for demonstrations. This rational and technical language provides a depoliticized justification for use of force against activists who do not adhere to these policing directives.
3. The unorganized policing responses to dissent reflect the shape of modern social movements. The logic of affinity stipulates a conscious adherence to non-hierarchical groups advocating social change. This form does not lend itself to policing efforts which seek to enforce top-down discipline within protest organizations by appealing to “leaders”. The failure of groups to self-police results in the ongoing use of violence and other coercive measures.

4. Policing agencies have sought to re-territorialize dissent by transforming the urban landscape into a battle zone by erecting fences and “penning” demonstrators in areas of limited mobility. A second aspect of this has been the relocating of leader’s summits to “off-shore” or remote locations. This segregates dissent from its opposition and treats protest as a threat to security.
5. The logic of security has resulted in a conflation of protest with terror. The fear of the next terror attack has rendered security ubiquitous in urban spaces and around the world. Demonstrations of dissent involve occupations of these same urban spaces and by nature confront the corporate and political elite. As such, the same mentalities that are used to risk-assess and prevent criminality are applied to political groups.
6. The policing of protest must be understood as compartmentalized, but within a generalized effort to de-radicalize and marginalize dissent.

Chapter 3: Methods of Inquiry

One of the explicit goals of this project is to provide an analysis of the policing of protests and demonstrations while avoiding the common police-centric position which assumes the policing strategies as the determinative factor. By being conscious of the importance of indexicality we can begin to fashion approaches to policing demonstrations that place the lived experiences of protestors at the center of analysis.¹⁰⁵ A “bottom-up” approach avoids a post-hoc analysis of policing strategies, and allows for an accurate understanding of public order policing, as Jefferson appropriately asserts:

...the view-point I am espousing is tantamount to a view "from below": from the perspective of the marginals, the powerless, the dissidents, the "toe-rags", the variously "de-legitimated", the "outsiders", the disaffected "minorities": in short, those routinely subject to police attention. Policing public order, like policing generally, is about policing de-legitimated minorities... From *their* standpoint, violence is, as it always has been, a potential part of being policed, the dark side of the negotiations, what happens when truces break down.¹⁰⁶

In order to obtain the necessary information to complete this analysis I have conducted ten semi-structured interviews with activists from the Ottawa region who have either organized or participated in demonstrations or protests in Ottawa or the surrounding area,¹⁰⁷ as well as one interview with a high ranking member of the Ottawa Police Service who has been directly involved with the operational planning of the public order unit.¹⁰⁸ In structuring this analysis of activists being policed, I have consciously chosen formal interviews as the primary method of data collection because this presents

¹⁰⁵ See, E. Schur Labeling Deviant Behavior (Harper and Row: New York, 1971).

¹⁰⁶ T. Jefferson. "Beyond Paramilitarism" (1987) 27(1) *British Journal of Criminology* 47 at 49-50, original emphasis.

¹⁰⁷ As has become commonplace, some of the events discussed in this project were held in locations away from accessible areas of Ottawa, such as nearby Montebello, QC. However, these events had Ottawa Police Service presence, as confirmed by the Ottawa Police and local media.

¹⁰⁸ I use the generic term 'public order unit' to refer to the unit as a whole, although there have been numerous monikers assigned to the unit as it has evolved.

the ability to forge an epistemic relationship between the theoretical framework for this study and the methods employed. Becker has eloquently pointed out that it is the duty of sociologists studying deviance to challenge “hierarchies of credibility”, and refuse “to give credence and deference to an established social order, in which knowledge and truth and the right to be heard are not equally distributed”.¹⁰⁹ I am analyzing policing strategies which influence the experiences of a marginalized population, and power arrangements which come to be internalized by activists. The most appropriate method to engage this subject matter is through direct engagement with the activist community.

A. Access

Obtaining interviews with local activists was both challenging and revealing. Identifying and contacting individuals was difficult from an administrative standpoint, with emails regularly bouncing back to me and old web sites leading to dead links for contact information. Many names of individuals were gained through a snowball method, with one individual recommending I speak to several other acquaintances. Once contacted, convincing individuals to participate in the study was more difficult than anticipated. Many persons felt their insights would not be valuable, and others rejected the invitation out right. This, along with an occasional chide during interviews, was perhaps the only experience which revealed the alleged tensions between academia and activism that Day has subtly discussed as “academic parasites” seeking “street cred or professional advancement, or simply trying to satisfy a voyeuristic urge to participate in ‘the real world.’”¹¹⁰ Ironically, my experiences in attempting to contact members of

¹⁰⁹ H. Becker “Whose Side Are We On?” (1967) 14(3) *Social Problems* 239

¹¹⁰ Day, *supra* note 68 at 12.

affinity groups in Ottawa may be similar to those of the Ottawa Police Service personnel who attempt to forge relationships with the activist community. The logic of affinity dictates a conscious de-centralization and democratization of movement organizing. This leader-less organization is unfamiliar and challenging for the liaison policing unit, but this challenge also extends to the academic in search of a willing research participant.

Although the sentiments that Day identifies are doubtlessly accurate, the opportunity to speak about police behaviour was a welcome opportunity by a number of participants. One participant remarked to me that she would enjoy “talking about cops” and wanted to know how much of her personal politics she could discuss as opposed to strictly factual information, while another agreed to the interview by stating “sure, I can talk about the cops for hours.” This perhaps reveals that the policing of demonstrations could be an area of research to which activists are open to academic contribution, and avoids the “long-standing distrust of anyone who works in an academic context.”¹¹¹

Although one interview was secured with a high ranking member of the OPS public order unit, my original proposal for gathering data with respect to the planning aspects of demonstrations was limited to document analysis through the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), and media accounts of police activity at demonstrations.¹¹² My access request was submitted to the OPS, according to the guidelines set out by MFIPPA, but instead of progressing through the

¹¹¹ Ibid.

¹¹² I also submitted a federal access to information request to the RCMP. Here, I requested information pertaining to strategies for maintaining order in large scale demonstrations/protests, and specifically, information relating to the use of video surveillance, the creation of protest zones, and the deployment of non lethal weapons at such events. This request resulted in an Incident Management Intervention Model, which is publicly available, and several sections of a Tactical Operations manual that was too vague for any substantial analysis.

standardized process, my request elicited an invitation. I was seeking documents about the Major Event Liaison Team (or MELT, as the public order unit was formerly known), and specifically their use of video surveillance during a demonstration in downtown Ottawa in 2002. Previous research had uncovered a quote from an OPS officer who stated that (at the 2002 G8 protests) the police “didn’t need to use tear gas because we used videotaping instead.”¹¹³ The MFIPPA request sought documents which would expose this use of aggressive video surveillance as a policy for limiting political participation.

Instead of redacted documents, I received a phone message from an OPS employee who informed me that the persons tasked with searching their records for this information suggested that no documents really existed that pertained to the parameters of my search. I was asked why I was interested in the information, and specifically if I was a journalist. I immediately phoned back and informed the woman on the other end that I was a student completing a research project on the topic. To my surprise, she responded by saying that members of the public order division recommended that I come in and meet with them, as opposed to continuing with the information request which the officers felt would not result in any documents. With my permission she could release my name to the officers and would provide me their contact information in order to arrange times for an interview. Forcing the information request would have hindered any opportunity for a future interview, and may have resulted in either a) no relevant information being obtained; b) obtaining documents redacted beyond any real value; or c)

¹¹³ Ottawa Witness Group. “Report and Recommendations on the Policing of G-8 Events in Ottawa” (2002) <http://ca.geocities.com/witnessgroup@rogers.com/witness_report_jul_16.html> (accessed 30 March 2009).

administrative expenses beyond budgetary constraints, which served a significant deterrent and potential barrier to my research.

B. Structure of Investigation

The interview questions were designed to generate first person accounts of policing behaviour at demonstrations, and also to gather opinion on two areas: specific policing strategies and demonstration or protest strategies. The semi-structured interview style permitted for additional questions being posed to the participant if he/she expressed a great deal of knowledge, interest or experience with a specific area. This resulted in several interviews which almost exclusively dealt with organizing for a specific demonstration or rally, or a specific policing strategy that the participant had encountered frequently and felt was worthy of particular attention. The interviews ranged in length from twenty to fifty five minutes. Eight out of ten interviews were conducted in person.¹¹⁴

Participants who were university students were more comfortable with the interview process, specifically the consent forms and ethically required discussions over how recorded interviews would be stored. With non-students, the consent form was a barrier as Research Ethics Board rules were either boring or annoying to the participants who just wanted to begin the interview. One area of concern voiced by participants that transcended gender, group affiliation, or age concerned the goals of the study. All participants wanted to understand why I wished to obtain the information, and how it

¹¹⁴ The remaining two were conducted over the telephone because they lived outside of reasonable travel distance to Ottawa.

would be used. Although it was never explicitly stated, these questions were clearly aimed at determining if I was soliciting information for a policing agency.

As mentioned, one interview was conducted with a high ranking member of the Ottawa Police Service. This interview was semi-structured and the questions posed were aimed at the logic of certain tactics including the desire to obtain information from event organizers, the use of video surveillance, the use of spatial restrictions, and the process of identifying and preparing for demonstrations. Additional information was also obtained regarding the philosophy and evolution of the OPS public order unit, the desired role of the OPS during a demonstration, policing in a public order context, the videotaping of officers by protestors, and the efforts to avoid confrontation and violence where possible. The interview lasted approximately one hour and was conducted in person.

All participants (except for one activist) agreed to have the interview audio taped, and as per the ethical requirements for participant confidentiality, all of the interview tapes were destroyed after they were transcribed. There are no identifiers on the transcripts other than the participant's gender and whether they are an activist or police officer. To maintain anonymity throughout, I will refer to the police officer only as OPS Participant, and the activists as 'Participant A to K'. A brief description of the level of participation by activists is used at times to provide context in instances where opinion on the police strategies are being provided. First person accounts of a particular instance of police-protestor interaction do not require this proviso but context of the event (type, approximate date, and number of participants) is provided.

A final level of investigation is the media's depiction of protests in Ottawa, including any opinion or account of the police activity at demonstrations. In some instances this proved a valuable source of information for tracking activist (and general public) dislike for certain police practices. Many activist participants expressed concerns about media sensationalism, and this line of questioning provided a strong basis for an analysis of that issue in particular. A collection of pre and post 9/11 articles depicting the views of large demonstrations provided a comparative basis which highlights the connections between public order and terrorism, and specifically the operationalization of the state security apparatus in instances of public disorder in the post 9/11 era.

Chapter 4: The Birth of MELT

I don't know why they thought that they would be embraced. Maybe some protestors, some groups, would embrace that, but I think they had really burned their bridges and they needed to come back with some form of truce.

— Participant H

Intelligence gathering is a necessary element of policing around Major Events. Nevertheless, intelligence gathering should not undermine the potential for dialogue between police and protest organizers.

— An Agenda for Excellence for Major Events (Ottawa Police Service, 2002)

The addition by Canadian policing agencies of an officer and/or unit tasked with liaising between activists and labour representatives can be situated within the larger trend of a movement away from policing social and labour movements with force and violence. de Lint and Hall sketch this history more than adequately, and in so doing highlight the various impetuses that resulted in the adoption of liaison units within policing agencies in Canada.¹¹⁵ They credit as influencing factors: local media and political fallout from the policing of specific events such as strikes or protests, broader cultural shifts in the tolerance of police use of force, an increased consciousness amongst the police in their alignment against militant labour, and increasing professionalization and levels of education amongst street level officers.¹¹⁶ However, amongst these varying causes for the adoption of a liaison unit, media coverage surrounding specific incidents drew most support in de Lint and Hall's survey of policing personnel on this subject,¹¹⁷ and this is echoed by circumstances surrounding the Ottawa Police Service's creation of the MELT.

¹¹⁵ de Lint & Hall, *supra* note 4 at 133-6.

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.* at 13.

Between November 2001 and October 2002, a series of events occurred in Ottawa that shaped the perception of the OPS amongst activists and the community at large. In what follows, I offer a brief account of the various demonstrations held in Ottawa during this time, and the policing strategies witnessed at these demonstrations. Although this has received some academic attention¹¹⁸, I will expand on this existing literature for two primary reasons. First, this time period is of fundamental importance for the existing relationship between affinity groups and the Ottawa Police Service. Second, these events are continuously referenced by interview participants, and this summary provides necessary contextual information for a thorough understanding of the causal factors in the evolution of the relationship and perception of the OPS public order unit in the Ottawa community.¹¹⁹

In the wake of 9/11, Ottawa played host to both the G20 group of nations, and representatives from the International Monetary Fund (IMF) and the World Bank (WB). The IMF/WB meeting was originally scheduled for late September in Washington, D.C., but was postponed due to the terrorist attacks of September 11th. The G20 was also moved to Ottawa on short notice and was scheduled for this same time period, November 16 to 18. New Delhi was the original host for this meeting, but the event was relocated to Ottawa because of India's proximity to Afghanistan.¹²⁰ The terrorist threat was the subject of the G20 meetings, and it is an understatement to say that it was terrorism that shaped the security concerns of the police in Ottawa for that three day span.

¹¹⁸ King & Waddington *supra* note 6 at 75-96.

¹¹⁹ In the ten year period following the introduction of MELT, the liaison unit has changed names twice. For a short period of time it was called the Activist Community Liaison Team, and is presently named the Police Liaison Team.

¹²⁰ "Security tight as G-20 meeting begins" *CBC News* (16 November 2001)

<http://www.cbc.ca/canada/story/2001/11/16/ottawa_meet011116.html> (accessed 7 December 2009)

The policing strategies utilized by the OPS during these meetings were extremely repressive and militaristic. The OPS had identified what they perceived as increased militancy amongst protesters at similar and recent events, and prepared for the worst. The security planning for the G20 took into account the violence that erupted during recent global economic summits such as the 1999 WTO in Seattle, the G20 in Montreal in 2000, and the 2000 IMF/World Bank forum in Washington, D.C,¹²¹ as noted in the OPS G20 Interim Report:

The images from the 2001 Summit of the Americas in Quebec demonstrated the resolve of some protestors to violently engage the police with improvised weapons and strategies. All of these events have illustrated behaviours by protestors aimed at damaging property, disrupting forums and traffic patterns or attacking police lines; each of these influenced aspects of the planning that took place for the November meetings in Ottawa.¹²²

The policing that took place during these meetings from November 16 to 18 continues to influence the perception of the Ottawa Police Service within activist circles, nearly a decade later. Police pre-emptively arrested protestors based on their clothing¹²³, allowed police dogs to attack demonstrators and media personnel¹²⁴, punched demonstrators (including Church leaders) in the face and pushed them with batons¹²⁵, doused the crowds with tear gas and water¹²⁶, arrested and detained demonstrators on suspicion alone without charge or due process¹²⁷, and searched all demonstrators seeking

¹²¹ Ottawa Police Service (2002) *G20 Interim Report*.

¹²² Ibid.

¹²³ Randy Boswell "Police violated Charter rights at G20 protests, law professor says" *The Ottawa Citizen* (20 November 2001) E2.

¹²⁴ "G-20 makes promises, protesters make noise" *CBC News* (18 November 2001)

<http://www.cbc.ca/canada/story/2001/11/17/g20_011117.html> accessed 10 December 2009).

¹²⁵ Stuart Ryan "G20 clashes show the last thing police need is more powers" *The Ottawa Citizen* (11 December 2001) D4.

¹²⁶ *Supra* note 123.

¹²⁷ *Supra* note 124.

to participate in select marches without just cause.¹²⁸ The violence demonstrators were subjected to during these events resulted in significant media coverage and criticism. As one participant succinctly stated, “[Nov 16, 2001] was the day that the police lost our trust” (Participant K). This sentiment is further expressed through the establishment of two community groups, which sought to review and monitor the actions of the Ottawa Police Service during demonstrations, and a new unit within the OPS, the Major Event Liaison Team (MELT), which aimed to create ongoing dialogue between activists and the police. The Citizens Panel on Policing and the Community (CPPC) was formed to review the conduct of the Ottawa Police during the G20 and IMF/WB meetings. It provided the opportunity for groups and individuals subjected to police violence to not only have their voice heard, but to add valuable input into the final report by the Panel, which would recommend alternative policing approaches, as well. The Ottawa Witness Group (OWG), which remains active presently, attend demonstrations as independent witnesses who monitor and report on police “adherence to the standards of human rights in a democratic society.”¹²⁹

That the MELT, CPPC and OWG were all created after the policing strategies used during the G20 summit shows the strong level of civic resistance to violent policing of dissent in Ottawa, and the perceived need within the OPS to implement measures which would avoid future instances of significant criticism. Another major impetus for the establishment of the MELT and community groups was the fact that Canada was set to host the G8 summit in June of 2002, and Ottawa was to serve as a location for various organizations seeking to voice dissent to the global political order that the G8 represents

¹²⁸ Ibid.

¹²⁹ Flyer of Ottawa Witness Group.

and reproduces. There were reasonable fears amongst demonstration organizers and police personnel that there would be a repeat of the violent events that took place in November, and the creation of the liaison team and these community monitoring organizations shows the desire of both sides to mitigate the risk of more violence during the upcoming G8.

On April 15 2002 the OPS published *An Agenda for Excellence for Major Events: Police and Community Challenges*. Liaison with community organizers and labour representatives was a pre-existing strategy of the OPS. Communication with organizers had taken place prior to the G20 demonstrations, but this document reaffirmed and made prominent the “critical importance” the OPS places on “liaison between police and event organizers” and an “open lines approach”.¹³⁰ Importantly, although the *Agenda for Excellence* also distinguishes between the role of the Major Events Liaison Team as having a strictly liaison function, and as such “should be separate and independent from any intelligence gathering function”, it simultaneously professes the commitment to intelligence gathering during major events:

Intelligence gathering is a necessary element of policing around Major Events. Nevertheless, intelligence gathering should not undermine the potential for dialogue between police and protest organizers during the planning phase or replace ongoing communication during an event.¹³¹

This tension between liaison and intelligence gathering was a significant concern of Ottawa activists during the 2002 G8, for which the MELT was introduced, and continues to be a significant concern for many Ottawa activists to date, as will be outlined in this chapter.

¹³⁰ *Supra* note 66 at 5.

¹³¹ *Ibid* at 5-6.

Immediately prior to the June 2002 G8 summit, the OPS attempted to foster dialogue between community organizers and the MELT by holding “Open Lines Meetings” at which “ways to ensure a safe event” were discussed.¹³² Several groups planning actions, including the media-labelled “radical” activists involved in the Take the Capital actions, were sceptical of the OPS liaison efforts, and dismissed them as “a matter of optics”, a way for the police to engage in surveillance, and “really just crap”.¹³³ The decision of whether or not activists would communicate their demonstration intentions to the police received significant consideration:

There was a ton of discussion in organizing communities in Ottawa about what to do about it. At the time, the organizing community in Ottawa, at least the groups that I was organizing with, there were these sorts of broad coalitions around anti-war and corporate globalization. There were a lot of different groups with different approaches to the issues trying to work together. And so what often would happen was there would be messy compromises made about how to deal with the liaison team. For some demos, depending on who were the key organizers, there would be communication in advance with the liaison team, for other demos there would be no formal communication with them, for some demos there would be a weird sort of compromise that there would be a committee that would meet with the liaison team, but not discuss anything of substance with them. At that period, 2001 to 2003, was when we really tried to suss out how we really felt about MELT teams and how to respond as an organizing community.

¹³² Vince Bevan “Police promote dialogue about G8 demonstrations” *The Ottawa Citizen* (24 June 2001) D5.

¹³³ “Radicals break off talks with police: Activists say authorities want to ‘marginalize all dissent’” *The Ottawa Citizen* (19 June 2002) B1.

Very different avenues were tried. And I'm not sure that question is really settled at this point, but certainly after a few years there was a sort of growing consensus that working with the MELT team was not conducive to effective community organizing (Participant G).

