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Protest policing and the reality of freedom: Evidence from Hong Kong, Portland, and Santiago in 2019 and 2020

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ABSTRACT

Protests erupted in many nations around the world in 2019 and 2020, some peaceful and some violent. The police response to these protests varied widely, from calm and restrained in some places to violent and repressive in others. Variations in the police response to these events are reminiscent of David Bayley's groundbreaking comparative research on the links between policing and democracy and the fundamental role of police in shaping "the reality of freedom." Drawing on Bayley's scholarship, this paper examines the police response to protests in Hong Kong, Portland, and Santiago in 2019 and 2020. In all three settings, people have constitutional rights to freedom of speech and assembly. Yet when people took to the streets to challenge their governments and exercise these rights, the police response provided a useful gauge of the reality of freedom.

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Introduction

Major protests against economic and social injustices have erupted in many nations around the world in recent years. These protests have been noteworthy in several respects, including their size, intensity, and persistence, as well as their influence within and across nations. These protests have often remained peaceful, but in some cases have resulted in property damage and violence. Some of these protests have attracted significant international attention due to the violence between police and protesters. Major international human rights organisations have criticised the police for using excessive force against protesters and journalists and undermining freedom of assembly, speech, and the press. Public health organisations have also criticised the police response to protests, particularly the use of lethal and "less lethal" weapons that have resulted in serious injuries and deaths, often among people who have committed no crime (Adam-Troian, Çelebi & Mahfud, 2020; Heisler et al., 2020).

In this article, I examine the police response to recent protests in three cities. Hong Kong is a special administrative region of China that was a British colony for 156 years before reverting to Chinese sovereignty in 1997. Portland, Oregon is a left-leaning city in the northwestern United States where local officials have rebelled against the Trump administration on several issues. Santiago is the capital of Chile, a nation that survived a brutal dictatorship from 1973 to 1990, but has more recently been regarded as one of the most progressive nations in Latin America. These cities share three key characteristics that are relevant to this article. First, they all have clear legal guidelines permitting the freedom of speech, freedom of assembly, and freedom of the press. Second, they all experienced large, continuous protests at some point in 2019 and 2020. Third, in

all three cases, police cracked down heavily on the protests using “less-lethal” (and in some cases lethal) weapons that resulted in widespread injuries among protesters and others.

Policing, democracy, and the reality of freedom

Many national constitutions contain provisions enumerating people’s individual rights, including freedom of assembly, freedom of speech, and freedom of the press. However, all of these rights are subject to interpretation, whether in formal court proceedings or in more informal settings such as police-citizen encounters in the community. The difference between “law in the books” and “law in action” has long fascinated socio-legal scholars who seek to understand the interface between law and society (Pound, 2010; Allison, 2015). The distinction between law in the books and law in action becomes especially evident in how police handle protests. Even in a developed nation like the United States, where the Bill of Rights clearly enumerates several individual rights that are salient to public protests, police routinely violate those rights, often with impunity (Maguire, 2015).

Police are the most visible representatives of state power (Bayley, 1985; Seigel, 2018). Governments authorise the police to enforce laws and maintain order (in addition to other functions). Yet, social scientists have long noted that police have significant discretion in how to carry out these functions (Goldstein, 1960; Walker, 1993). They can choose between a variety of available strategies, tactics, policies, and practices. They can also choose to behave either in a respectful and judicious manner, or in a hostile or imprudent manner. The wide discretion granted to the police means there is often significant variation in the nature of policing from one place to another (J.Q. Wilson, 1968; Maguire & Uchida, 2000).

According to political scientist David Bayley (1985, p. 5), the way in which police choose to exercise their discretion can help to “determine the limits of freedom in organized society.” Put differently, the manner by which police choose to enforce the law and maintain order “directly affects the reality of freedom” for citizens (Bayley, 1985, p. 5). Based on these premises, Bayley argues that police are a fundamentally important institution for protecting or undermining democracy. The actions of police officers influence the perceived legitimacy of the agency that employs them and the institution of policing more generally (Johnson et al., 2014). More broadly, however, police actions also have a strong influence on the extent to which people perceive the *government* as legitimate. As Bayley (1995, p. 80) notes, “The way the police carry out their duties, both collectively and as individuals, teaches powerful lessons about the nature of a government. What children learn about civic values and customs in schools, the police teach in the hurly-burly of the streets.” Bayley’s observations are especially relevant in thinking about the police response to protests, where participants sometimes end up learning painful lessons about the reality of freedom and democracy in a cloud of tear gas and a volley of rubber bullets.

A large body of social science research has examined the police response to protests, particularly the factors that promote conflict and violence. Social psychologists have observed that certain police behaviours in crowd events can increase the likelihood of conflict. Research has uncovered a common pattern across various types of crowd events, including protests, riots, and violence at soccer games. “Events would start with a heterogeneous crowd, the majority of which identified themselves as moderates who simply wanted to express their view to the authorities, and a minority of whom were radical and saw the authorities as an antagonist. However, crowd members were perceived as homogeneously dangerous by the authorities (notably the police) and treated as such – that is denied the ability to express themselves as they wished. This then led to radicalisation among moderate crowd members who then joined with the radicals in challenging the police” (Drury & Reicher, 2009, p. 712). Across these different types of events, this escalation process began when police took enforcement action (use of force or arrests) against moderate crowd members who were behaving peacefully and lawfully. Rather than winning the support of the moderates, the police inadvertently encouraged the moderates to side with the radicals against the police. Treating a largely peaceful crowd as homogeneous and taking enforcement action against the whole crowd

in response to the misbehaviour of a small number of people can trigger violence rather than preventing it (Maguire & Oakley, 2020).