Another activist suggests that the violence they were subjected to in 2001 had stifled any chance for the police to create an open and dialogue based unit:

Well they had completely blown it. When you get the previous mayor of Ottawa coming out, and a bunch of United Church ministers coming in [to form the CPPC]... I mean its one thing us saying the police are brutal. But when they're coming out and saying what they witnessed, well they had to take a different approach and the MELT team was part of their attempt at doing this. I don't know why they thought that they would be embraced. Maybe some protestors, some groups, would embrace that, but I think they had really burned their bridges and they needed to come back with some form of truce. They were just standing back taking notes and when they met with us. Initially I thought well maybe they're going to make some commitments to change, but it never seemed that's what they were ever doing. They knew the approach that they had taken after 9/11, at the G20/IMF/WB was not going to work and they had to try something different. But they always have, and I think they always will, want to control these demonstrations. They want to make sure that they're contained and it's a public order thing. They know that when demonstrations get big there are a number of people that will come out with more radical tactics and they want to control it. So I think that is what the MELT team was all about... I can't even remember when,

but we started hearing there were plain clothed police men that were trying to meet with us. I know some people would talk with them, but my initial response was this is ridiculous; this is plain clothed police officers now trying to cozy up to people to gather information... The stance of the groups I was a part of was we wouldn't really talk to them. And I was in a situation where I didn't mind talking to the police. Somebody generally had to talk to the police. Our position was that we would not get permits for public marches, but that we would inform the police where we were going, and so somebody had to deal with the police (Participant H).

Although the decision against communicating with the police prior to demonstrations is controversial and clearly a topic of sophisticated debate within activist circles, often these activists are labelled as radical for simply choosing not to communicate.¹³⁴ The categorization of activists based on their willingness to liaise with the police contributes to their construction as 'good' or 'bad' protestors.

¹³⁴ Ibid.

Chapter 5: Re-Conceptualizing Liaison Policing

The MELT team plays into the long history of the police stereotype of good cop and bad cop. It's like you can deal with the MELT team and he's your buddy, he'll bring you coffee, he'll help you get your phone call, and get your family to talk to you. Or, if you don't want to deal with the good cop, we're going to bring in the bad cop who's going to kick your ass.

—Participant G

Police do not negotiate, at least when it comes to anything important, because that would imply equivalency.

— David Graeber ¹³⁵

Having recounted the birth of MELT, this chapter will analyze its reception within activist communities, while arguing that liaison units are coercive, and propped up by the underlying threat of violence. The “soft” policing discourse which others have used to discuss liaison strategies works to shift attention away from this coercive nature, as well as the continued use of overt violence against demonstrators.

A. Coercive Planning

The beginning of the eighteenth century, and the accompanying enlightenment period of thought, marked a dramatic shift in the project of police. Up until this point, policing was primarily concerned with the “refixing of communal relations and codes by calibrating the status of those within its purview, exposing fraudulent claims and practices, suppressing unsavoury activities and physically marking falsity and deviance rather than actually preventing future acts injurious to persons, property or government.”¹³⁶ During the enlightenment period the focus on the conservation of

¹³⁵ Possibilities: Essays on Hierarchy, Rebellion, and Desire (AK Press, Oakland 2007) at 379

¹³⁶ J.L. McMullan, “Social Surveillance and the Rise of the Police Machine” (1998) 2(1) *Theoretical Criminology* 93 at 104.

society gave way to the biopolitical care of life.¹³⁷ The police were no longer an institution tasked only with catching, disciplining and sanctioning offenders. The objective of policing became the reform and progress of the sum of human beings through proper custodial management.¹³⁸

Industrialization brought with it the problem of population. For England, the seventeenth century was marked by a rising population and a sudden rearrangement of landed property. Increased efficiency in agriculture displaced rural communities, and a number of men and women, socially rootless and economically redundant, were forcibly evicted and driven into towns and cities.¹³⁹ This surge in population in towns and cities resulted in a direct response in policing strategies. Foucault identifies the new target of the police as population: “what is defined as the object of the police is population, i.e., a group of persons living in a given area”.¹⁴⁰

The new mechanisms of social reproduction sought to educate, to civilize, and to culture, within the larger framework of “reinventing the pastoral function inside a teaching and managing state and to create an entirely new and consciously designed disciplinary ideology and politics”.¹⁴¹ As outlined in chapter 2, a main function of government became the ability of an authority to force upon a group of subjects the self-regulation of one’s conduct. Governmentality and the “conduct of conduct” became a mechanism by which a population is well ordered and made productive. In the case of contemporary social movements, this logic continues to be seen, as activists are produced

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid. at 96

¹⁴⁰ M. Foucault, *Politics, Philosophy, Culture: Interviews and Other Writings 1977-1984*, (eds.) Kritzman, L.D. (Routledge: New York, 1988) at 83.

¹⁴¹ *Supra* note 135 at 104; See also Neocleous *supra* note 42 and G. S. Rigakos et al. *supra* note 42.

as “good” by accepting the awarded policing strategies that avoid overt force, and subsequently reproduce this classification in order to continue to be policed in this manner.

A main goal of the police in preparing for demonstrations is to acquire as much information about a planned demonstration as is possible. Similar to other municipalities, Ottawa by-laws require special event permits for political demonstrations. Mitchell and Staehli have observed that in some American cities the permit system has a significant influence on the ability to stage demonstrations in public areas:

By closing key sites to protest, permit systems can have the effect of silencing dissident voices while at the same time giving the appearance that public space is politically inclusive. The politics of public space is thus a politics of location: *Where* voices are silenced makes a huge difference as to *which* voices are heard. The politics of public space, therefore, can shape the nature of politics in public space.¹⁴²

There is some evidence to support parallel trends in Ottawa in the data I am presenting here. Two organizers I spoke with found that it was not their group or political cause that determined the ability to access public space with permits, but rather the high price tag associated with staging the event:

We called city hall to try and book the lawn outside by Elgin, and we were told that there would be a booking fee of, I believe it was eight hundred dollars, and that unless we paid for the booking fee – we wanted to hold a press conference – we wouldn’t be able to use it. That’s a pretty hefty price tag for accessing public space [laughs] (Participant D).

¹⁴² Mitchell & Staeheli, *supra* note 16 at 798.

In addition to the above noted booking fee, activists are also required at times to pay for the police themselves:

We got a permit for parliament hill, and we investigated getting a permit for the sidewalks on Ottawa streets nearby. Because at that point we knew it was going to be difficult getting a lot of people there but we weren't sure if maybe we would be able to get ten thousand. And we thought maybe it's a good idea to get permits for a few of the sidewalks on the streets nearby. And we didn't end up getting that permit because we contacted the City of Ottawa and they said they would need proof in bus bookings and train bookings and somehow prove that we were actually bringing a large enough group of people to actually do that. And they wanted to have traffic control and that sort of thing involved, and so we didn't end up getting that permit. And they told us that we would actually have to pay for any extra policing that was required or any extra traffic control stuff (Participant F).

These hefty administrative tags amount to the same level of access that Mitchell and Staehli highlight, but there exists sufficient political ambiguity in the City of Ottawa process to avoid this confrontation outright. The permit system in the City of Ottawa is better understood as a means of information collection as opposed to a political tool used to silence dissent. When organizers apply for a permit they provide information requested by the City of Ottawa, and are informed of several special event regulations. This information is available to the OPS:

There are a lot of groups that will apply to the city for a permit if they're holding a demonstration. There is a special event bylaw in the city of Ottawa that requires people to get a permit... The sad part about these special event bylaws is there's no teeth. So if tomorrow you wanted to go out and have a protest downtown, away you go. There's no offence for not getting a permit. The idea of a permit is it lets the city know what your intentions are, where you intend to go, but it also gives them an opportunity to explain the rules to you –where you can protest, the types of signage you can have... We don't obviously want to get into a situation where we're arresting people because they're ignorant of the law. So it lays out some guidelines – the audible levels they're allowed to use with public address systems, things like that. So you are supposed to apply for a permit, but if you don't you're not breaking any law. It's a strange by-law but that's the way it is. So that's generally how we find out (Ottawa Police Officer).

In addition to the permit system as a source of information, the OPS public order team is also tasked with monitoring the internet and other sources of publicly available information such as posters and flyers:

A lot of these groups will put things out over the internet, they'll put up posters downtown... I saw something in the [Ottawa] Sun this morning about the Carleton Land Owners having three information sessions coming up. Generally speaking that's a group that we deal with on a protest basis. We have a special event calendar that everybody in the department has access to, and as a supervisor, say on patrol, you'll take a look at the start of a shift to know what's going on that day in your particular area (Ottawa Police Officer).

In theory, the OPS liaison unit enters into dialogue initiated by members of affinity groups in order to discuss details such as dates, times, march routes, expected numbers, or other such details about events. Once the OPS made it known amongst activists circles that it wished to enter into facilitative dialogue with members of affinity groups in order to avoid forceful and violent policing, activists were forced to decide whether or not they would participate in this process. This process allows the police to set terms for demonstrations, and groups form reputations based on their willingness to uphold the negotiated terms of the demonstration. This enforces a degree of self-policing by protestors:

It's remarkable, the [policing] difference depending on the issue. Just the other day we had a big [protest]. Pretty large police presence, but mostly doing very limited crowd control. We had our own – and maybe this isn't so much the issue but how it was presented – we had our own marshals which keep people in line. We know it's not a very controversial issue so we don't want to make it one, so we get permits for the march and all those sorts of things, which I think sheds a different light on the event. Less cops, no fencing, no kind of [short pause] stern kind of presence. Whereas the other ones you have dogs, people with riot gear, tear gas, barricades, unmarked, tinted Escalades, all that kind of stuff. In certain instances snipers on buildings and in trees. (Participant A)

The need for self-policing and liaising with the police is also reinforced by the way that the Ottawa Police frame the issue as a necessary part of any demonstration:

They really try to make you feel like you need to do this in order to ensure a safe, effective demonstration, and in order for them to do their jobs properly.

(Participant G)

The liaison unit contributes to the marginalization of the “radical” element within activists networks. For policing agencies, radical activists pose a significant threat which provides ample justification for intervention. Radical activists are said to have the potential to be violent at any time, and this must be taken into account. Any person who is dressed in all black or wearing a face mask fits the “dangerous anarchist” profile, and using force against this person is warranted. During the Ottawa-hosted G20 Summit in 2001, protestors were profiled based on their clothes, in short, if demonstrators looked like the “dangerous anarchists” that the media was so enamoured with during the 1999 Seattle World Trade Organization or 2001 Quebec City Summit of the Americas protests, they were preventatively arrested. According to Ottawa Police Staff-Sgt. Leo Janveau, “we started targeting groups who, we were confident, were not there to do peaceful protest, who were there for other reasons. We started targeting people who might engage in different behaviour. We looked at what clothes they were wearing, and how they behaved in their groups.”¹⁴³ This type of action sets a dangerous precedent for future arrests of political activists for non-criminal behaviour. Further, it reinforces amongst demonstrators the need to distance oneself from the radical element in any protest for fear of arrest or collateral violence. This “anarchist profiling” was experienced by one participant in this study:

¹⁴³ *Supra* note 122.

I think the police have a certain sensitivity of who they are trying to police. So people like myself, I am a young professional, I'm not an anarchist per se, they treat people like me differently than they treat people who openly identify themselves as anarchists or part of the PGA [People's Global Action] movement and those kinds of things. And so I've seen, and I remember this was at the SPP [Security and Prosperity Partnership] protest, I've seen them, you know, really hassling so-called anarchists, people who dress a certain way, a hard time and harassing them, whereas they wouldn't treat people like me that way. When I go to a protest I dress normally like I usually would, so I look like a regular guy you'd see on Elgin St. but I happen to be at a protest. Maybe I might be carrying a sign. So I think they know how to treat people in the middle or upper middle class in a certain way, and they know how to intimidate people who are poor or viewed as or might look like anarchists, or dress in a way that many people would identify as being anarchist. So I think in those cases they definitely try to intimidate. And I think the police try not to mess with people who are well-off because people who are well-off know how to, you know, take them to court or whatever if they get into trouble. (Participant E)

The police seek out the “radical element” well before demonstrations begin, and attempt to create divisions amongst activist networks along these lines. Affinity groups that are willing to enter into dialogues with the police are often used for information about more “radical” groups, which are perceived by the police as a constant underlying threat:

It's a lot easier for me to be getting the information first hand from protest leaders – what they're intentions are – as opposed to trying to judge it from the crowds

behaviour, and then all of a sudden they take a left turn and go down a street we didn't expect them to. It also gives the protest leaders a way to manage their own people. A lot of protests are peaceful, a lot of them are really well organized, but you're always going to get fringe protesters that attach themselves and they may not follow what the original group's intention is. (Ottawa Police Officer)

The pressure policing agencies place on protest organizers stems from their monopoly of legitimate force. There remains an overarching possibility that the police could use forceful or violent tactics to end a demonstration at any time, and in order to avoid this, some demonstration organizers liaise with the police and present themselves as a group that ensure that any radical element is pacified. In this sense, the organizers both produce and reproduce their own classification as "good" and "responsible" activists in order to protect fellow demonstrators:

We've definitely had discussions in the groups of whether or not it would be a strategic move to get the police involved, but we usually have decided on informing them of the demonstrations to protect our demonstrators. They tend to be more hostile if they were unaware of the demonstration. If there are participants in the demo who are immigrants or have conditions on their residency, because you know there are some other countries who will tell people that come to this country, you can't engage in protests, or they put those sort of restrictions on their civil liberties. The repercussions for someone who doesn't have permanent resident status is much more severe than for a Canadian citizen, so if cops aren't informed then they're [short pause] at least if they have notice they're less likely to come and arrest all the participants because they've had an

arm extended. They recognize we want to keep them informed. It's an effort to maintain a certain relationship with them. So that would be the motivation for me at least in informing the police is protecting the participants. (Participant D)

Choosing to not inform the police of demonstration plans is seen by police as a "bad faith" gesture, of which organizers are well aware:

PARTICIPANT: If you don't want to share information with them they feel they have zero control and that's the thing with anti-globalization demos.

ME: So would you say that not providing information puts you at risk to an extent?

PARTICIPANT: It creates a completely different dynamic. If you refuse to talk to them they will assume you have something to hide. That's their way of thinking.

So then they'll do whatever they need to do. They feel they have to. (Participant I)

One environmental organizer I spoke to expressed concerns about even using the term "demonstration" to promote their event. This was partly attributed to the long history of radical environmental activism which this organizer felt could shed a controversial light on the event:

I think we wanted it to feel a very welcome event for families to bring their children, children looking to the future and the world they're going to inherit and the climate they're going to inherit and we wanted parents to feel comfortable bringing their young children. We also didn't want negative media coverage, and we felt that the word demonstration had a real negative connotation. [We were

worried] the term demonstration could give us bad press, so we kind of just went in a more positive way because ultimately the changes we want are political in nature. We want stronger legislation which hasn't ended up happening yet, but in order to get that you need to be working with the government not fighting against them, you need them to be helping you get what you want. So we also didn't want to seem overly confrontational towards the government. (Participant F)

This organizer was not only concerned with the framing of the event, but also about the reputation of any groups they chose to work with in organizing it:

Radical is definitely the word we were concerned with being labelled with. We tried to be careful which environmental groups we collaborated with in our advertising and that sort of thing, just because of the concern of being too radical. (Participant F)

This example shows well the ability of the police to use philosophical divisions within activist networks to marginalize radical groups. Policing strategies such as this can be particularly damaging for the networking possibilities of affinity groups. Groups which are considered too "radical" by the police and other state agencies may find it difficult to work, coordinate, and demonstrate with other groups because of this label. In this particular instance an organizer took a reactionary position to distance the event from even the suggestion of actions that the very broad term "demonstration" can refer to. This highlights the extent to which some organizers will go, in order to ensure that the police do not have justification for a tougher presence during events. The activist tailored his or her conduct to ensure that he or she will not be classified as radical due to the

history of dissent around a specific issue. The pressure to self-regulate, however, also manifests itself along racial and gendered lines, as evidenced by the following accounts:

There are some groups who are known to protest and known not to do anything, they uphold the protest rules, and they won't suddenly break away and go a different route or whatever. I remember going to Gaza protests and the protest organizers, perhaps because they didn't want to be viewed as "crazy Arabs" or something like that, they were really obsessed with people all around on the march route, and making sure people stayed on the route, making sure they behave a certain way and things like that. I've never seen that before. I've been to a lot of protests around Iraq and I've never seen that. This was specifically organized by Ottawa Palestinian and/or Ottawa Arab groups and they were obsessed with just keeping order and that no one did anything out of the ordinary because I think they were worried that if they were viewed that way that the police would treat them in a certain way as well. I know in other protests, like the PGA group, kind of broke away and went their own way, and that's when the police get really fired up. (Participant E)

Police are able to exploit the fears of some demonstrators. An activist remarks on the importance of shielding the participants of a demonstration on the issue of violence against women:

There are a lot of participants who feel less secure when police are there, which would inform the decision to not inform the cops of a demonstration. [A demonstration about violence against women], might be a good example.

Depending on the demonstration there are a lot of women who have experienced police violence who are protesters, and this is a demonstration about violence against women, and for a lot of women, especially those who have experienced sexual violence and physical violence, being in this space that is supposed to be empowering. If they see a police officer then it could be a trigger of their traumatic experiences. That would be maybe the kind of context where the participant needs to be protected. And doing our best to keep the police from being informed could be protective of the participants. But usually if it's a demo they're going to be there anyways. So there's not much point. (Participant D)

A different organizer expressed the opposite position towards police presence at demonstrations against gendered violence:

[This event was] about Aboriginal women that have disappeared. And so we were working with Native women's organizations and there was a joint event in Centertown, around the bottom of Elgin St. And there was a group of maybe fifty women or so that all marched up Elgin, and the police were there, with the cars, and I kind of felt that they were our escort. You know, not to get in our way but to protect us and make sure [short pause] I don't know, I don't imagine there would be adverse reaction from the crowd but I don't know, maybe just [protection from] cars and vehicular traffic. Because I think we did walk down the middle of the street, so we would've been blocking traffic for a short period of time. (Participant C)

Another organizer spoke of the necessity to inform the police of demonstration plans in order to maintain safe spaces for dissent as well, but, interestingly, also the need to justify this to other affinity groups:

Our event had been planned to give a very safe space, as much as possible, for a few people to demonstrate. We organized some street theatre using part of a volleyball net and the CEOs of major corporations played against MPs and all that. It was street theatre it was very peaceful, that type of thing. So we did not have any problem letting the police know what we were doing. And we decided, so that people would feel safe, that we wanted to have, and we got, a permit. Not from the police but from the Sparks St. mall. Our objective with that specific event was to make it as safe as possible. We were targeting, not targeting, we wanted to reach out to women so we wanted to make sure they felt safe coming, we wanted to make sure as many people came out as possible, so we let people know that we were talking to the police and that we would keep it safe. Because that was our target, that was our goal. So we didn't have a problem doing that. At the same time we wanted to make sure we wouldn't be used by the police to give them an excuse to be violent. And we didn't want to provide them with any information even though we did in order to ensure that our event would remain peaceful. We felt it was important to connect with the other groups as well. They totally respected what we were doing. Our purpose was clear, our goal was clear, and thank god we were able to establish a relationship with other groups and it worked out well. (Participant I)

Although organizers participate with the police to protect demonstrators from potential violence, the tension between cooperating with the police and wanting to freely to express dissent through a diversity of tactics including direct action was observed by one participant:

The demonstrations that I've organized, with the anti-war groups that I'm involved in, have always been family friendly demonstrations because I mean you want to attract, or I want to think you try to attract, the most people you can. So [I organize] family friendly [demonstrations] so people are comfortable to bring their kids and know they aren't going to be pepper sprayed. So there's definitely a lot of merit of making sure people are dedicated to a certain type of demo.

Whether it's just a march for example, but in those circumstances I think that it's our responsibility to talk to other participants about what the goals are of a certain action. But at the same time I do believe in certain types of direct action. There is a time and a place for more direct action, [like] shutting down a street. I don't think personally that throwing a rock at a cop is going to get you anywhere, and I would discourage it if I saw it. I think we need to maintain certain empathy for protesters who do feel enraged by the forms of violence and oppression they've experienced from the police and from the state. Whether or not I agree with their tactics, I understand where they're coming from where their anger comes from.

(Participant D)

The pressure that organizers are instilled with to ensure their demonstrations proceed in a manner both expected and preferred by the police demonstrates the efficacy of the liaison

unit as a technology of risk. Policing liaison units collect information about individuals and groups and use this information to form a knowledge base about activists:

ME: How do you determine which groups are more violent and radical than others?

OTTAWA POLICE PARTICIPANT: Well past performance is a big indicator, and if its an unknown group we try to gather as much information as we can about them from other jurisdictions. There are a few groups that if we hear they're coming to Ottawa normally we, instead of a regular uniformed officer, I'll have our public order people out.

Once "known", activists become categorized and sorted according to their level of radical and perceived potential for violence or disruption of public order. This permits for targeted police intervention against these individuals and groups. These risk-based techniques are more effective forms of control than discipline because they do not need to directly coerce individuals, and are thus less likely to generate significant resistance.¹⁴⁴

In several preceding passages, organizers cited the desire to ensure their planned demonstration remain "family friendly" as a determining factor in their decision to liaise with the police. This speaks to the potential for violence that underlies the activist-police relationship. Policing agencies promote the dialogue that liaison units foster between themselves and community organizers as a triumph for liberal democracy, and analysts too have attributed this strategy into the "soft" policing discourse. The problem with

¹⁴⁴ P. O'Malley, "Risk, Power, and Crime Prevention" (1992) *Economy and Society* 21(3) 252 at 254

accepting this framing of the liaison unit is that it is precisely this liberal façade that contributes to this misconception, as outlined best by an Ottawa activist:

The reason [liaison] was so successful is not that it was just straight up intimidation, it's that it was couched in this whole idea of dialogue and respect and civil discourse. And so it took a while for people to figure out how to respond to that. Because it wasn't just straight up 'if you do this, we're going to arrest you all and you're going to go to jail' it was like, 'well lets figure out the best way to do this and I'm sure its going to come to a compromise', and this pseudo dialogue [is] going on. It wasn't just straight up intimidation, which made it more difficult to deal with. Because if it's just straight up intimidation it's very easy to be like 'they're assholes', but as I said it was couched in this sort of liberal idea.

(Participant G)

As Fernandez notes of Foucauldian theories of power, we should not only find the above outlined productive forms of power, but coercive power as well.¹⁴⁵ Interestingly, the liaison units combine this dual natured power arrangement by being at once productive and coercive. The coercive nature of the liaison unit is fuelled by the police insistence on the need for information to avoid violence:

This is very much how it works, especially in Ottawa. And they really do, they really play it up. And you go to these meetings, especially back in the corporate globalization era when we had really major mobilizations, the police would just lay it on so thick. The would say 'well we can't guarantee your safety' and they

¹⁴⁵ Fernandez, *supra* note 36 at 26.

would often do things like, whether or not you were in dialogue with the MELT team which is kind of interesting, they would play up divisions within protestors, within groups, they'd say 'we know your organization is reliable, we respect the work that you do, but sometimes radicals show up and they're hard to control and we just want to make sure that we're able to help you'. Which is a crazy thing for them to say on so many levels because one, they're hoping that you'll buy into this division and that you'll sell out people that you're organizing with, but they're also effectively saying like we're looking for your permission to go in and nail people that we think are radicals and need to be arrested. They're looking for tacit permission from organizing bodies, or for you to participate in it, which is a mess. And this was, certainly in 2001-3, something we encountered a lot of debates about. They're aware, the MELT team and the police are very aware that we have our own ongoing internal debates about violence and non-violence, diversity of tactics, what's appropriate and not appropriate, and they try to play on that. The MELT team, one of their functions is to try to play on those internal debates which are sometimes divisive or less divisive. But they try to perpetuate them, they try to really find ways to break up convergences of different groups on issues, and you hear it all the time. (Participant G)

When provided the opportunity, the Ottawa Police are not above using the pretext of protecting the so-called vulnerable population of women and children:

There was a year when police were really bad and they threw their dogs on the black bloc [referring to 2001 G20], it was right after 9/11. And there was another one of these summits coming, and we were concerned about women, especially of

colour that looked like they were coming from the Middle East, would be afraid to participate. So what we did is a group of us, women mainly, organized an event where we asked women to knit a square one foot by one foot as a way of being present at the event for those who could not be there. It turned out to be a huge project, it was amazing actually. We never thought it would be like that. So we were doing our thing so we decided to collaborate with the police with the unit they had created. But at the same time there was another group that was organizing a snake march and the whole thing. We were in discussion with this other group in order to make sure that the police would not be using the pretext of protecting us against those bad people, as an excuse to be nasty with them. Protecting women and children is a good excuse to do anything, right? So we were worried this would happen and we were able to connect with this other group and just make sure our routes would not cross. We made an arrangement with the other group where we would only use one side of Sparks Street, so we would do all our things there. They were trying to convince us to give them their names and routes and phone numbers. ... As long as you agree to play by their rules they'll let you do your thing, but if you refuse to play by their rules then it's a different story. (Participant I)

The attempts by the Ottawa Police to foster a dialogue with activists go beyond public perception fuelled by media and press conferences. Friendly behaviour on the part of public order unit officers was reported by several participants as an attempt at establishing trust between the two parties. This friendly behaviour was seen as insincere

given the reputation of the police within these groups, and the perception that these efforts are merely a new method of intelligence gathering:

The melt team they were [short pause] well we got lots of laughs out of them anyways. We thought it was a joke, these guys in their ski parkas. I didn't really talk to them that much. They're always saying 'oh hi' and they always want to shake your hand and be buddy buddy and everything. And then the next thing you know they're going [pretends to talk into walkie talkie] 'okay lets pick up so-and-so', and then the other cops come in and they arrest you. Typical police tactic... The police need somebody to talk to the protestors so they have these teams that do all their research about how to get the most information and appear friendly, and kind of remove themselves from the spectre that they're the police, and this is a different group that is going to listen to your concerns with the police and then actually do something about it, which is a front to me. (Participant H)

Emphasizing the need to liaise with the police by suggesting violence as an alternative significantly undermines these efforts. One activist expressed an extreme distaste for this approach:

The MELT team, when they were very active, they had a habit of turning up at meetings unannounced and expecting to be included in the meeting and feeling indignant and shocked if they weren't invited in. The MELT team is very much the public face of the Ottawa police in terms of demonstrations, so they would often do things like give these press conferences about how they were very pleased to be in negotiation with these groups, but they were very concerned that

there were radicals or anarchists, and that they were going to do their best to ensure there are proper protests but if people got out of line they would come down hard. So there was lots of intimidation like that. It's also telling that it is the same lines that are used by groups like CSIS or the OPP when they are trying to get individual organizers to rat out people. And we've seen this actually a bunch during the Olympics. CSIS and the OPP have been doing house calls to known activists in Ontario, and one of the lines that they use with activists that have previously have been on the police shit-list, or cops at demos will target with arrest, they're now coming to these activists and being like 'well, you know we respect the work you do, for many years you've been doing excellent work but there are some radical people who are planning dangerous things around the Olympics and we'd really like it if you could help us figure out who those people are'. The same line they use to try to get individuals to turn into rats and rat out others is the same line the MELT uses to create dialogue. (Participant G).

The data outlined thus far in this chapter illustrates that the "soft" policing discourse used to describe liaison strategies for policing dissent obfuscates its coercive nature and submits to the framing of this strategy that policing agencies promote. However, in addition to masking the coercive and productive nature of liaison strategies, promoting the "soft-hat" policing discourse shifts analytic attention towards these strategies and away from instances of overt violence.

B. Coercive Deployment

Strategies used to police the new social movements rely as much on the threat and use of violence as on the so-called “soft” strategies of liaison and negotiation. This calls into question the legitimacy of distinguishing between “soft” and “hard” strategies. As we have just seen, in Ottawa, the police promote a facilitative and cooperative role. However, activists continue to be subjected to violence or the threat of violence when they fail to submit to the behaviour the police demand. Violence remains a significant part of the policing of new social movements in two significant ways, the first of which is its collusion with liaison and cooperative strategies. Without the use or threat of violence to reinforce cooperative strategies, they would cease to be a compelling alternative for activists. Second, violence continues to be exercised as a means of intimidation and reinforcing good behaviour. This is evidenced by the use of violence at the first sign of behaviour which threatened the public order.

A significant problem for policing agencies is the lack of violence within the new social movements. Without protestor violence, policing agencies are left with panoply of tools and strategies to repress crowds of demonstrators without a justification to use them. One such way of legitimizing the use of forceful strategies is through the negotiation between activists and policing agencies. Once the “ground rules” are laid out, the policing agencies are able to justify their use of violence against demonstrators who break these informal agreements. This framework can work to further alienate activists because it is simplified and garners public sympathy for the police. They are able to take the position of making concessions and being “forced” to act violently because of the protestors’ behaviour. This is seen in the comments made by a member of the Pittsburgh Citizen Police Review Board regarding to the violence seen during the 2009 G20

Summit: “Communication, its all about communication. If ground rules are laid out, then all’s fair.”¹⁴⁶ The Board member further stated that having a “more vigorous liaisonship” may have prevented this violence.¹⁴⁷ This sentiment was echoed by the Ottawa Police Officer interviewed for this study:

[we liaise with] any activist communities that we have in Ottawa [and] we reach out to any activist communities we have outside Ottawa, say Montreal and Toronto, because on occasion they bus in protestors for events in Ottawa. So we did a very widespread reaching out to these groups. First of all to find out if they’re coming, what their intentions are, and secondly to let them know the *rules of engagement* as far as we’re concerned [my emphasis].

The acceptance of this logic is problematic because it reinforces the perception of protestors as deserving of violence if they break these “rules”. For activists, this only exacerbates the tensions over whether or not to liaise with policing agencies. Non-liaising groups mark themselves as radical and deserving of violent policing, while groups that do liaise may be subjected to violent policing regardless. The extreme violence witnessed at the Ottawa 2001 G-20 shows the inconsistencies that mire the thesis that “softer” tendencies are used to police the new social movements, and further, it demonstrates that activist cooperation with police is far from a guarantee of non-violence:

PARTICIPANT: There was a period of time in Ottawa where there was one particular group, during that 2001 demo [the G-20 leaders summit in Ottawa],

¹⁴⁶ Olivia Garber “Toronto plans G-20 Summit, learns lessons from summits passed” *The Pitt News* (3 March 2010) <<http://www.pittnews.com/article/2010/03/02/toronto-plans-g-20-summit-learns-lessons-summits-passed>> (accessed 25 May 2010).

¹⁴⁷ Ibid.

they were very cozy with the cops and told them everything they were doing. They told them everything, they told them what their route was going to be and stuff like that, and we said 'you know you really shouldn't be so friendly with them, you can't trust them'. And sure enough when people were marching, that's when they pulled out the dogs and it was the most violent on that day. And it was on the day that was supposed to be the family day too. Everybody had their children with them. It was just completely outrageous. I wasn't there but I got lots of stories about it, because I got lots of dog bites from it.¹⁴⁸ Apparently what happened was they started taking all the medic's liquids and stuff like that. And then they started searching other people, and then they started sicking the dogs on people! And there were like 10 year old kids who were terrified who got separated from their parents with these dogs chasing them! There was one person who saw a cop holding a machine gun to this one kid's head while the dogs attacked him. And a whole lot of people saw that incident. A CBC camera was apparently taking pictures of it and a cop went up and smashed his camera. I mean I think that one did come up at the civil, whatever it was review panel. But there was more than one incident where they sicked dogs on kids and stuff like that. It was pretty vile.

ME: Did they change their strategy after this day?

PARTICIPANT: They certainly did. Oh yeah I don't think they invited them to their meetings any more. I'm sure they got infiltrated every now and then but I'm sure they didn't knowingly invite them. And if they did it would be a meeting

¹⁴⁸ Participant is a medic for injured demonstrators, as well as a demonstrator.

where they didn't make a whole lot of plans. Or if they gave them information it would be [short pause] they may or may not keep their word.

ME: Do you think the police turned around and used the information they got to make targeted interventions?

PARTICIPANT: I think that particular weekend they did, yeah. Because they knew everything that was going to happen and I think they wanted to have this big clash, you know. I think they wanted to intimidate and scare people away.

(Participant J)

Non-violent protest tactics cause police considerable difficulty. Conceptually, it is easier to respond to smashing windows or other forms of property damage than it is to crowds that do not provide these intervention justifications. The leader's summit of the North American Security and Prosperity Partnership (SPP) held in Montebello, QC in 2007 exemplifies this dilemma. At this demonstration, police were faced with a large crowd of demonstrators engaging in tactics that may have been too peaceful for the policing agencies. At Montebello, the Quebec Provincial Police used agent provocateurs, dressed in what they perceived to be "anarchist" clothing (i.e. black hoodies and bandanas covering their faces)¹⁴⁹, in an attempt to foster violence amongst demonstrators and provide justification for arrest or use of force. Speaking directly to the non-violence within the new social movements is the fact that they were immediately fingered as agent provocateurs because one infiltrator seemed poised to hurl a rock at his fellow officers.¹⁵⁰ Protestors then attempted unsuccessfully to unmask the faux demonstrators while

¹⁴⁹ "Quebec police admit they went undercover at Montebello protest" *CBC News* (23 August 2007) <<http://www.cbc.ca/canada/story/2007/08/23/police-montebello.html>> (accessed 16 May 2010).

¹⁵⁰ *Ibid.*

claiming them to be undercover officers.¹⁵¹ A video later surfaced which showed the masked men were wearing police issued boots, forcing the Surete du Quebec to confirm they had placed infiltrators in the crowd.¹⁵²

The Montebello protests provides an interesting case study in the dilemma that peaceful protest creates for policing agencies who have misconceived the level of violence within new social movements. When faced with non-violence at Montebello, the police tried to fabricate the conditions under which overt repression is viewed sympathetically by the media and general public. One participant in this study makes clear the nexus between the actions of the police, the reputation of protestors, and the role the media plays in promoting the discourse the police offer of protests:

When I was at Montebello, and this was before I knew about the provocateurs, I was being interviewed, and a lot of [reporters] were asking: ‘there were protestors throwing rocks at the police officers, how do you justify that?’ And at the time I didn’t realize that it was cops doing it, but now it really sheds light on the picture, because these are the questions the media are asking, and this is the way the media is interpreting it. It’s definitely evident to me that the police have played an active role in trying to damage the reputation of the demonstrators. (Participant D)

Other instances of violence took place at Montebello, including the gassing of demonstrators and forceful clearing of spaces where demonstrators were unwelcome. Ironically, it was negotiations with the police before the demonstrations that resulted in the demonstrators attempting to take the space closest to where the delegates were:

¹⁵¹ Ibid.

¹⁵² Ibid.

The Council of Canadians had a bunch of petitions, maybe tens of thousands of signatures, of average Canadians against the SPP, and they were told originally that they were allowed to send a delegation of people in to submit these petitions to the leaders, and they were denied. That's an interesting thing because at that protest there were American secret service, RCMP, SQ, OPP, you know quite a few different chains of command. I don't know how they interact, if there was a miscommunication on their end of if they [those trying to deliver the petitions] just were lied to. In any case, they were denied entrance as were any other observers. So anyways people marched to the front gates. People got as close as was reasonable possible, within 20 feet of the front gate, and we stayed there and were chanting and whistling, and so anyways I turned on my phone and I'm filming this and you literally see people doing all the music and dancing and people were even chanting "peaceful protest", because people know, they have experience with this before, so they know they [the cops] are probably going to get violent, so they are making a point by chanting "peaceful protest" because they're being met, you know, all these hippies are being met with all this force or potential force. So anyways they're dancing and then I'm panning around and as I get to this crowd, which is just women dancing and people drumming, you get to the police. And right as I get to the police the first shots start to fire. They shot a guy right beside me in the stomach at point blank range with a rubber bullet. I still have the rubber bullet because it landed right beside my foot and the guy was injured and I don't know where he went. That's the thing, once they open fire its chaos. Then they have tear gas, and they, there's no question it's coordinated

because they have all the crowd at the front, the majority of the crowd is like a concert. They have all the crowd at the front and they shoot a few of the people in the front with rubber bullets, but they shoot tear gas canisters above the crowd that explode in the air, and also send tear gas grenades over the crowd which land on the ground, but behind the crowd, which explode and its like this wall of gas behind the crowd, but the crowd is running into it because they're freaking out because they're being shot at... This girl, young girl, probably 15, she had a gas mask on and this huge cop, like big football player sized cop, punched her in the face and then ripped her gas mask off. She was like the only one left at the front line, because everyone else was gone because of the gas, but she had the gas mask on so she was still there being like "fuck you, assholes" and because of the mask it didn't bother her. So this cop got up and just knocked her down and took the mask off. I couldn't even believe it. (Participant A)

The actions of the Surete du Quebec confirmed to the general public what activists have always been aware of, that the police are willing to go to extreme lengths to promote their ideal demonstration conditions. In this instance there was a specific need to fabricate the radical element by assuming the role of the "violent anarchists" when there were none to be found. The structure of the new social movements and the commitment to tactics which avoid physical harm to human beings facilitates this dilemma, or, as Graeber powerfully notes:

It's this scrambling of conventional categories that so throws the forces of order and makes them desperate to bring things back to familiar territory (simple

violence): even to the point, as in Genoa, of encouraging fascist hooligans to run riot as an excuse to use overwhelming force against everybody else.¹⁵³

Although the G-8 Summit in Genoa to which Graeber refers was in 2001, six years before the Montebello protests, we can see that the police remain confused by non-violence, and unconventionally structured movements which challenge hierarchical forms the police are familiar with.

We have already seen that the police attempt to use the archetypal image of the “violent anarchists” to regulate the behaviour of other demonstrators, but this logic is also used more generally to justify violent policing. The following statement highlights the use of violence against the so-called radicals within demonstrations, which works to reinforce amongst demonstrators the need to internalize non-radical behaviour:

Generally speaking, from what I’ve seen here, you’ll have your peaceful protestors who are there to get their message out, and you’ll have, and not at all protests, a lot of protests are peaceful protests, but if you have a lot of violence they normally separate themselves from the peaceful protestors. I think the same is true of Montebello, although I wasn’t there, the NA leaders summit, you saw peaceful protestors on one side of Montebello, and the ones that wanted the tear gas and were going to throw projectiles on the other side. So they got the riot police and these people got the regular police officers. (Ottawa Police Officer)

One participant recalled being at a demonstration where police acted violently toward demonstrators and attributed this action to the radical nature of one of the organizing groups:

¹⁵³ Graeber (2002) *supra* note 67 at 67.

One of the groups organizing the demo was the, as I'm sure the cops were well aware, was an anarchist group in Ottawa. I think they're more inclined to be more aggressive if they know that anarchist groups are involved. (Participant D)

Although we are in the so-called period of "soft-hat" protest policing, there remain regular instances of violence at demonstrations in Ottawa. Many activists feel that the police instigate and provoke this violence:

I don't think that protestors are violent. I don't see the protestors as violent. When people say it got violent I think it's the police. What it is for me is the police overreact to something that they see and they just go nuts. I haven't really seen any true demonstrator violence. I mean, I'm sure there are some demonstrators who are violent, but I haven't really seen it with my eyes, beyond somebody taking over a newspaper box or something like that. (Participant J)

The following account of police violence against demonstrators for blocking a road suggests that the culture of protest permits police officers to use more force than would otherwise be accepted:

I was at [a demo] this year [and] there were activists who wanted to stop [it] from continuing, so they blocked one of the roads, they blocked Bank St. while the buses were coming in with the delegates. Police were very violent to the demonstrators. I was actually pepper sprayed pretty severely in the demonstration for what I think is definitely illegitimate reasons. Especially if you take into consideration, in terms of standing on the street and blocking off a road, the legal penalty would be maybe a ticket for obstructing traffic. It wouldn't be what I

consider to be torture. So I don't know if you've ever been pepper sprayed before, but its one of the most agonizing sensations you can experience when it's right in your face and you weren't provoking violence at all. I don't consider stopping traffic an act of violence. But the police were very much the aggressors in this situation. The police were bringing a man to the ground, I think he was running and I guess I don't know why [but] they tackled him to the ground. He was running away and well I don't know why they took him to the ground but intuitively my first reaction is, if you see someone being thrown on the ground, you want to help them up. So my reaction was to run to his side. And so a cop jumped out in front of me and sprayed me right in the face. They just left me and I sat on the side of the road trying to recuperate while the cops laughed at me and mocked me. (Participant D)

Participant K in this study attended the same demonstration referred to above, and believes that someone was throwing paintballs at officers.¹⁵⁴ However, this does not seem to constitute the level of behaviour that would be deserving of such harsh and painful consequences.

Many participants in this study claimed that the Ottawa Police regularly engage in unwarranted violent attacks against demonstrators. The following participant discusses a 2003 demonstration at a Citizenship and Immigration office in Ottawa:

[The protestors] didn't occupy the offices on Laurier there [as media reported], they were actually locked in. If you ever see the video, they got a hold of the

¹⁵⁴ Even bringing along paint stained pants to illustrate this point!

police video of what happened on the inside. I was tasered on the outside, and they were tasered on the inside, and [the police] were totally unprovoked. When they decided to arrest them the police jumped over the counter. The people were sitting there and they just started beating on them and tasering them, and you can see it all, and you can see there was no reaction. (Participant H)

As mentioned above, the 2007 SPP demonstrations in Montebello were peaceful and mild when officers began tear gassing demonstrators. The use of this abusive tactic seems to have been unwarranted, as several Ottawa activists have echoed the following sentiments:

I was at Montebello when they threw that tear gas. It was completely unnecessary, and tear gas is not a good thing for people to be breathing in at all. They don't give two hoots about our health. Being a medic in some ways is more disgusting because you're looking at it from a different angle, and you're seeing that these people really don't care if you have a child or if you're somebody's brother or sister or mother or whatever. They do not care if they break your arms or your legs, they just do not give a shit. They don't care if they're tasering you, they don't care if they're putting chemicals in your body that are going to harm you later in life. They just don't care. They don't care at all. That was one of the mildest demonstrations too. I mean imagine tear gassing us! It's ridiculous, it was just about 5 o'clock and they wanted to go home I'm pretty sure [laughs]. There wasn't really any warning. One of our medics actually got shot in the knee, or ankle, maybe both, with a rubber bullet when he was down on the ground. He wasn't really being violent or anything. I don't know why they did that. I mean

shooting someone with a rubber bullet is pretty serious. It could permanently disable you. (Participant J)

The level of violence that Ottawa activists have experienced over the last ten years suggest that the period of negotiated management overstates the non-coercive nature of policing dissent. Although managerial and “soft-hat” policing are present, they should rather been seen as a coercive force that reinforces the use of violence and abusive policing.

C. Resistance

There is a significant danger posed to effective demonstrations and social movements by the pseudo liberal liaison units. Blind acceptance of the terms and conditions the policing agencies seek to impose via these liaising conduits paves the way for the routinization of demonstrations. Juris cautions us of this danger: “when mass mobilizations become routine, their emotional impact may wane, transforming a strategic weapon into a potential weakness.”¹⁵⁵ For Gillham and Noakes, this is precisely what transpired in the United States:

The willingness of police to negotiate agreements with activists represented a significant tactical shift by police, but it required the cooperation of protest groups to succeed. Had demonstration leaders refused to negotiate with police or refused to give up the right to engage in disruptive demonstrations the new police tactic would have failed. Regulations requiring cooperation with the police, such as the permit process, therefore, seemed to legitimate protest organizations as much as restrict them, and for the most part, they embraced this new approach.¹⁵⁶

¹⁵⁵ J. S. Juris *Networking Futures: The Movements Against Corporate Globalization* (Duke University Press: Durham 2008) at 124.

¹⁵⁶ *Supra* note 30 at 342.

Although these points are doubtlessly accurate of the areas Gillham and Noakes examined, in Ottawa this danger was not only recognized but met with sophisticated resistance.

One participant recalled specifically rejecting the idea of allowing plain clothes MELT members near their groups' demonstrations for fear of this becoming a trend:

Say if it was a march, they would be right there at the front of the march with you as if they were a part of the march. So, anyways I didn't really get along with them really well. I basically said 'no I don't want to deal with you guys, you go back and send uniformed officers, we'll talk to them'. And it seemed to me that they tried doing that for a number of years, and they didn't really get very far, and then the next thing I knew, three or four years later we were back to just dealing with uniformed police officers... When we were dealing with them we had a mandate from our groups to not talk to them. Just ignore them, or say, 'send us uniformed officers and then we'll deal with the uniformed officers'. Just so that it was easily identified. Because if you're in a march, and the communist flag is always out front, and some people dressed in black gear they're always at front, never at any of the organizing meetings but always out front of the marches, and then you'd have these 3 or 4 bright red, ski parka'd police officers out front. At the end they felt like idiots I think because there they were and nobody would talk to them, or generally the [nominated] police liaison would not talk to them. So I think in the end they gave up with that strategy for sure. If the protest groups would've accepted MELT it would've been a good thing for the police. They always acted that they'd be right with them at the front of the marches if they

were part of it. So they're ready they're hearing everything that's going on. We wouldn't even start a march if the police were up front, [we'd say] 'if you guys want to form a police line go fifty yards, we're not going anywhere until you move 50 yards away from us, you're not part of this, we'll communicate with you in terms of where we're going for traffic purposes'. And, you know, that's why I think they've gone back to the uniform because there weren't enough groups ready to play ball with that type of policing. (Participant H)

In addition to this group's strategic decision to avoid participating with the liaison teams beyond a minimal level, other groups, who did liaise with the police, formed strategic alliances in order to ensure they were not being used as justification for violence against other groups, and to assure other groups they would not pass on information about other demonstrations:

We were in contact with them during the event also, to make sure that if the police – because it's a snake march and you don't know where its going – so if the police were to force them to come on Sparks St. which they [the protestors] were going to try to avoid, that we would have a coordinated reaction. And what was interesting during that thing was that our [event] looked so peaceful and everything so we didn't have any problems, but the police was trying to use us to get information from the other groups. Trying to use us to convince the other groups that they [the police] are the good guys, letting us do our thing, so all they need to do is know ahead of time what is being planned [by the other group] in order to ensure our safety, and they wanted to do the same thing for these other people... The police were trying to use us to get information from the other

groups. Trying to use us to convince the other groups that they [the police] are good guys, letting us do our thing, so all they need to do is know ahead of time what is being planned in order to ensure our safety and they wanted to do the same thing for these other people and they were trying to convince us to give them names and routes and phone numbers. (Participant I)

One veteran Ottawa activist interviewed for this project expressed the firm position of non-cooperation with the MELT. This opinion demonstrates the level of sophistication and recognition that activists have for the potential harm that liaising with the police can have on the ability to stage effective demonstrations:

ME: If you were organizing a demo, hypothetically, would you go through the process the police have set up, the liaison unit?

PARTICIPANT: Well every situation is different, every participant is different, but as a general rule, no, absolutely not. I think there are some situations where you approach things differently, but as a basic, sort of general rule, no way would I do that. The purpose of the MELT teams and liaison teams is very different than the avowed purpose, the avowed purpose being to facilitate discussion and political action. But I think that the actual purpose is to control and diffuse political action. And so for that reason I would not be interested in working with the MELT team. One of the ways the MELT team and that structure helps diffuse effective community organizing is by perpetuating this myth of dialogue. So the police and activists, be they radical or not, are in communication, and that allows for this good effective demonstration that day. And any one that steps outside the

boundaries of that dialogue, then the police have free range to deal with as they want. So that is why the police will say things like 'even anarchists will work with us, we're open minded we'll talk to any one, we're engaging in this dialogue' and they definitely perpetuate this myth that the MELT structure is open to everyone, there to listen, there to help facilitate effective demonstrations. They perpetuate these straight up lies. In my experience at this point, even mainstream anti-war groups, they don't even cooperate with the MELT team. Often what happens, and the actual reality of demonstrations in Ottawa, unless you're talking about demonstrations organized by big NGOs where you get a permit and all that jazz, but if you're talking about a demonstration by a local group, you show up, you do your thing, the cops show up as well, and they do their thing. Which is usually like putting one squad car at the front of the demo and maybe one at the back, and they follow you around. And the police will consistently refer to that as if they're in some kind of dialogue with the demonstrators, that this has been arranged, that they're there to facilitate the demonstration, when in reality, in my experience, most groups try to limit their dialogue with the police in those sorts of situations. One of the other problems with the MELT team and structure is that it undermines fundamental democratic rights. It feeds into this idea that in order to have a protest or rally you need to enter into dialogue with police, get a permit, and none of these things are true. If people want to assemble on the street, discuss a political issue, march or whatever, they can do that. They don't have to enter into dialogue with a police or security service, they don't have to get a permit, but when you work with groups like the MELT team, you perpetuate these myths like

in order for you to do this, to not give the police free range to just arrest everyone, you need to get a permit, you need to talk to the MELT team. So every time you engage with them you're perpetuating these myths, and in fact eroding your own right. (Participant G)

In this chapter I have attempted to reconceptualize the police liaison unit as a productive and coercive strategy of policing that works in tandem with violent, repressive policing tactics to reinforce the conduct desired of demonstrators by policing agencies. In so doing, I have challenged the “soft-hat” and “managerial” arguments upon which many current public order policing approaches are based. By approaching this analysis from the experiences of activists it is possible to unmask the liaison unit as a force perpetuating the “myth of dialogue”, while contributing to the coercive pacification of dissent.

Chapter 6: Surveillance and Counter-Surveillance

Its organized chaos, its no question, and I have it all on tape.

— *Participant A*

We seek to protect demonstrators by witnessing and reporting on actions of the police, monitoring their adherence to the standards of human rights in a democratic society. There will be many others who will be watching the demonstrators. We hope to even the odds.

— *Spokesperson for the Ottawa Witness Group*¹⁵⁷

The issue of surveillance of affinity groups is multifaceted, ranging from the overt to the covert; from surveillance of demonstrators marching in the public sphere, to the monitoring of activist websites, meetings, and telephone lines. The surveying gaze is far from unidirectional, though, as affinity group members have begun arming themselves with the tools necessary to counter the surveillance of demonstrations. It is for this reason that theorizing surveillance of demonstrations must go beyond Foucauldian panopticism. Failing to do so would be tantamount to falling into the same analytic trap that Foucault himself fell into, disregarding the whole of the reversing synoptic gaze.¹⁵⁸ The surveillance frenzy at mass mobilizations can be described as nothing short of hypersurveillance, with police watching demonstrators, demonstrators watching police, the media watching both sides as well as producing the “protest porn” that consumers, demonstrators and police are all watching simultaneously. In this chapter I analyze the use of video surveillance by policing agencies during demonstrations as a means of

¹⁵⁷ Ottawa Witness Group Press Release, 22 June 2002
<http://web.archive.org/web/20030307171214/members.rogers.com/witnessgroup/press_release_june_22.html> (accessed 28 April 2010).

¹⁵⁸ *Supra* note 87.

deterrence and intelligence gathering, and the countering gaze offered by activists as a means of resistance.

In theoretically approaching the police surveillance of mass mobilizations, a Foucauldian, panoptic framework can account for the reduction of an urban landscape into a visible operational zone. Not only do we see police officers assuming the role of the guard stationed in the central observatory tower in Bentham's Panopticon, but we also find the dissemination of the knowledge of surveillance amongst the subjects of control. In publicizing their intent to monitor demonstrators with video surveillance, the OPS hope to take surveillance beyond mere voyeurism into the domain of social control. Foucault deemed the true effect of panopticism the assumption of being caught; "the automatic functioning of power".¹⁵⁹ By instilling amongst activists a feeling of being watched, policing agencies hope to ensure protestor compliance with the rules of engagement.

Surveillance of political and labour groups is far from a new development. G.T. Marx points out that in 1906, New York established the "Italian" squad, which took aim at dangerous populations that were becoming more entrenched within communities that lacked the homogeneous familiarity of days past.¹⁶⁰ "Foreign radicals, anarchists, socialists, Wobblies, labour organizers, and secret societies, such as the Italian Black Hand and Chinese tongs, were perceived as dangerous new threats by the established order", and urban departments "relied heavily on infiltration and sometimes on

¹⁵⁹ *Supra* note 77 at 201.

¹⁶⁰ G.T. Marx *Undercover: Police Surveillance in America* (University of California Press: Berkeley 1988) at 25.

provocation” to police these ethnic, political, and labour groups.¹⁶¹ Over a century later, the use of surveillance continues to have negative implications for groups hoping to attract members. Individuals who may otherwise participate are reluctant to be videotaped and labelled as belonging to a certain group. Starr et al thoroughly document the disadvantages that social movement organizations are faced with due to increased surveillance strategies.¹⁶² Organizations under surveillance feel they are criminalized, though they are engaging in no criminal activity, and stigmatized due to this implied criminality.¹⁶³

In Ottawa, the form of surveillance that draws most attention from activists and the community is overt video surveillance of demonstrators during protests. Since the public fallout resulting from the violent policing seen during the 2001 G-20 protests, it has become common at Ottawa demonstrations to witness police units tasked solely with videotaping the faces and actions of demonstrators.¹⁶⁴ The following year, Ottawa again hosted significant protests during the Kananaskis G-8 Summit. For this occasion, the OPS had a litany of strategies prepared that they referred to as “soft-hat”¹⁶⁵, several of which relied on intensive surveillance. The OPS strategies included:

- Real-time video surveillance of demonstrators via cameras on the tops of buildings, as well as video downlinks from an RCMP helicopter and OPS fixed-wing aircraft which transmitted to the command center;
- Individually photographing demonstrators as they arrived in Ottawa by bus;

¹⁶¹ Ibid.

¹⁶² A. Starr, *et al.* “The Impacts of State Surveillance on Political Assembly and Association: A Socio-Legal Analysis” (2008) 31 *Qualitative Sociology* 251.

¹⁶³ Ibid. at 265.

¹⁶⁴ This tactic is by no means unique to this specific policing agency.

¹⁶⁵ King & Waddington, *supra* note 6 at 92.

- Placing plainclothes officers in the crowd for tactical information about ongoing marches;
- Having officers line the route of marches with video surveillance equipment;
- Following any individuals deviating from the march route.¹⁶⁶

King and Waddington argue these tactics are better understood as “superficially soft-hat”.¹⁶⁷ However, while they should be applauded for challenging the discourse offered by the police of these tactics, this suggested typology could be misconceived as apologetic because it obfuscates their coercive and controlling intent.

Surveillance was viewed by demonstrators as intrusive and aggressive. Members of the Ottawa Witness Group (OWG) expressed extreme dissatisfaction:

Constant police videotaping provoked and intimidated, particularly when videotape teams waded into large crowds, and more so when they captured on tape people arriving in school buses. There should be a way for police to observe crowds without provocation or intrusion into personal privacy. We do not understand why Witness activities were also videotaped.¹⁶⁸

Rather than denying the deterrent effect that the aggressive use of surveillance has on dissent, Ottawa Police officers interviewed by King and Waddington openly attributed that their decision to well publicize the plan to engage in this intensive and overt surveillance to the low protestor turnout.¹⁶⁹ The use of a policing tool to deter citizens from going to downtown Canada’s capital to exercise their democratic rights blurs the line between intelligence gathering as a tool and as a weapon. It is ironic that perhaps the

¹⁶⁶ Ibid. at 94.

¹⁶⁷ Ibid. at 94. It should be noted that these are solely the strategies pertaining to surveillance. Additional strategies noted by King and Waddington, and referred to as “superficially soft-hat”, include placing riot-clad officers out of sight by nearby demonstrations and making publicly known the creation of a temporary holding facility making mass arrests and detention possible (Ibid.)

¹⁶⁸ *Supra* note 112.

¹⁶⁹ King & Waddington, *supra* note 6 at 95.

best example of the weaponization of video surveillance was made by an OPS Officer. Following the 2002 G-8, an Ottawa Police Officer giving a radio interview stated: “[we] didn’t need to use tear gas because we used videotaping instead”.¹⁷⁰ In these two incidents, the OPS has admitted to a knowledge that overt video surveillance can intimidate demonstrators from exercising their right to dissent, followed by an acknowledgment of using surveillance to achieve this end.

A recent interview conducted for this study, though, suggests that the OPS have adjusted their justification for video surveillance to one much less ominous. Rather than attempt to deter individuals from protesting, video surveillance is said to make the use of “softer” tactics possible:

We don’t make an arrest unless it’s safe to do so. So if I see you smashing a window and you’re in a crowd of about 400 angry protesters, we have a group called an Evidence Gathering Team that will try to photograph you and try to get as much information about you as they can. [They] photograph the damage and if we can identify you and arrest you later when it’s safe to do so then that’s the approach we’re going to take. To send in 40 guys to arrest you for breaking a window I’m going to get, depending on the type of crowd, two or three officers injured, you’re probably going to get injured, somebody is going to end up getting arrested for assisting you, it’s not worth it. All the way around it’s not worth it. So if we can identify you and arrest you at a later time when it’s safe to do so then that’s the way I prefer to do things. (Ottawa Police Officer)

¹⁷⁰ *Supra* note 112.

In addition to using video surveillance to avoid violent confrontations when possible, the OPS suggest that it is used to protect the front-line officers from allegations of abuse:

If I have an evidence gathering team out I get asked by the event organizers ‘why are you videotaping?’ I say it’s for your protection and ours, because it’s the videotape of the officer’s conduct. So I look at it as protecting the officers. If someone is saying ‘well the officer was beating on me with his night stick,’ then I’ve got a video of the whole event and there’s no indication of it. The officers know that as well. So if there was an individual officer that felt that, you know, they wanted to take an extra whack at somebody, they know they’re going to be on videotape. So when the complaint comes in, it’s all right there. (Ottawa Police Officer)

Interestingly, this is the same logic employed by activists seeking to counter the gaze of surveillance and instil accountability within front-line police. Activists believe that by videotaping police they can capture instances of abuse, which would otherwise rely on a he-said-she-said argument. The executive member of the OPS interviewed here seems to encourage this level of accountability:

PARTICIPANT: Everybody is taping. You can count on it. I tell people in the briefing, ‘do you want to be tomorrow’s *YouTube* star? No? Okay. Then you make sure your conduct is professional. When you speak to someone you speak accordingly, not down to their level’.

ME: So people videotaping the police is not a concern because you're already videotaping yourself?

PARTICIPANT: Generally speaking we do that. But even if it's a smaller event and we don't have an Evidence Gathering Team there, it's understood now, and a lot of officers forget, but we nail them at the briefing, like 'you are going to be a video tube star if you screw up'. Somebody out there is going to have you on video, at the very least still pictures. (Ottawa Police Officer)

For major mobilizations, the OPS continues to establish a command location which receives live video feed. The OPS can use this information in conjunction with intelligence gathered before the demonstration to identify specific demonstrators:

There's the intelligence you get before the event, the number of buses coming in, what types of groups coming in, who maybe is coming in. For this one, there was a particular leader that was arrested in Toronto, and Toronto police called us and said this guy's coming your way and we already released him on conditions that he's not allowed to participate in public demonstrations, that was one of his release conditions to get out of jail on his Toronto charges. So we were told this guy's coming, this guy's coming – he never came. And we found out the day after that he was actually somewhere else. But we were told he was coming to Ottawa and was going to lead these demonstrators and they were using that to fire up their groups, that he was coming to lead them. So a lot of the times the information is not accurate. (Ottawa Police Officer)

The OPS can also use this command central location receiving live information to make instant tactical responses and interventions based on crowd behaviour. The veritable surveillance frenzy which occurs during mobilizations is drawn to the fore here as well:

PARTICIPANT: A lot of time as well the public order team leaders will give us information [about] crowd behaviour. If I'm at the command post, the event commander will feed that information back, 'okay we're now noticing the crowd is getting more riled up, they're focusing on this, they're building on this side not that side'. Also, closed circuit television is a big help. And if we know an area is going to be a protest, like during the Obama visit, they went around and installed some extra television cameras, the RCMP did, so that feeds back into our command center and then we can see the movements of the crowd, things like that. Media is another great one. Especially if they're covering something live.

ME: Oh really, so you just turn on the TV?

PARTICIPANT: Yep, we turn on the TV set and we're seeing what everybody else is seeing. So it's accessible to us. That's another intelligence source. (Ottawa Police Officer)

Although the OPS continue to engage in covert surveillance such as crowd infiltration, in some instances, technological advances in video surveillance such as CCTV and aerial surveillance, have rendered this an unnecessary risk physically and in terms of reputation:

From a covert intelligence gathering standpoint, you know do we have people infiltrating these groups and going to the meetings? No. I don't have the resources to do that, and you don't just put the individual in the meeting. You have to have officers to cover their safety and there's all that risk like you saw in Montebello where you have the protesters down and you look at their boots and you look at public order boots and they're the same. Have we ever put people in the crowd marching before? Yes, yes. And crowd infiltration is what they're called. We do it. We don't do it very often. I would have to believe there is some kind of a threat within that crowd to put somebody in there because they're usually a bigger liability than an asset. If they can keep an eye on a particular threat, and I don't mean a protest leader, more along the lines of somebody who may do something irrational and may be a threat to the crowd itself, that's where I'll put them. But just to put them in there to walk with the crowd, I can get that on Closed Circuit TV or from the airplane. So I don't need somebody walking with the crowd to tell me where they're going. (Ottawa Police Officer)

In Ottawa, activists are well aware of police video surveillance, or "Evidence Gathering Teams" (EGT), during demonstrations of dissent. The decision of whether or not the OPS deploy an EGT is seemingly determined by the size and nature of the planned demonstration, as many activists interviewed in this study report seeing the teams only at sizeable demonstrations with the potential for more radical participants. Opposition to video surveillance at demos stems from the unnecessary intrusions into the privacy of demonstrators, as well as the belief that the OPS use it as a method of deterrence:

I think that protests and demonstrations are a part of what makes a democracy a democracy, and I think that it's completely unnecessary to have the state surveilling the population like that. I mean you're exercising your democratic rights, so why is that an activity that somehow people feel should be justified in filming? It's like filming someone going to vote. Do you film someone going to the ballot box? It's no different in my mind. I mean protesting is a fundamental part of what makes a western democracy a western democracy, so I just find it a discouragement on what a democracy is. So that's why I think it's ridiculous.

(Participant E)

The following activist expresses dismay when recalling protestors being filmed as they stepped off buses:

One concern I have is the effect of continuous video surveillance has on freedom of assembly. Taping people coming off buses is disgraceful. It's the worst form of public relations. People are very angry [about aggressive surveillance] and the police don't see the negative reactions. (Participant K)

Some participants expressed legal concerns over the collection of their personal information in this manner by the police without stipulating how the images will be used, stored, and whether or not they will be accessible according to relevant privacy legislation:

Well it doesn't bother me personally, and I'm also in my 50s and I work for a union, so I'm not going to be in trouble with my employer so it's very different. The thing is how can it be used against me? That's certainly an issue. In a few

strikes, if they decide to target somebody and they have all this data and the computer can go through a bunch of pictures and tag that person, so then they pick up all the pictures where you were, right? So how are they going to use it, in terms of respecting [the privacy of] individuals participating in events. But unfortunately you have no idea. (Participant I)

One activist assumes that if the OPS are making the effort to collect this information, it is likely that they are doing so with the purpose of tracking and identifying citizens showing dissenting views:

Well, I find it very, very problematic because they don't have permission to take a picture of me, so they shouldn't be out of respect for me. I haven't done anything to break the law, and I'm in public, what gives them the right to photograph me? Obviously, you know, they're going to be using these photos, they're going to be keeping files on demonstrators which is a violation of our rights. And often these can be used against us later. (Participant D)

One participant provided copies of complaints submitted to the Federal Privacy Commissioner and the Mayor and City Council of Ottawa that echo the participants' concerns. The letter to the Federal Privacy Commissioner outlines the intimidating nature of video surveillance:

Recently it was announced that you will be addressing the issue of video surveillance by the RCMP using a fixed camera. The same situation occurred here in Ottawa on June 20, 26, and 27 [2002]... The Police videotaped all passengers from 12 buses as they arrived from out-of-town. The purpose clearly is to

intimidate citizens. On several occasions the police video team approached the crowd in a very provocative manner. (letter of Participant K)

The letter to the Mayor and Ottawa City Council suggested that subjecting demonstrators to continuous video surveillance ran contrary to the community based effort the Agenda for Excellence was espousing:

In my view the negative consequences of video surveillance far outweigh the benefits to the Police. Their "Agenda for Excellence" talks about recognizing our democratic rights such as our right of peaceful assembly. Continuous video surveillance makes a mockery of this basic right. The main consequence of such a practice is to create mistrust and eventually contempt of the Police. The whole basis for the model of community policing is the trust and cooperation between the citizens and the Police. Consequently this practice of wholesale videotaping is counterproductive. This applies not only to the twelve busloads of young people who were videotaped as they descended from their buses but also to the thousands of citizens who simply wished to express their dissent to the government's plan for globalization. (letter of Participant K)

The above positions reflect a valid fear of video surveillance because of the detriment it has for privacy and the ability to express dissent free of intimidation and state intrusion. Although other activists agree that surveilling demonstrations is a deterrent, they distinguish themselves from this position by suggesting that surveillance is too ubiquitous to fight against, and are adamant that this would never prevent them from demonstrating. Responding to the question of whether or not surveillance would deter

them from demonstrating, one activist stated “it’s never deterred me” (Participant D), another “I don’t think it matters overall” (Participant A). One respondent implied that the rise of the “surveillance society” may contribute to a greater tolerance of surveillance of demonstrations:

Well I think being videotaped is a deterrent, absolutely. But as annoying as it is, it’s kind of a reality at this point. I’m not clear that it leads to more convictions, that it actually is an assist to the police in terms of doing their jobs. But I think it is a clear visual reminder that you are being watched upon. I think that’s the function it serves for the police and I think that is a deterrent, but it’s increasingly less so because it’s a reality of protests at this point, and everyday life.

(Participant G)

The police are able to capitalize on the dual role that video surveillance has as both a tool for gathering intelligence, as well as intimidating demonstrators from behaving in ways discouraged by police officers. The police are well aware of this intimidating influence:

I mean they definitely used it as intimidation. When Bush came, the first time, to Ottawa, I remember we were gathered in the city hall square on Laurier and they sent the video team in, three officers, surrounding a woman officer video taping to record everybody. I think they know that it’s intimidating, there’s people that don’t want to be videotaped in the crowd. But I think that it’s probably more information gathering than an intimidation tactic. They want to know who’s in a crowd and this is a way for their brass not having to rely on ‘oh I saw so and so in

the crowd there but I don't know who that is'. Now they just live feed the video and a panel of guys are up there just sitting there 'oh yeah okay that's so-and-so' and just identify them immediately. So I think its more information gathering.

(Participant H)

In addition to the greater social tolerance of surveillance, which could explain why some activists do not actively oppose it as much as others, a strong argument can also be made for the use of the same surveillance strategies by protestors themselves. An essential component to the surveillance frenzies that accompany mass mobilizations, activists have sought to use affordable and accessible handheld cameras to surveil the surveillers; to reverse the unidirectional gaze of state surveillance. Activists are not only engaged in individual surveillance as a form of resistance. Sophisticated tactical approaches by activists have mirrored the real-time surveillance that police have effectively used, with intelligence gathers feeding information back to a tactical unit of activists who can direct marches and crowds out of and around police blockades by sharing information about changing conditions.¹⁷¹ Although this level of countersurveillance was not reported as occurring in Ottawa, there remain significant efforts to instil a level of synopticism into the surveillance frenzy which can surround demonstrations.

Technological advances have long since made possible the owning of handheld video recording devices by activists. In Ottawa, activists have sought to use this newly found power to limit instances of police violence and force new levels of toleration by

¹⁷¹ Institute for Applied Autonomy, "Defensive Surveillance: Lessons from the Republican National Convention" in (ed.) T. Monahan Surveillance and Security: Technological Politics and Power in Everyday Life (Routledge: New York 2006).

front-line police officers. When police insist on videotaping protestors, protestors videotape them back:

Every time we see cops filming, we film them. Yeah [laughs], I don't think they expect it, that's for sure. And they, police, definitely don't like being caught on tape. Some of the most violent encounters I've encountered at times personally have been when I was filming them, for sure. They say all kinds of ridiculous things, like that could be a weapon, your phone is a gun. But they really don't like it because they know they're going on *YouTube*! (Participant A)

And as a demonstrator, I've seen a lot of police officers wearing regular clothes filming everything. And our response was to do the same thing. [At] the last event I organized with another anti-globalization group, we had people who agreed to only do that. They were camera people. And they filmed the police officers. (Participant I)

The impact that video surveillance has on the actions of police officers remains a matter of debate amongst activists. As mentioned, one position is that it has the ability to restrict otherwise violent policing by forcing policing agencies to avoid violence and show a greater respect for demonstrators. The following account documents this preventive effect:

[It has a] profound restraining impact. I remember we were protesting at Landsdowne Park and there was a fairly large police presence there. I would say maybe thirty to forty protestors and at the high point maybe eight or ten cops. So

a fairly high ratio and some of them were like grandmothers [laughs], so not exactly threatening people. And there were some students, and that's it. And I remember people were walking across the entrance way and cops tolerated that, but said that when it's a green light for people to come into the complex, you have to clear out the crossway and stay on the sides. And that's what people did generally. There was one time when this car came in and then it was actually the right of way for the crosswalk, and one of the protestors was standing in the way and the car kind of pushed its way through, kind of nudged the protestor. It wasn't a serious hit or anything, but nudged the protestor and then you know, the protestor got really upset and said 'it's my right of way, you can't push me with your car because you want to get in'. And then the cop grabbed the guy and kind of dragged him to the side. And I had my camera with me so I went around with the camera and this other activist came up and she started yelling at the police that they're well beyond their rights they're not allowed to pull someone from the crosswalk when they're legally allowed to be there, they had the green light for walking and so on. And I remember, I had the camera, and there's no way to prove this obviously, but you know, we got there we started talking, I had the camera on him and he [the officer] basically let him go within seconds. He went back and started walking and you know. So personally I think those instances... they don't want the trouble, they don't want the clip on *YouTube* within minutes, because it's possible to get it up that fast. And I think that certainly has an influence on the police. (Participant E)

The variance within the positions of the activists interviewed for this study was not over the potential for restraining the violent actions of the police, but rather over the ability to use any form of evidence to file successful complaints. A large degree of scepticism about the procedural fairness of complaints to the Ottawa Police results in some perceiving the efficacy of this strategy to be limited:

The complaint system is very lopsided. Essentially it's police policing themselves, which is not right. You need to have empowered, independent third parties, which we don't have. So essentially you just have police who are friends with the very officers they are supervising, which is why complaints never go forward. So I'm not convinced that video footage helps make the police more accountable when all the rest of the structures help them to avoid accountability. So video surveillance is not a significant tactic for that, specifically in those situations.

(Participant G)

A second activist echoes the concern that the police are able to protect themselves, even against video evidence:

There's definitely been protesters who have brought video cameras to demonstrations. I mean there doesn't seem to be much point to videotaping the police because if you catch them doing something illegal they're usually pretty well protected. (Participant D)

An incident in which a demonstrator was caught on tape by fellow demonstrators being tasered repeatedly while handcuffed shows the ability of countersurveillance to open the doors to a police complaint. Although, even in this situation the police were

largely able to escape responsibility, suggesting the sentiments expressed above may be accurate:

I was tasered at a demo and I took that as far as I could take it. It wasn't a very satisfying police complaint, but it was interesting, and when we get to the hearing they actually edited out their videotape! There was a time clock on the video tape and there were two sections of video missing. You can see it from the time clock and those were the two times I was tasered. They had an officer under oath saying it was an arbitrary decision to turn the video off at that moment and then turn it back on. It was completely preposterous but it didn't really matter because it was an ex-police superintendent who was the adjudicator for this, I mean it was bullshit. (Participant H)

The most exemplary instance of the limits of countersurveillance as a means of resistance to repressive protest policing strategies is the filming of the outing of agent provocateurs at the Montebello, QC SPP demonstrations. In a sense this was a powerful moment for activists. Allegations of police infiltration were never proven so clearly, or on such a large scale. While the legal implications for a police force caught instigating violence may have had a profound effect on the decision to engage in these inappropriate actions, there remains a significant possibility that the ability to sidestep responsibility through other structures has allowed for a business as usual approach. A formal complaint made to the Quebec Ethics Committee by Dave Coles of the Communications, Energy and Paperworkers Union of Canada has not yet been completed, nor have any hearings begun, over three years later.

In many respects, the ability of this bottom-up surveillance strategy stalls at the same point that other so-called “levelling” effects of surveillance have. Haggerty and Ericson simplistically argue that no major populations exist outside of surveillance scrutiny.¹⁷² However, while this countering gaze is present and does subject populations to increased visibility, the power relationship which strengthens the significance of panoptic surveillance is less convincing in the case of bottom-up surveillance. Cases such as the above mentioned Montebello provocateurs and the repeatedly tasered Ottawa activist show that video surveillance itself is not enough to have the levelling effect on surveillance hierarchies. Perhaps the more important question that is uncovered here is how policing agencies continue to evade the accountability that bottom-up, or counter-surveillance, is said to accomplish.

In this chapter I have argued that video surveillance of demonstrations has taken on a form of weaponization, which has a deterring and intimidating effect on demonstrations of dissent. Activists have sought to resist surveillance through organized witness groups and countersurveillance, and while these efforts may be important in their ability to limit violence and abuse, their ability to hold police officers accountable through official compliant mechanisms may point to the limited nature of these strategies.

¹⁷² Haggerty & Ericson (2006), *supra* note 90; Haggerty & Ericson (2000), *supra* note 90.

Chapter 7: Territorializing and Reterritorializing Dissent

O wicked wall, through whom I see no bliss!

—*A Midsummer Night's Dream*

The fence incriminates the thirty-four heads of state... You don't negotiate behind closed doors and especially not behind a fence.

— *Tullia Marcolongo and Anup Grewal*¹⁷³

The use of public space for the purpose of dissent is far from unfettered, and spatial policing strategies have sought to territorialize dissent by establishing acceptable places and spaces in which it is allowed. As Mitchell notes, historically the marginalized have had to fight to be heard in public spaces, which is inherently exclusive.¹⁷⁴ Public space is “produced through the ongoing dialectic of inclusion and exclusion, order and disorder, rationality and irrationality, violence and peaceful dissent.”¹⁷⁵ Affinity groups are faced with an overabundance of barriers to public space. As we have already seen, bureaucratic processes such as special event permits and administrative costs can prevent demonstrations from occurring. I wish to now shift the focus to the spatial tactics that are used for policing protests that do take place, which are demonstrable at both smaller and larger, mass mobilizations. While small groups may face pressures to re-route marches, or hold demonstrations at different locations, larger or mass mobilizations are cordoned, and kept out of “secure” areas by fences, barriers, and physical force. Additionally, a

¹⁷³ T. Marcolongo & A. Grewal, “Experiences and Conversation in Quebec City” in (ed.) J. Chang et al Resist! A grassroots collective of stories, poetry, photos and analyses from the Quebec City FTAA protests and beyond (Fenwood Publishing: Halifax 2001).

¹⁷⁴ D. Mitchell, The Right to the City (The Guilford Press: New York 2003) at 51.

¹⁷⁵ Ibid.

recent and growing trend toward moving summits “off shore” has become more common. Affinity groups and other demonstrators are forced to either travel to remote locations to be near those they seek to oppose, or stage convergences in major cities nearest to the summit location, far from the eyes and ears of those in power. In this chapter, I draw on theories of Marxian geography to discuss the territorializing and reterritorializing of dissent by analyzing the trend of keeping demonstrators at a great distance from leaders and delegates. This is accomplished by transforming urban areas using exclusive structures, or by staging “off-shore” summits.

Dissent is territorialized both by affinity groups and policing agencies. Affinity groups seek to use public space to effect maximum exposure of a dissenting position or ideology, while policing agencies attempt to force demonstrations into public areas which minimize public disorder and which make swift intervention possible. This physical marginalization cannot be understood without an ideological component. The various spatial tactics used by policing agencies to control dissent infuses urban areas that might otherwise be home for dissent with an ideology of control. The police act as emergency urban planners who create a stage on which dissent is acted out. Areas which present tactical difficulty for police officers can be restricted, and barriers to minimize the flow of demonstrators through certain areas can be erected. Mass mobilizations are not permitted to take place in areas that have not been outfitted for control. For Harvey, urban planners create the conditions for social reproduction by ensuring the smooth functioning of all elements of capital within public spaces.¹⁷⁶ Just as urban planners imagine the use of public space by citizens and plan accordingly, the police sketch out territories for dissent

¹⁷⁶ Harvey, *supra* note 97 at 165-84.

by rearranging public space and demonstrations according to ideal policing and public order conditions.

A. Shaping the Urban Terrain

i. *Fences*

Protestors are faced with numerous territorial policing strategies which they must negotiate in order to stage effective dissent. During large scale demonstrations, this involves dividing urban areas with temporarily erected fences and other barriers, often buttressed by walls of officers in riot gear. In what can now be considered a foreshadowing of policing affinity groups, the 1997 Asia-Pacific Economic Cooperation (APEC), held at the University of British Columbia, saw police erect fences with the direct intent of keeping protestors out of the sight lines of delegates.¹⁷⁷ As Ericson and Doyle note, “[h]ere was a clear indication that while protest was written into the Canadian government’s mass media script, it was not to penetrate the leaders’ sightlines and sensitivities, nor risk a threat to the choreography [of the summit]”.¹⁷⁸ In 2001, the Quebec City Free Trade Area of the Americas (FTAA) Summit was highly recognized for its large and divisive security wall¹⁷⁹, which was seen by many as an affront to protest.¹⁸⁰ For those opposing the world order being entrenched by a powerful elite within the confines of the security fences, the destruction of such barricades becomes a powerful and attractive option:

The three-kilometre ‘wall’ constructed through the center of Quebec City, to shield the heads of state junketing inside from any contact with the populace,

¹⁷⁷ R. Ericson & A. Doyle, “Globalization and the Policing of Protest: The Case of APEC 1997” (1999) 50(4) *British Journal of Sociology* 589.

¹⁷⁸ *Ibid.* at 595.

¹⁷⁹ Along with overly violent policing.

¹⁸⁰ See e.g. *supra* note 172.

became the perfect symbol for what neoliberalism actually means in human terms. The spectacle of the Black Bloc, armed with wire cutters and grappling hooks, joined by everyone from Steelworkers to Mohawk warriors to tear down the wall, became –for that very reason – one of the most powerful moments in the movement’s history.¹⁸¹

An Ottawa activist echoes these concerns, shared by many, of the symbolic danger that security fences have on protest and democracy:

[the security fence] has really broad social implications. You know, it is a way to try and quell or impede even. It’s kind of the S&M thing you know, we’re in here doing our thing, and you’re outside. Just the symbolism I think is not good at all.

(Participant C)

Ironically, it is possible that the offensive nature of walls, fences, and other partitions may radicalize demonstrators and encourage direct action against the structures. Further, they may escalate tensions, the supposed antithesis of modern public order policing agencies:

It just pisses people off. Quebec City, for sure, and also when George Bush was in Ottawa, there’s way too much of a buffer zone. They say it’s for public safety and everything, but they block off streets that are so far from where the motorcade travels, or blocks and blocks and blocks away from where they’re actually staying. In Quebec City they fenced off an entire section of the city. So you had people that weren’t even that radical being radicalized by this over-expression of control and force saying ‘yo I just want to go get some eggs, and now my whole road is blocked off’ [laughs]. So it’s just ridiculous. (Participant A)

¹⁸¹ Graeber (2002), *supra* note 67 at 65.

The concern noted by the above participant shows well the impact that security partitions can have on civil society. During summits and other events which foster mass mobilization, citizens living within the so-called “security perimeters” must deal with “pop-up armies” that “turn the meeting site and their periphery into virtual fortresses”.¹⁸² Warren argues that geographical restrictions, and the “militarization on urban terrain”, amount to a trumping of democracy, and that having rights and freedoms abrogated for a temporary period is quasi-martial law.¹⁸³ He points to the measures implemented in downtown Calgary for the 2002 G-8 Summit¹⁸⁴ as an example of this transformation: office workers in the downtown core were forced to carry special identity cards, major hotels implemented security screening, many employees were encouraged to work from home, mailboxes were sealed for risk of bombing, and public buildings were barricaded.¹⁸⁵

The readiness of the police to block access to public space and cause significant disruptions to public order is not applied to protestors who engage in similar disruptions, for admittedly different reasons:

Well I don't see what gives them the right to keep the public away from public space, especially when it's the *public* that is blocking access to public space. For example, the demonstrators against the genocide in Sri Lanka who decided to block off an intersection. I mean that, in my eyes, seems legitimized because they have a government who is ignoring genocide and needs to act, and they do that in

¹⁸² R. Warren, “City Streets – The War Zones of Globalization: Democracy and Military Operations on Urban Terrain in the Early Twenty-First Century” in (ed.) S. Graham Cities, War, and Terrorism: Towards an Urban Geopolitics (Blackwell Publishing: Oxford 2004) at 215.

¹⁸³ Ibid.

¹⁸⁴ The leaders meetings themselves were held in Kananaskis.

¹⁸⁵ *Supra* note 181 at 223.

the name of social justice. Whereas if it were something like Quebec City where it was the police doing it, or if the road is being shut down for a parade, or you know roads being shut down at Lansdowne park so buses can get to the arms fair, there seems to be a lot less outcry in the media. I think that it's very hypocritical for the cops to react if the public goes and occupies an intersection.

(Participant D)

Security partitions reinforce both the "us vs. them" mentality, and the power imbalances between those on the inside, and those on the outside. Embodying the neoliberal order which is being furthered on one side, the fences and barricades become a source of antagonism.

ii. *Protest Pens*

The creation of cordoned off areas for protest present the ideal conditions for dissent for policing agencies: contained, constrained, and visible. Protest pens seek to marginalize dissent to the greatest degree. By establishing small, fenced-in areas for dissent which are far from those in power, policing agencies attempt to reterritorialize dissent. Pushing dissent to the most marginalized areas as possible, protest pens or zones challenge the right to assembly and speech:

It always seemed to me that if the police were unhappy with an event it was because there was some kind of effective protest going, and if they were happy with an event it was because they had marginalized it, corralled it. Eventually what they did, and police forces around the world have been doing it, they come up with these protest zones, they've only been doing that for seven or eight years I

think , and that's the perfect thing, you know? What they did in New York City, they corralled everyone into a little area and said 'there, now you're free to protest', and the actual event is happening blocks away. (Participant H)

At the Montebello SPP Summit, policing agencies erected zones for protest that demonstrators also regarded as an affront to their right to protest:

The closest thing I've experience to actually sealing off the streets with barbed wire or fencing, temporary fencing, was at the Montebello protest... They had fencing for designated protest areas around the hotel. So that's the closest I've come to it, and I think it just makes people more angry [laughs]. I think that's probably just this outrage within activist circles about limiting their access to public streets and so on. The ability of protestors to really get anywhere near [the conference site] was ridiculous. You couldn't even get near to the hotel gate, and even if you did get there, there was still a long way between the gate and where the actual meetings were held. (Participant E)

Another demonstrator notes the proximity of the areas in which protest was permitted to the three North American leaders:

They actually had a designated protest area which was so far away from the actual Chateau. It was ridiculous, I mean there was no way... The whole point is freedom of assembly, speech, association. You can go where you please, as long as you're not violent. (Participant A)

Although the creation of protest pens typically involves creating fenced areas in which demonstrators are encouraged or forced to remain, The London Metropolitan Police have developed a controversial “kettling” tactic, which involves penning in protestors using lines of officers. Protestors are corralled within an area surrounded by buildings, and any gaps are filled with a barrier of police. Protestors are only allowed in, and as more join the others within the kettle, the police begin to move inwards, making the space smaller and effectively imprisoning demonstrators. Within a short time period, police transform a public square being used for the exercising of democratic rights into an urban prison. The “kettling” tactic was highly criticized after the 2009 G-20 Summit in London, where protestors were held for up to seven hours without access to washrooms, food, or water.¹⁸⁶ Despite these criticisms, the “kettle” tactic was again deployed by police during the 2010 G-20 Summit in Toronto, which resulted in many bystanders and members of the press being detained by walls of officers.¹⁸⁷

iii. Rerouting

Policing agencies also use spatial control in conjunction with intelligence information used to classify and categorize demonstrators and affinity groups. Noakes, Klocke and Gillham studied the variations in policing styles of three different groups at an anti-war protest in Washington, D.C. in September 2001, and found that the use of space to control the groups depended on the perceived threat of the groups’ ideologies.¹⁸⁸

¹⁸⁶ Julian Joyce “Police ‘kettle’ tactic feels the heat” *BBC News* (16 April 2009) accessed online: <http://news.bbc.co.uk/2/hi/uk_news/8000641.stm>.

¹⁸⁷ Daniela Syrový “The Kettle Boils Over” *Sympatico News* (30 June 2010): <http://news.sympatico.ca/oped/coffee-talk/the_kettle_boils_over/d0e12815> (accessed online 30 June 2010).

¹⁸⁸ J.A. Noakes, B.V. Klocke, & P. Gillham “Whose Streets? Police and Protester Struggles over Space in Washington, DC, 29-30 September 2001” (2005) 15(3) *Policing and Society* 235

They observed that the Anti-Capitalist Coalition (ACC), which did not participate in cooperation or negotiation, was deemed by the Metro DC Police (MPDC) as “risky based on an assessment of their ideology and tactics in past protests, and the ideology and tactics of groups like the Black Bloc, who the MPDC closely associated with the ACC”.¹⁸⁹ The MPDC strategically incapacitated the demonstrations of the ACC by “dominating the space in which their demonstration took place”.¹⁹⁰ The MPDC, because of their inability to convince the demonstrators to marginalize themselves voluntarily during pre-protest negotiation, rearranged the protesters by manipulating the space within which the demonstrations were taking place.¹⁹¹

Police re-route and rearrange protest in order to pacify demonstrations by keeping specified groups away from the primary action.¹⁹² Containing all protesters within one general area because of its strategic location, and the ability to converge the majority of the police presence to one area, is a preferred police tactic. At the previously mentioned 2001 anti-war demonstrations in Washington, DC there was strategic containment of different groups of protesters (militant and less militant) into one area:

The MPDC was not about to let the ACC protesters out of the makeshift corral to roam the streets of Washington, potentially causing havoc for the police in numerous ways. Instead, by marching the ACC demonstrators to the [less militant, International Action Center] march they concentrated the vast majority of the protesters on the streets of DC that day in one place. This served two purposes. First, it seems likely the IAC would closely monitor the behaviour of ACC activists in order to prevent them from taking over the rally and march. The marshals helping to self-police IAC demonstrators would do the same with ACC

¹⁸⁹ Ibid. at 249.

¹⁹⁰ Ibid.

¹⁹¹ *Supra* note 30.

¹⁹² *Supra* note 186 at 250.

members. Second, by merging the ACC with the IAC police were also reuniting the majority of MPDC officers assigned to protest duty that day in one place.¹⁹³

This situation presents a plurality of spatial control techniques. Not only were the police strategically guiding a march through to where another march was ending, they did so with the intention of restricting all the groups within one corralled area. Even further, they sought to have the groups control each other by having the less militant group police the more radical groups. The police avoided using direct and overt force, and instead manipulated the public space to minimize the efficacy of the demonstrations.

In Canada, the rerouting of marches to areas less affected by disruptions to public order was observed by Alan Borovoy, general counsel of the Canadian Civil Liberties Association, as early as 1968. He recalls protesters in Toronto requesting a permit to march down against the Vietnam War:

Instead of getting a permit to march down Yonge Street, they got a permit to march down Bay Street and University Avenue. Now, I don't know how many of you have been on Bay Street and University Avenue in Toronto on a Saturday, but if you were, you were probably the only one there. This led me to conclude that, in Canada – or at least in Toronto – we don't ban demonstrations, we reroute them.¹⁹⁴

In Ottawa, over forty years later, police continue to shift demonstrations to areas less traversed by citizens, the exact population that demonstrators seek to be heard by:

An anti-war demo that I organized, we did call the police to inform them we would be demonstrating, and they were trying change the route of our march, you know, 'don't take that street, take this back street'. They tried to tell us that we

¹⁹³ Ibid.

¹⁹⁴ Lori Coolican "Flaws in our laws require vigilance, speaker marks anniversary of Charter in Canada" *The Star Phoenix* (24 April 2010) accessed online: < <http://www.thestarphoenix.com/life/Flaws+laws+require+vigilance/2946296/story.html>>.

could only walk on the sidewalk, not the street [laughs]. Yeah, things like that.

The day of they tried to change the route. Their intention is to minimize the effect of the demonstration, and our intention is to maximize the effect of the demonstration. (Participant D)

By moving demonstrations away from the public areas that are most highly trafficked by citizens engaging in their day to day activities, the police reterritorialize dissent, which must be heard and seen to be effective. Demonstrators do not always comply with these efforts to marginalize, though. The above organizer disregarded the police requests to alter his/her demonstration plans:

We did not agree to change [the route]. We just ignored them, although demonstrators were confused, and it interrupted the flow of the demonstration, I was upset that they wanted to intervene to minimize the impact of the demonstration. (Participant D)

Preventing the disruption of traffic is a prime preoccupation of the OPS. As we have just seen in a preceding statement by an Ottawa activist, the thought of keeping a march on sidewalks was laughable. This sentiment is shared by another activist, who recalls receiving this same request:

One of the big things is they always wanted to keep you on the sidewalk. You'd have 1000 people in a march and they'd say 'stay to the sidewalk'. And it's not safe with 1000 people on the sidewalk because people are always spilling on the road. And we'd say 'no no, we're taking the road.' And that was always our take on it, was once you reach a critical mass. I mean if you have a small protest it's

very difficult to take the road, but we did that many times, but in some cases it made more sense to stay on the sidewalk. But if you had a large crowd its, well, we're going to do what we're going to do. (Participant H)

These territorial policing strategies demonstrate the desire of the police to shift the territory of dissent from the highly trafficked public space to the less traversed, marginalized areas. We have already seen that at a fundamental level Marxian geography helps us to understand that this minimization of dissent is tied to the need to maximize the conditions under which capital thrives. In his consideration of the biological nature of eighteenth century town planning, Foucault points to the notion of *milieu*. Most generally, the milieu is “the space in which a series of uncertain elements unfold”.¹⁹⁵ Town planners sought to shape circulation and causality through this pragmatic structure, with its set of “natural givens – rivers, marshes, hills – and... artificial givens – an agglomeration of individuals, of houses, etcetera.”¹⁹⁶ The milieu is the combined effects which bear on individuals living within a specific space, and as such, circulating out and minimizing the effects of “bad” elements; it is “an element in which a circular link is produced between effects and causes”.¹⁹⁷ Populations produce waste, which causes disease, which causes death, which causes more disease, and on in infinitum. The milieu provides a field of intervention which avoids direct confrontation with subjects. The planner considers the population as “bodies capable of performance”, and tailors the milieu within which these bodies perform to maximize the “good” elements and

¹⁹⁵ M. Foucault, *Security, Territory, Population: Lectures at the College de France 1977-1978* (Palgrave Macmillan: New York 2007) at 21.

¹⁹⁶ Ibid.

¹⁹⁷ Ibid.

minimize the “bad”.¹⁹⁸ In so doing, the planner is regulating behaviour to construct an urban zone with general public order.

The spatial policing strategies which public order units deploy work according to this same logic, with protests understood as a negative and disruptive element to be circulated out with minimal disruption to public order. As Fernandez has appositely noted, the police are “containing the radical plague”,¹⁹⁹ and the most obvious manifestation of this has been during mass mobilizations around leaders’ summits. Here, the police have gone to the extent of removing the summits from locations capable of being filled with bad or dangerous elements; removing them from the potential of direct contamination.

B. Off-Shore Summits

The recent trend of holding world leader’s summits in locations not amenable to public congregation demonstrates the desire of police to maintain a great proximity between protests and summit sites. The 1999 *Battle in Seattle* serves as the worst case scenario for policing agencies tasked with ensuring minimal disruption to public order, and crucially, the summits themselves. By moving summits “off-shore”, the police ensure that even the most radical of demonstrations present minimal risk to the smooth functioning of delegate and leader’s meetings. Just as security fences physically manifest rifts in democratic process, removing leaders from areas where protest can be seen and heard by them renders dissent a nuisance. This practice causes tactical and philosophical difficulty for protestors and organizers: “[t]he challenge is always, how do you directly

¹⁹⁸ Ibid.

¹⁹⁹ Fernandez, *supra* note 36 at 130.

confront these institutions and these individuals if they're on an island or in the middle of the forest?" (Participant G).

The two WTO meetings following the infamous 1999 event are indicative of this. In 2001, the ministerial meeting was held in Qatar, a location which is physically challenging,²⁰⁰ but even more so politically, as the Qatar government does not allow protest.²⁰¹ In 2003, the WTO met at a vacation resort in Cancun, Mexico, where the terrain again proved difficult for activists. The strip of land on which the meeting was held was easily secured. By erecting two large fences on either end, patrolling officers requested identification of all individuals passing through.²⁰²

In Canada, this reterritorializing of dissent has become a common spatial policing strategy. The 2002 G-8 Summit was held in Kananaskis, Alberta, ninety kilometres west of Calgary. At the Summit site, a series of exclusionary zones were established. A "red" zone was a two-kilometre radius around the core of the site. It included the summit hotel and a local mountain trail, and was screened by military personnel. The second "blue" zone encompassed a six and half kilometre "no-go" area around Kananaskis village, and was patrolled by armed services. The third and final "yellow zone" extended *twenty* kilometres in radius from the Summit core. This zone included the only two highways in and out of Kananaskis, on which police set up checkpoints to monitor individuals

²⁰⁰ It is a peninsula between the Persian Gulf and Saudi Arabia

²⁰¹ Fernandez, *supra* note 36 at 94.

²⁰² *Ibid.*

attempting to access the site.²⁰³ Buses and carloads of protesters were denied access, although the village is capable of holding up to fifteen thousand visitors.²⁰⁴

Even more astonishing than the location of the summit was the promotion of the dangers that this location presented to protestors considering staging demonstrations in or near the Summit location. Canadian military officials “stated openly that discriminating between protestors and potential terrorists would be difficult in the heavily wooded terrain, and that protestors would be at greater risk if they strayed too close to the summit’s main meeting location.”²⁰⁵ The threat of terrorism, as will be shown next chapter, is a common justification for limiting dissent within urban settings. However, we can see in this instance that the police have remained loyal to the terrorism trope in the most remote of locations. In addition to this threat, the terrain itself, being heavily wooded, isolated, and home to a “healthy population of grizzly bears” was also framed by police as a difficulty protestors would be unlikely to overcome.²⁰⁶

With the Summit taking place in too remote a location for most, protests took place in two satellite locations. Moving summits off-shore poses challenges for activists, but it also poses opportunity:

When the G8 was in Kananaskis, I think that the anarchist, anti-imperialist response was very good actually, because there were two mobilizations. If you were in the region of Kananaskis, you mobilized there, but if you were in the Northeast, you organized in Ottawa. We organized two days of actions in Ottawa,

²⁰³ King & Waddington, *supra* note 6 at 90.

²⁰⁴ *Ibid.*

²⁰⁵ S. Allen “Velvet Gloves and Iron Fists: Taking the Violence Out of Major International Protests” (2003) 70(2) *The Police Chief* 50 at 51

²⁰⁶ *Ibid.*

and there were like 6000 people each day. And we think, I still think, it was a very successful mobilization because it freed up space. Instead of just going up against this wall of police it allowed us to confront these individuals and institutions that do the work the other 364 days of the year. And it created space for, I think, a much better dialogue on what the G-8 is, and how it plays out in our daily lives. (Participant G)

The 2007 SPP, or “three Amigos”, meeting in Montebello, QC again demonstrated the movement of events to non-urban locales. Montebello is not nearly as secluded as Kananaskis,²⁰⁷ but this semi-remote location in fact presented more difficulty for demonstrators. Divisions were forged amongst activist circles as a result of this challenging positioning:

I think Montebello is an interesting case study because I think the problem isn't that it was remote, it's that it was *sort of* remote. If it was in an actual remote location it would have been easier to organize instead of spending quite a bit of time debating should we go to Montebello, should we not go? The logistics of getting people from Ottawa to Montebello are somewhat complicated. (Participant G, participant's emphasis)

This is countered by another participant who, although recognizing the possibility of holding demonstrations according to the script of the police, is more concerned with converging at the site of the event itself:

²⁰⁷ Montebello is approximately ninety kilometres from Ottawa and one hundred and twenty kilometres from Montreal.

I think there needs to be some kind of focal point. When Bush and Calderon came to Montebello, to me it seemed pointless to have demonstrations in Ottawa, and yet people wanted demonstrations in Ottawa. To me it was just down the road in Montebello, but I understand the point of view of not being isolated in the middle of nowhere, at the end of the long road and not being anywhere near [the leaders], and with the demonstration you may technically be doing exactly what the police want you to do. (Participant H)

In June 2010, Canada played summit host to the G-8 and G-20, both of which were originally to be held in Huntsville, Ontario, a location which would provide for organizers a dilemma similar to that of Montebello. Locating the summits in Huntsville would result in most protests taking place in Toronto, with likely a smaller convergence on the cottage town itself. Instead, the G-20 was relocated to downtown Toronto after the ability of a small town to host the large event was questioned.²⁰⁸ By situating world leaders within the downtown core, policing agencies are forced to use much greater spatial control than would otherwise be necessary, as a perimeter must be established to maintain the otherwise stable proximity between demonstrators and leaders.

Although the hosting of summits in remote locations provides challenges to organizers and demonstrators who seek to voice dissent to those most powerful, it has presented an opportunity for reflecting on strategies of mobilization, and for developing new strategies of resistance. A participant in this study questioned the value of post-Seattle counter-convergences:

²⁰⁸ "Toronto gets G20 summit; not enough resources near Huntsville, where G8 will meet" *The Spectator* (8 December 2009) A9.

PARTICIPANT: I don't know, I mean I wonder about the whole nature of demonstrations. There was a certain effectiveness around these demonstrations in Seattle, but now the idea of actually shutting down demonstrations with a few thousand people, and whether there's any realism involved in that.

ME: Do you think summit-hopping is something that is becoming less attractive?

PARTICIPANT: Well I don't know. I'm just not [short pause], I think its necessary, I think its something that should be done, but I'm not sure whether that's the best way to focus our efforts. I have mixed feelings about it. (Participant H)

Reflecting on the 2002 Kananaskis G8 mobilization, Stainsby reflects a similar sentiment:

What I hope has happened is that we are saying good-bye to something we can never forget, and only give the greatest of thanks to: summit-hopping as an overarching strategy. We cannot continue in this fashion or we will perish and disappear from the horizon, something we simply cannot afford to do.²⁰⁹

Although Stainsby's call for new methods of organizing are no doubt well placed and represents the voice of many within the global justice movement, the continual self-reflection and evaluation of movement strategies should not be neglected. This is shown in the organizing efforts of some Ottawa activists during the very summit that Stainsby writes of:

We actually came up with an interesting idea, the idea of the Kananaskis tax. It was targeted mostly at unions, and NGOs, and tiered organizations. If you were

²⁰⁹ M. Stainsby, "Beyond summit-hopping? G8's retreat to Kananaskis and the way ahead" (2003) 17(2) *Socialism and Democracy* 191 at 212.

sending people out to Kananaskis, if you were an NGO from Ottawa and you were flying people out to Kananaskis, for every ten dollars you're spending, you have to spend a dollar to support local, regional community organizing. Because that is the worry about these mass mobilizations. It's how are they tied to supporting ongoing, day to day local and regional organizing, which is where the real resistance should come from, where the sustained organizing should come from. It's interesting you know because the G-8 and G-20 it has returned, and its downtown Toronto on a Saturday in a summer. And all of these questions are coming up, how are we going to respond? Obviously the mobilizations are going to happen in Toronto, but a lot of people are talking about what are we hoping to get out of it by confronting them? People are talking about other types of actions not in Toronto, maybe at the border or highways or something like that. So all of that said, there is obviously a ton of debate going. There's a lot of debate especially amongst people who went through it. Was it useful? What are the lasting legacies? I think, personally, these mass mobilizations, summit-hoppings, there were drawbacks to it, but ultimately being in the streets with ten thousand people, and fighting the cops, and trying to fuck up some banker's day, that is what got me hooked and involved in the movement. That's absolutely what it was. So even if they're going to do these things in remote locations I think it's still useful to have mass mobilization from time to time somewhere. (Participant G)

In this chapter, I have argued that dissent is re-territorialized by policing agencies seeking to transform public space for dissent into an urban battlefield. As protest

becomes more organized and structured according to the logic of affinity, policing agencies come to rely to a greater extent on strategies of coercion and marginalization. In addition to a reliance on physical restrictions such as fences, pens, kettles, and rerouting, the police have attempted to stifle dissent entirely by simply moving the source of protest to areas inaccessible to demonstrators.

Chapter 8: Protest as Terror and the Logic of Security

The days of legal protest are finished.

—Participant J

To situate ourselves against security politics would allow us to circumvent the debilitating effect achieved through the constant securitising of social and political issues, debilitating in the sense that 'security' helps consolidate the power of the existing forms of social domination and justifies the short-circuiting of even the most democratic forms.

—Mark Neocleous²¹⁰

Security has penetrated all levels of policing dissent. It has become a blanket justification in the post 9/11 world for any and all limitations placed on political organizing. The latent fears of the next terrorist attack are brought to the fore during any event which draws large crowds of citizens into urban areas, and the police, now a fixture, are a constant reminder of this fear. Protests operationalize the state security apparatus in a different way than do public celebrations. Although political groups have always been an interest of police, the ubiquity and penetrating nature of terror and security has resulted in a conflation of protest and terrorism; the tools used to combat criminal organizations are applied now to political ones. This application is evident both domestically and internationally, and is seeping beyond policing and security circles into civil society and political discourse. There exists a dangerous cyclical relationship in the conflation of protest and terror. Anti-terrorism tools are used to police political groups, which reifies the terror logic within civil and political discourse. This rebranding then, in

²¹⁰ *Supra* note 102 at 186.

turn, reinforces the ability of the police to treat political groups as criminal groups. In this chapter I argue that the logic of security has empowered policing agencies to police political groups with the tools of anti-terrorism, and that this conflation has resulted in a conflation of protest and terror. I demonstrate this conflation by considering the willingness of university administrations and campus police to keep tabs on student political groups and feed information to the Ottawa Police Service.

A. Conflating Protest and Terror

Neocleous has shown that “national security essentially equates the political status quo with the desirable order and gives the state virtually *carte blanche* powers to protect it.”²¹¹ The post-9/11 rollback on civil liberties in the name of security need not be rearticulated here, though. Our focus is the extension of the logic of security, and the police powers therein, beyond criminal terrorist organizations to political groups. Dissent has been criminalized, and this is evidenced by the treatment of these groups, a development clearly recognized by activists:

I mean, you know what these people are telling us are the days of legal protest are finished - that we no longer have the right to dissent. It hasn't been taken off the law books as far as I know, but in reality we don't seem to [have it]. (Participant J)

Recent events in Canada illustrate the operationalization of the state security apparatus by political organizations and demonstrations of dissent. In Ottawa, Greenpeace activists scaled the buildings of parliament to post banners advocating the

²¹¹ Neocleous, *supra* note 42 at 61.

need for the Canadian government to take action to combat climate change.^{212,213}

Although no person was injured, and no violent intent was expressed by activists, the actions were framed as an exposing of security risks. Security officials reported the event as revealing “a tremendous security breach”, and one Member of Parliament questioned what would have happened had the protestors instead been “an elite squad of commandos”.²¹⁴ Another MP surmised what could have happened had the protestors been carrying rifles instead of climbing ropes: “if there were 19 people arriving with AK-47s, you could have a hell of a mess on your hands”.²¹⁵ The RCMP, who have jurisdiction over Parliament grounds, faced questions from media about what this “security breach” indicated about the susceptibility of Parliament to “terrorist attacks”.²¹⁶

This framing of the protest by media also reveals the now ingrained assumption of buildings such as Parliament having impenetrable security. Multiple media reports following the demonstration remarked on “highly embarrassed”,²¹⁷ and “red-faced”²¹⁸ security officials. It is access and not intent that dictates the activation of the terrorist

²¹² “20 arrested at climate protest on Parliament Hill” *CBC News* (7 December 2009) <<http://www.cbc.ca/canada/ottawa/story/2009/12/07/greenpeace-parliament-protest.html>> (accessed 25 June 2010).

²¹³ It is worth noting that this action was not unpredictable. Just two months prior to this event, Greenpeace activists in London staged similar actions at the Palace of Westminster. “Greenpeace activists spend night on Houses of Parliament roof in climate change protest” *The Daily Mail Reporter* (12 October 2009) <<http://www.dailymail.co.uk/news/article-1219638/Greenpeace-activists-climb-Houses-Parliament-climate-change-protest.html>> accessed 25 June 2010.

²¹⁴ Tonda MacCharles “Greenpeace conquers the Hill” *Ottawa Bureau* (8 December 2009) <<http://www.thestar.com/news/sciencetech/environment/copenhagensummit/article/735617--greenpeace-conquers-the-hill>> accessed 25 June 2010.

²¹⁵ Matthew Pearson “Greenpeace Parliament Hill protesters arrested” *Ottawa Citizen* (7 December 2009) <<http://www.canada.com/business/Greenpeace+invades+Parliament+Hill+rooftops/2312063/story.html>> accessed 25 June 2010.

²¹⁶ “20 people arrested after Parliament Hill protest” *CTV Ottawa* (7 December 2009) <http://ottawa.ctv.ca/servlet/an/local/CTVNews/20091207/greenpeace_protest_091207/20091207/?hub=OttawaHome> (accessed 25 June 2010).

²¹⁷ *Ibid.*

²¹⁸ Scott Taylor “Parliament protest ends; questions remain” *Sun Media* (7 December 2009) <<http://www.torontosun.com/news/canada/2009/12/07/12066221.html#/news/canada/2009/12/07/pf-12065051.html>> (accessed 25 June 2010).

discourse; if protestors can access Parliament, terrorists can to. This can present for political groups the challenge of navigating the tenuous connection themselves, evidenced by the pressing of a Greenpeace spokesperson about whether or not Greenpeace conducts background checks on their members.²¹⁹

The degree to which Greenpeace was branded a threat to Parliament Hill security is best seen in the eviction of a Canadian Press reporter several days after the demonstration for wearing a Greenpeace t-shirt.²²⁰ Moreover, Greenpeace t-shirts were banned from Parliament altogether, and security officials were directed to screen visitors to the Hill for Greenpeace logos as well.²²¹ One security official was quoted as saying, with respect to Greenpeace paraphernalia, “we won’t tolerate anything. We will charge you”.²²² Following the demonstration, the various policing agencies tasked with securing Parliament Hill reviewed existing policies and “beefed up” the apparent weaknesses which permitted such a brazen action. The result was the addition of submachine-guns to the arsenal provided to RCMP officers tasked with guarding the Hill.²²³ These circumstances outline the way that acts of protest become conflated with acts of terrorism. Soon after this Greenpeace protest, though, an act by a PETA member demonstrates how protest becomes rebranded as terror within civil and political discourse.

²¹⁹ Ibid.

²²⁰ “T-shirt banned from parliament” *The Canadian Press* (11 December 2009) <<http://www.thestar.com/news/canada/article/737514--t-shirt-banned-from-parliament>> accessed 25 June 2010.

²²¹ Ibid.

²²² Ibid.

²²³ “Submachine-guns to join RCMP Hill arsenal” *CBC News* (7 April 2010) <<http://www.cbc.ca/politics/story/2010/04/07/rcmp-parliament-submachine-guns.html>> accessed 25 June 2010.

In January 2010, the Canadian Fisheries and Oceans Minister was hit in the face with a tofu pie by a PETA member opposing the Canadian seal hunt. The reaction by MP Gerry Byrne shows the extension of the terrorist trope to acts of protest: “when someone actually coaches or conducts criminal behaviour to impose a political agenda on each and every other citizen of Canada, that does seem to me to meet the test of a terrorist organization.”²²⁴ Byrne went even further by calling on the police to investigate the organization as a terrorist organization: “I am calling on the Government of Canada to actually investigate whether or not this organization, PETA, is acting as a terrorist organization under the test that exists under Canadian law”.²²⁵

An example of the post-9/11 focus on terrorism and security can be made by considering an Ottawa protest in 1999 outside of the Turkish Embassy. During this event, Kurdish demonstrators threw a gasoline bomb at the police line, engulfing an Ottawa Police officer in flames.²²⁶ Although nine officers were injured during the demonstration, the officer set ablaze was not one of them, as the flames were quickly extinguished.²²⁷ The reason this demonstration is relevant to this analysis was the absence of the use of the term terrorism. Not only was this individual not likened to a terrorist, he was detained but released without charge later that day. In the contemporary, post-9/11 world order, this type of violence would most certainly attract discussions of terrorism. This example highlights the degree to which the terrorism discourse, and its

²²⁴ “Pie tossing is terrorism, MP says” *The Canadian Press* (26 January 2010) <<http://www.thestar.com/news/canada/article/755958--pie-tossing-is-terrorism-mp-says>> accessed 25 June 2010.

²²⁵ *Ibid.*

²²⁶ *Nanimo Daily News* (18 February 1999) A7.

²²⁷ *Ibid.*

use in the context of political groups, has arisen as a result of post-9-/11 securitization and anti-terrorism efforts.

In addition to terrorist pie and banners, the state security apparatus is activated by more traditional demonstrations as well, such as marches and rallies:

I was in downtown Ottawa in 2008 and there was a very small demonstration I was a part of against an arms trade fair that was happening here. And I guess somebody smashed a window of the recruitment center, I don't know, this is what I heard later and I couldn't really figure it out. There's thousands of civil servants in the streets going to lunch who know nothing about this situation, and there are about, and I have picture of it, 15 cops standing there with what looked like big machine guns. Right here! I mean right here! It was amazing. There were all these cops with these big huge guns, and at lunch hour in downtown Ottawa. That's insanity in my personal opinion. I mean for a window being broken? What if one of their guns had accidentally gone off? And who were they going to shoot I'd like to know. I mean, if they actually shot somebody, what about all the thousands of people milling around? Were they actually thinking they were going to shoot somebody? I just found that insane. I found that really insane and irresponsible and all kinds of things. (Participant J)

The criminalization of dissent and the extension of the logic of security to this field are demonstrated by the strategies of surveillance and intelligence gathering that are used by policing agencies. In the United Kingdom, the Association of Chief Police Officers (ACPO) has established an intelligence gathering network targeting activists,

and has begun referring to specific types of protest as “domestic extremism”. The ACPO and the two units established under it to carry out the operations, is creating databases with personal information of demonstrators they believe meet this categorization.²²⁸ “Domestic extremism” is defined by the police as individuals or groups “that carry out criminal acts of direct action in furtherance of a campaign. These people and activities usually seek to prevent something from happening or to change legislation or domestic policy, but attempt to do so outside of the normal democratic process.”²²⁹ Police in England and Wales collect information on these extremists and provide it to a centralized analysis unit called the National Public Order Intelligence Unit (NPOIU), which is “essentially a giant database of protest groups and protestors”, the purpose of which is to “gather, assess, analyze, and disseminate intelligence and information relating to criminal activities in the United Kingdom where there is a threat of crime or to public order which arises from domestic extremism or protest activity.”²³⁰

The storage of personal information about individuals and political groups obstructs democratic processes, but even more contentious is the fact that this information is not only used within policing and intelligence circles. A second arm of the NPOIU is the National Extremism Tactical Co-ordination Unit, which passes information on to “companies, universities and other bodies that are on the receiving end of protest campaigns”.²³¹

²²⁸ Rob Evans, Paul Lewis & Matthew Taylor “How police rebranded lawful protest as ‘domestic extremism’” *The Guardian UK* (25 October 2009) <<http://www.guardian.co.uk/uk/2009/oct/25/police-surveillance-protest-domestic-extremism>> accessed 25 June 2010.

²²⁹ *Ibid.*

²³⁰ *Ibid.*

²³¹ *Ibid.*

Beyond the glaring illegitimacy of the category “domestic extremism”, the strategies used by the NPOIU are widespread, and allow for non-radical demonstrators and even bystanders to be labelled extremists. The NPOIU assembles databases of all demonstrators at actions, regardless of whether or not they have committed a criminal offence.²³² One information gathering strategy is to establish cameras along roadsides near protest venues to capture vehicle licence plates.²³³ The Unit also provides “spotter cards”, which show police officers photos of individuals said to present a risk to public safety.²³⁴ The effect that this has had on individuals is staggering, and the programs are relatively new. One man reported being stopped twenty five times over a three year period since his car licence plate was recorded at a small protest against game shooting.²³⁵ The term “domestic extremists” is akin to “domestic terrorists”, and it is this logic which justifies these most repressive police powers.

The application of anti-terrorism policing strategies to political groups is not restricted to the United Kingdom. In both the United States and Canada this trend is also evident. In Canada, activists planning demonstrations around the 2010 Vancouver Olympics were infiltrated by Victoria police. Chief Jamie Graham bragged to delegates at the Vancouver International Security Conference that his department was able to have an officer pose as a bus driver bringing activists to Vancouver.²³⁶ Graham states “you knew protestors weren’t that organized when on the ferry on the way over, they rented a bus,

²³² Leo King “Police creating £9m database of protestors” *Infoworld* (27 October 2009) <www.infoworld.com/print/97817> accessed 2 November 2009.

²³³ *Ibid.*

²³⁴ *Ibid.*

²³⁵ *Ibid.*

²³⁶ Paul Willcocks “Police spying demands explanation” *Special to Courier-Islander* (9 December 2009) <<http://www.canada.com/Police+spying+demands+explanation/2320527/story.html>> accessed 25 June 2010.

and there was a cop driving”.²³⁷ Victoria police, through intelligence gathering efforts, were able to ascertain which bus company the activists were using to shuttle demonstrators to Vancouver Island, and approached the company with a plan to have an officer pose as the driver, and attempted to gather information about protest plans during the drive.²³⁸ It is unknown what sort of information that police were hoping to derive from this intrusive practice, whether it was with respect to a planned crime, or information about demonstration plans, but this level of interference and coercive infiltration represents an inappropriate extension of police involvement in democratic organizing.

In the United States the monitoring of activists has taken on a similar nature to that of the United Kingdom, although with an important distinction. In England and Wales, the term “domestic extremism” has provided a justification for compiling databases of innocent political activists that obfuscates the connection to terrorism. In the United States, however, protestors are included within “anti-terrorism” databases,²³⁹ with no effort to change the discourse around monitoring political activists as terrorists. In 2007 the American Civil Liberties Association (ACLU) acquired documents through access to information requests which revealed that the Pentagon monitored and reported on one hundred and eighty six anti-war protests since the inception of its Threat and Local Observation Notice (TALON) database.²⁴⁰ The documents obtained by the ACLU show an inability by American officials to monitor the overgrown database, to which

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ “ACLU Report Shows Widespread Pentagon Surveillance of Peace Activists” *American Civil Liberties Association* (17 January 2007) < www.aclu.org/national-security/aclu-report-shows-widespread-pentagon-surveillance-peace-activists> accessed 13 December 2009.

²⁴⁰ Ibid.

nearly thirty organizations have access, and over three thousand five hundred individuals can submit reports.²⁴¹ Officials are unable to manage this influx of information, resulting in reports containing personal information about peaceful demonstrators, which were deemed non-threatening after analysis, remaining in the database.²⁴² In these same documents the ACLU was also able to confirm that the FBI recruited confidential informants within groups such as PETA and Greenpeace.²⁴³

These examples highlight the extension of the tools used to combat terrorism to political groups, and thus a conflation between protest and terror. The monitoring of political groups is not only being done by policing agencies, though. As I will show, university administrations and campus security services monitor student political groups, pass information on to policing agencies, and coordinate responses to demonstrations on campuses.

B. Spying on Students

Universities in Ottawa have forged comfortable relationships with the Ottawa Police Service to share information about student political groups and control demonstrations by these groups. The omnipresent need for security has emboldened Carleton and Ottawa University's campus security agencies to collect and disseminate information. Spying on university student political groups has been an ongoing project of Canadian intelligence and policing agencies for years. For instance, University of Saskatchewan students have been heavily and scrupulously monitored since 1920, but the

²⁴¹ Ibid.

²⁴² "No Real Threat: The Pentagon's Secret Database on Peaceful Protest" *American Civil Liberties Association* (17 January 2007) <<http://www.aclu.org/national-security/no-real-threat-pentagons-secret-database-peaceful-protest>> accessed 8 March 2010.

²⁴³ Ibid.

complicity of their University administration was never proven.²⁴⁴ In Ottawa, university administrations take few precautions to cover their tracks, suggesting this behaviour is no longer considered subversive, and is better conceived as a part of the ongoing criminalization of dissent in the age of security.

The relationship between the OPS and the administrations of Ottawa and Carleton University affect student political groups in two important ways: information sharing and demonstration policing. In my interview with an executive member of the OPS public order unit, the following information was divulged:

We had a group doing a protest training session at Ottawa University a couple of months ago, and they book rooms at Ottawa U. So Ottawa U security will phone us and say 'look, we just want to give you a heads up'. Or Carleton University for that matter, but generally speaking downtown it's Ottawa U. [They'll say] 'just want to give you a heads up, there's a group called this and they've just booked 50 rooms at Carleton university'. So it's good to know. Its not like we're going to go down and start checking names or things like that, but that'll give us an idea. Sometimes it gives us an idea of how many potential protesters we're going to have. (Ottawa Police Officer)

From these statements it is possible to extract several important facets of the relationship between the campus security offices and the OPS. There is an implication that campus security is initiating the call as a strictly information sharing endeavour, as opposed to contacting the police as a result of a perceived threat to the safety and security of students

²⁴⁴ S. Hewitt "Spying 101: The RCMP's Activities at the University of Saskatchewan, 1920-71" in (eds.) G. Kinsman, D.K. Buse, and M. Steedman Whose National Security? Canadian State Surveillance and the Creation of Enemies (Between the Lines: Toronto 2000).

on campus. Not only does this represent a misconception of the role of the university with respect to supporting the rights to free assembly and expression, but it also raises some legal questions with respect to protection of privacy and personal information.

Discussing these issues with Ottawa activists revealed a broader picture on the degree to which dissent is unwelcome on University campuses:

Protection officers have always been hostile towards activists, to the point where they have physically assaulted activists, and have evidently been used to protect the interests of the administration, who have used the police as well to protect their interests against the rights of students. (Participant D)

Another activist described the willingness of Ottawa University campus safety officers to request OPS protection when faced with students looking to confront their University administration:

At the protest at the U of Ottawa, which was in February over the banning of the Israeli Apartheid Week poster, there was a bunch of us at Cabaret Hall looking to get into the President's office at the seventh floor. And the request was fairly reasonable I thought, which was to have a discussion as to why the administration had banned the poster, which is a civil rights issue, a freedom of speech issue, [there was a] fairly reasonable kind of discontentment in the groups over these issues. And there were two Ottawa police tactical squad members, and I have the video of it, and they were just standing there and barring the people from coming in. I guess the University called them because they didn't want to rely on their own protection services, and called them basically to keep their own students

from reaching, from confronting, their administration over what the students perceived to be a very serious violation of their rights on campus as students and also as citizens. And the police just gladly it seemed took part in this inside the University and actually forcefully kept students out. This was part of a coordinated event action because early in February of this year Carleton began by banning the poster, the Israeli Apartheid Week poster. Shortly thereafter, I think a week or so, the same poster was banned at the University of Ottawa. So there were coordinated events, I think on February 26th. One starting at Carleton University at the President's office, where they actually succeeded in meeting the president, and at Carleton there were no police officers. And later in the day the same action at Ottawa U. The same activists took the bus over from Carleton to Ottawa U, and then proceeded to try to meet Alan Rock, president of Ottawa U. And that's where the police were at. So they knew that we were coming for sure.

(Participant E)

The participant continues by describing how the demonstration resulted in the OPS violently keeping students out of the area where University administrators were meeting:

...they had locked the doors, not locked but somehow blocked them. And I guess somehow the door wasn't blocked properly. So we, all the protestors, were right up against the door at Cabaret Hall, and the police officers were on the other side. One of the protestors grabbed the door and it opened. And the door was open and people just stood right there facing the police and shouting at them, 'let us in' type of things. And eventually the police officer started grabbing the door and pulling it back to close it, and this one activist, a girl, she is a student, she put her foot

between the door to jam it open. And they basically had no qualms about just slamming it as hard as they could multiple times, we have part of it on camera, and kicking her foot as hard as they could until she let go. And she was quite injured and had to go to get a bunch of x-rays right after to make sure it wasn't broken. I don't know if she ended up pursuing anything against the police at the time, but just no qualms about using force on students at their own university for trying to make contact with the administration. (Participant E)

The fact that political groups have become synonymous with threats to security is in part shown by the willingness of police to deploy against them the same strategies used against criminal organizations. Although the powers available to campus safety agencies are far less intrusive, efforts are made to infiltrate and collect intelligence:

I have organized at meetings where we were aware that there were undercover agents present. We had assumed that these agents were Protection officers, and this was evident to us because we saw the person speaking with officers following a meeting where a decision was taken to head to the administration's office.

Protection officers were present and prepared for our arrival at the offices.

(Participant D)

These types of surveillance are not seen as surprising by another activist, who suggests that the political motivations of universities may dictate these efforts:

On this campus [Carleton University] we have SAIA (Students Against Israeli Apartheid), which is very active on Israel-Palestine issues and is currently launching a divestment campaign, and its totally conceivable that, well the

University does keep tabs on SAIA, but its entirely conceivable that the University has discussed types of surveillance. Because one of the things we do know is that there is a steering committee of University administrators across the province whose campuses have active *solidarity campaigns*. They talk about what's going on on their campuses, they talk about how to respond, they share information about individuals that are active, that kind of stuff. So clearly there is communication between administrations, and if that happens there's definitely communication between their security staff. (Participant G)

The extension of the logic of security and the "dangerousness" of political groups has resulted in one student activist being actively tracked by a large number of University of Ottawa administrators and campus safety officers. Kevin McLeod, an activist with the Canadian Friends of Burma, organized several demonstrations at the University to draw attention to a \$15 million donation the University received from Paul G. Desmarais, a Canadian financier alleged to have profited from a mining corporation that violates Burmese human rights. The demonstrations were met with resistance by the University, who viewed the demonstrations as possibly shedding a negative light on the opening of the newly constructed Desmarais Building:

A couple years ago, U of O was unveiling a new building, the Paul Desmarais building, and the Desmarais family is very much tied to human rights abuses in Burma through their mining operations, and there was work on both campuses, particularly U of O, to highlight that fact. There were some movie screenings, a couple of public forums, and a couple of low-key demonstrations at the Desmarais building. And there was a lot of police presence, campus safety and police. So just

for kicks, Kevin McLeod and a couple other people filed access to information requests. And it turns out that there were all these discussions within the University administration and campus security and the Ottawa police about who these people were, who Kevin McLeod was, lining up plain clothes campus safety people to go to the meeting and take notes and then pass them onto the University administration and the police. This was over like nothing [laughs], like really nothing, a couple of movie screenings. And so you can imagine how it gets on issues which are potentially even more contentious or directly effect, are directly calling for significant change on the University. (Participant G)

The documents obtained by McLeod, which he subsequently made public, show University administrators were worried about the negative publicity the demonstrations could attract, and offered justifications for cancelling the event. Bruce Feldthusen, Vice-President pro tempore of University Relations, facetiously commented that it was “nice of us to let them use the Desmarais building” for the demonstration, and raised “security issues” as a concern. Gilles Patry, President and Vice-Chancellor, worried that “it might be too late to do anything about it”, and suggested that the University should “monitor to see if they are exposing themselves with libellous comments.”

The suggested “monitoring” did take place, as is evidenced by emails back and forth with pages from McLeod’s social networking site dedicated to the demonstrations copied and pasted into the emails. In fact, the documents show that McLeod was identified as the demonstration organizer by campus safety personnel who were accessing his Facebook site. Claude Giroux, Director of Protection Services, and Steve Bernique, Assistant Director, actively sought out information about McLeod and others who were

planning on attending the CFOB demonstrations. On November 30, 2007, Bernique sent to Giroux via email *YouTube* and *Facebook* pages which identify McLeod: “Kevin McLeod is the male from the 4th clip on *YouTube*. The male with beard holding a poster.” In a previous email, Bernique writes: “This is from *Facebook*, I love this program!!! We know who is likely to attend. Scroll to bottom. We also know the administrator of the post is someone named Kevin McLeod.”

On December 5, 2007 McLeod held an information session about the human rights record of the Burmese mining operations that the Desmarais family has profited from. Campus safety attended this meeting in plainclothes, and filed a report the following day which outlined some of the main themes of a speech given by McLeod. McLeod, however, reports the individual was noticed by those in attendance, he stated in an interview later that some members of the audience “were acting rather strange” and “writing down everything that was said – they really weirded people out”.²⁴⁵ It is interesting to note that the University later preferred to frame the monitoring of the event as part of its necessary security due diligence, choosing to claim safety and security of students over political interference even though their motivation was to avoid embarrassing a benefactor. University spokesperson Vincent Lamontagne stated: “The administration did its due diligence, examined and assessed the risks, including security risks. The conference did take place and security was provided to ensure everyone’s safety.”²⁴⁶ This speaks to the impenetrable nature that justifications based on claims of security are afforded: security is a justification in and of itself. Security is legitimizing

²⁴⁵ Joseph Allchin “Canadian uni ‘spied’ on Burmese students” *Democratic Voice of Burma* (21 April 2010).

²⁴⁶ Kenyon Wallace “Human rights group accuses University of Ottawa of ‘spying’” (28 April 2010) <<http://www.nationalpost.com/story.html?id=2963033>> accessed 29 April 2010.

the treatment of political groups as criminal, and in need of surveillance, and this has extended beyond public police forces into private ones such as university security agencies. This treatment of student groups is seen by organizers as intimidation:

Well, I mean in some ways it's not surprising or all that upsetting. There should be some level of campus safety communication with the police. But, when it's used for things not related to safety, then it's a bit suspect. So in terms of how I feel about it, I feel the same way about how I feel about cop surveillance, it's invasive. Usually it serves no practical purpose other than intimidation, because most all our groups are totally open anyways. It's not like the Canadian Friends of Burma are having secret meetings to play their secret movie screenings. They were meetings that anyone can come to. So it really just serves as a control mechanism. (Participant G)

In light of the comments made by the Ottawa Police Officer interviewed for this study, such information gives context to the monitoring of groups and individuals booking rooms at the University of Ottawa for political organizing. The documents released by McLeod show that the University of Ottawa plans on ensuring that this continues by screening the booking of rooms, marginalizing student political groups even further. Victor Simon, Vice-President of Resources, wrote in one email "who allowed this rental to proceed?", and in another, "we would have detected this if we had followed our normal protocol...I just sent a note to Micheline and Marc asking them to be more vigilant in the future."

In this chapter I have argued that the logic of security has penetrated the policing of political groups and contributed to a conflation between protest and terror, which is seen by the application of the strategies used to police criminal groups to political groups. The activation of the state security apparatus by dissent underlies this thesis. Security is used as justification, especially during mass mobilizations, to create temporary militarized and securitized zones which treat dissent with unwelcome hostility.

Police label specific groups and tactics as threats to security, and promote this in the construction of operational plans. Groups classified as “anarchists” and “radicals” are said to pose a security threat to police, civilians, and other demonstrators. Comments made by Minister of Public Safety Vic Toews on a local Ottawa radio show preceding the June 2010 G-8 and G-20 mobilizations in Toronto are indicative of this. When asked about how “anarchist, anti-globalization, and anti-capitalist” activists influence the Summit security planning, the Minister responded by saying, “I think that those types of protestors have always been a part of our considerations in setting up security plans. In fact, when I was briefed on the Olympics for example, that was always a component of the briefing. I was always made aware of that possibility.”²⁴⁷ Police are able to construct the most radical elements within social movements as “dangerous” in order to justify the overreaching security measures around demonstrations.

Surveillance and spatial policing strategies are also brought under the hegemonic nature of security. Overt video surveillance is deployed as a means of deterring protest and identifying demonstrators who pose a “security risk”, while covert surveillance is used to keep tabs on political groups who are said to be engaged in the planning for

²⁴⁷ Interview of Vic Toews (20 May 2010) on *Madelay in the Morning*, 580 CFRA Ottawa.

domestic extremism or terrorism. Spatial policing strategies such as the use of fences, barricades, protest pens, and “off-shore” summits are used to create “security zones” and “secure perimeters”. These zones and perimeters are constructed as “no-go” areas for protestors and the public, which are defended by police with often violent means.

As security becomes enmeshed with dissent, engaging in protest itself becomes a threat to security. Security is presented as an unavoidable necessity; it is rational and reasonable, and those opposing it are irrational and unreasonable. As demonstrations of dissent continue to be reproduced as a threat to security, they are made increasingly dangerous and deviant. Neocleous has shown that a politics of security is one which “marginalizes all else, most notably the constructive conflicts, debates and discussions that animate political life”.²⁴⁸ By accepting dissent as a threat to security, we are situating it within a security politics, and allowing debate, conflict, and discussion to be subsumed, marginalized, and silenced.

Conclusion

As I sit at my desk writing this thesis, I cannot help but be distracted by the constant stream of protest porn that is being aired on the television beside me: it is June 26, 2010, and the Toronto G-20 Summit has arrived. The protests outside the Summit have dominated the media coverage of the event, and it is the violence and destruction

²⁴⁸ *Supra* note 102 at 185.

that occurred in the streets that will be remembered years from now, rather than the scripted negotiations and sound bites being offered by world leaders. The live footage of activists battling with police in the downtown core of Toronto serves as a constant reminder of the relevance of this research, and its socio-political importance. This thesis has sought to contribute a Marxian approach to policing dissent which avoids the limitations of instrumental Marxian approaches to public order that have apparently driven other scholars to seek out and valorize the so-called “softer” policing elements. There is still very much a resolute attempt to marginalize and pacify dissent, and this manifests itself in all of the strategies used by the police. The importance of recognizing the effect that these strategies have on dissent has never been greater, and we can see that they were all a part of what the world has just witnessed during the 2010 G-20 Summit.

Virtually all of the policing strategies discussed in this analysis were on display during the recent summits, which effectively rendered Toronto a police state. In the weeks and months approaching the summits, police attempted to liaise and communicate with organizers,²⁴⁹ and began establishing spatial tactics which would allow for dissent to take place in the territories the police preferred. A fence was erected across the downtown core which spanned approximately three kilometres.²⁵⁰ The controversial “security zone” and the physical control needed to maintain its perimeter were originally to be avoided by holding the G-20 north of Toronto with the G-8, in an area less accessible to Toronto.

²⁴⁹ Anna Mehler Paperny “Protestors and police get ready to square off at G20 summit” *Globe and Mail* (26 April 2010) <<http://www.theglobeandmail.com/news/national/toronto/protesters-and-police-get-ready-to-square-off-at-g20-summit/article1546487/>> accessed 27 June 2010.

²⁵⁰ Kenyon Wallace “Toronto’s controversial G20 security fence cost \$5.5-million” *The National Post* (10 June 2010) <<http://www.globaltoronto.com/Toronto+controversial+security+fence+cost+million/3137586/story.html>> accessed 27 June 2010.

If any of the so-called “soft-hat” strategies were being used by policing agencies during this past weekend’s summit, we did not see them. Police resorted to violence early to attempt to contain activists engaging in property damage, and over the weekend tear gas, rubber bullets, and physical force were used regularly.²⁵¹ Approximately nine hundred activists and citizens were arrested, many without charge.²⁵² After the Black Bloc tactic frustrated policing agencies throughout the first day of protest, approximately seventy activists staying at the University of Toronto residences were arrested for being in the possession of black clothing the following morning.²⁵³ The level of media attention afforded to the Black Bloc was astonishing, and their demonization likely drew more coverage time than did the world leaders. Officials continued to justify their actions by dividing demonstrators along radical lines by referring to the destructive tactics of “thugs”, and “violent anarchists”.²⁵⁴ Police marginalized this element within demonstrations and legitimized the violent policing of all activists by referring to this ominous black threat.

The powers police were granted to ensure that the “security perimeter” was not breached highlight the ability of the logic of security to trump human rights and civil liberties. The emergency-like powers that police were granted illustrate the conflation between protest and terror. Police were able to search you for approaching the security

²⁵¹ “Tear gas and rubber bullets used at second day of violence at G20 summit” *Sydney Morning Herald* (28 June 2010) <<http://www.smh.com.au/world/tear-gas-and-rubber-bullets-used-at-second-day-of-violence-at-g20-summit-20100628-zcpl.html?rand=1277682207397>> accessed 27 June 2010.

²⁵² Jill Mahoney & Ann Hui “G20-related mass arrests unique in Canadian history” *Globe and Mail* (29 June 2010) <<http://www.theglobeandmail.com/news/world/g8-g20/news/g20-related-mass-arrests-unique-in-canadian-history/article1621198>> (accessed online: 29 June 2010).

²⁵³ Brett Popplewell & Vanessa Lu “Student union faces questions about hosting protestors” *Toronto Star* (27 June 2010) <<http://www.thestar.com/news/gta/torontog20summit/article/829313>> accessed 27 June 2010.

²⁵⁴ “G20 protest violence prompts over 400 arrests” *CBC News* (27 June 2010) <<http://www.cbc.ca/canada/story/2010/06/26/g20-saturday-protests.html>> accessed 27 June 2010.

fence, demand your identification, and arrest you if you refused.²⁵⁵ Even more illustrative of this conflation was the level of threat that police attributed to any activist that might get on the other side of the fence. Activists approaching the fence were policed with tremendous amounts of force, which reinforced the symbolic violence of the fence.

I have argued throughout this thesis that policing strategies for public order and dissent are coercive, and that recent events have further legitimized this position. The pseudo-liberal liaison efforts are the extended hand of the policing agencies, but as we have seen, the liaison unit is coercive and relies on violence. Video surveillance during demonstrations also takes on a coercive role, and has in this context become weaponized. Police deploy surveillance to limit protest attendance through intimidation, and discourage radical action. Marginalization of dissent is physically accomplished by the domination of the spaces in and around demonstrations. By transforming public areas into urban battlezones, or during counter-convergences simply removing the source of opposition, the police have reterritorialized dissent. Finally, the logic of security has worked to rebrand protest as terror, and this is most evident in the way that political groups are monitored by police and security officials.

As we have seen, there has been a shift in the policing of public order, but this shift has not been in the goals or philosophy of policing dissent, but rather in its presentation. The violence which protestors were faced with throughout the 1960s and 70s could not long be tolerated, and policing agencies were forced to develop new

²⁵⁵ Jeff Gray & Kate Allen "Police given greater arrest powers near G20 security zone" *The Globe and Mail* (25 June 2010) accessed 27 June 2010.

approaches of controlling dissent. However, the current efforts which I have outlined in this thesis are not as politically polarizing as overt police violence, and do not draw the same level of opposition. Current methods of coercion and marginalization are obfuscated and subtle, and this presents the pressing danger of institutionalization. Practices such as liaison policing, surveillance, and spatial control could become long-term, institutionalized practices which are difficult to resist. These strategies are less scrutinized because policing agencies have been successful in legitimizing their use against the “dangerous” and “violent” protestors.

The current state of policing dissent is one of marginalization to the greatest possible extent, and the use of violence against those that refuse to be marginalized or de-radicalized. Moreover, this use of violence is legitimized by the construction of “good” and “bad” activists, and the growing social acceptance of the idea that activists force the police to resort to violence. Activists are faced with the difficult task of not participating in the script the police have written for demonstrations while also not alienating themselves as deviants in need of forceful policing. The entrenchment and institutionalization of this repressive policing of dissent threatens core democratic principles as a mechanism for social change.

It is my hope that this analysis will contribute to steering public order policing literature away from the uncritical and technical focus that has come to dominate it. The policing of dissent is coercive and marginalizing, and critical scholars can play a role in exposing this by providing a level of analysis not obtainable through mainstream media. Critical, theoretical analyses can contribute to the resistance of forms of domination and

social control by fostering dialogue on the policing of protest, and raising awareness of the nuances of activists being policed.

Appendix A: Activist Participant Interview Questions

1. Have you ever been in or witnessed an altercation with the police during a protest?
2. Have you witnessed general use of coercive tactics? What were they and were they provoked?
3. Do the police communicate clearly prior to using tear gas or other coercive measures? What types of communication?
4. Have you witnessed or yourself stopped a protestor from engaging in certain behaviour? Can you provide an example?
5. Have you been approached by the police prior to a demonstration?
6. Do you communicate with the police prior to a protest, why or why not?
7. What information is shared, what is withheld?
8. Does this change the preparation for an event?
9. How has pre-protest communication affected the protest?
10. Have you ever witnessed the police videotaping protests? What are your feelings about such practices?
11. Have you ever witnessed protesters videotaping the police? What are your feelings about such practices?
12. How has the police use of video surveillance changed your group's plans or behaviours?
13. Does your knowledge of OPS tactics alter the way you communicate with other groups?
14. Have you witnessed police with the sole job of using surveillance equipment?
15. Are you aware of any surveillance activities other than during the events such as organizing meetings?
16. Do the police use space restrictions to limit the flow of people?
17. Have you witnessed the police using themselves as a group to confine large numbers of people in spaces?

Appendix B: Ottawa Police Officer Participant Interview Questions

1. Can you describe the history of the liaison unit, the formation of MELT, and the new liaison approach?
2. Can you describe the “MELT model”?
3. How is the current liaison unit different from MELT?
4. What types of events does the liaison unit coordinate?
5. How do affinity groups contact you, and is it expected?
6. How do you plan for unexpected demonstrations?
7. What are the benefits and challenges posed by cooperation with activist groups?
8. What are common requests by the organizers of demonstrations?
9. Are there any common requests that cannot be met?
10. Is there significant resistance by some groups to working with you? Why do you think this is?
11. Obviously some groups are more violent or radical than others, so how do you determine this and how does this change the approach to policing the event?
12. How do you distinguish between groups to know the risks present at an event?
13. Do you ever initiate contact with organizers of demonstrations if you find out an event is being planned?
14. What happens if the protest group changes their previously disclosed plans?
15. How does/should the context of policing protest change an officer’s approach?
16. In your experience, are there common causes of conflict between demonstrators and police officers?
17. What types of tools do public order units use? Are they used frequently? Are there specific guidelines for their use?
18. What is the purpose and benefit of video surveillance during large demonstrations?
19. Is intelligence gathering during a demonstration effective?

20. How do you decide where security fences or other barriers should be?
21. Do you establish zones where protest is allowed, and how are the size and place of these zones determined?
22. Do you think it has been difficult to establish an effective and long-term model for public order policing?
23. Are protest groups becoming leaderless, and how do you respond to this tactically and strategically?
24. Can you comment on what the future of public order policing will look like?

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