One of the most dominant perspectives for understanding the dynamic relationships between police and crowds is the *elaborated social identity model*, or ESIM (Reicher et al., 2004). Reicher and his colleagues developed ESIM to explain the patterns they had observed across various types of crowd events (Reicher, 1984; Stott & Drury, 2000; Reicher et al., 2004; Drury & Reicher, 2009). A key element of the model is the concept of *social identity*, which refers to the portion of our identity that is based on the groups with which we associate. Social identity is a relational concept that defines who we are “as a function of our similarities with others” (Reicher et al., 2010, p. 45). Our immersion in social groupings can have powerful effects on how we think about ourselves. Reicher and his colleagues observed that when most people arrive at crowd events, they have moderate perspectives on police and the law and are unlikely to support the use of destructive or violent behaviour. However, they experience a psychological shift – a momentary shift in social identity – when they see police taking enforcement action against people in a manner that they perceive as indiscriminate and inappropriate. When moderates experience this shift in social identity, they are more likely to identify with radical crowd members and enter into conflict with the police. Put differently, when the police treat everyone in a crowd as radical by imposing a common fate upon them, the crowd is more likely to unite in opposition to the police (Reicher, 1984; Reicher et al., 2004; Drury & Reicher, 2009).

At a theoretical level, the ESIM provides a useful framework for thinking about how conflict arises between police and crowds. At a practical level, it is also useful for developing crowd management strategies that seek to prevent conflict and violence and preserve human rights and civil liberties. Understanding the social psychology of crowd events – including the dynamic relationships between crowds and the police – is vital for developing democratic policing practices that honour the reality of freedom.

Understanding protests in Hong Kong, Portland, and Santiago

Hong Kong

Hong Kong is a special administrative region of the People’s Republic of China. From 1841 to 1997, it was a British colony. Under British rule, Hong Kong grew dramatically, transforming from “a barren island with hardly a house upon it” into a thriving metropolis of nearly 7.5 million people (Tsang, 2004, p. 14). With its unique history of Chinese and British influence, Hong Kong became a bilingual, bicultural society that values both democracy and capitalism (Mathews, 1997; Lee & Chan, 2008). Britain turned Hong Kong back over to China on June 30th, 1997, ending 156 years of British rule. Under the terms of the Sino-British Joint Declaration, a treaty between China and Great Britain, China agreed not to alter the “current social and economic systems in Hong Kong” for fifty years following the handoff (Cheng, 2009, p. 92). During that fifty-year period (1997–2047), the Hong Kong special administrative region would be treated as a separate entity within China under the “one country, two systems” approach proposed by former Chinese leader Deng Xiaoping.

A key element of the Sino-British Joint Declaration was that its terms would be stipulated in a “Basic Law” that would remain unchanged for fifty years. The Basic Law, which was enacted in 1990, is Hong Kong’s constitutional document. It guarantees various civil liberties, including freedom of speech, press, association, assembly, and demonstration (Gittings, 2013). Despite these legal protections, China has asserted a greater level of authority over Hong Kong’s affairs than expected after the handover (Ching, 2018). According to Lui (2020, p. 274), “Beijing has consciously moved in the direction of exercising a more systematic form of domination over Hong Kong.” This assertion of authority by mainland China serves as the backdrop for the civil unrest that occurred in Hong Kong in 2019 and 2020 when pro-democracy protesters clashed repeatedly with police.

In February 2019, under Chief Executive Carrie Lam, Hong Kong’s government proposed an amendment to the existing extradition law that would allow suspects of crime to be extradited to

other countries, including mainland China. Opponents of the bill expressed concerns about China's growing influence in Hong Kong, with one noting that "many Hong Kong people have no trust or confidence in the Chinese judicial system" (Torode & Pang, 2019). Some worried that the proposed bill could be used to target political activists and deny suspects due process of law (Kang-Chung, 2019). Three human rights organisations co-signed a letter to Carrie Lam opposing the bill, warning that it would allow people to be sent to jurisdictions (such as mainland China) where they could be subjected to unfair trials and inappropriate treatment, including torture. Moreover, the letter expressed concern that the bill would enable the government to silence critics and bring "politically motivated prosecutions against peaceful protesters" (Human Rights Watch, 2019).

On March 31st, about 12,000 protesters assembled in opposition to the bill. The protest was largely peaceful and the police made no arrests (Lum et al., 2019). As opposition to the bill continued to mount, about 130,000 protesters joined together on April 28th, the largest protest in Hong Kong since 2014. On June 9th, more than a million people took to the streets in Hong Kong to protest the bill. Clashes between police and protesters erupted in front of the Legislative Council Complex. Police used batons and pepper spray to disperse the crowd and they arrested 19 protesters (Leung, 2019). On June 12th, protesters assembled again. Police used chemical irritants (CS gas and pepper spray), and kinetic impact munitions (beanbag rounds and rubber bullets) to disperse the crowd and arrested 11 protesters. Dozens of protesters were taken to the hospital for injuries sustained during confrontations with police. The Hong Kong Journalists Association received 15 complaints about police mistreating journalists during these events (Kang Chung and Leung, 2019). The director of Amnesty International's Hong Kong office said the excessive response from police would fuel tensions "and is likely to contribute to worsening violence, rather than end it" (Amnesty International, 2019a).

On June 15th, Chief Executive Carrie Lam agreed to suspend consideration of the extradition bill indefinitely in an effort to mollify the protesters and reduce violence (Withers, 2019). The next day, approximately two million protesters marched in opposition to the extradition bill as well as the police use of excessive force against protesters in previous events. It was the largest protest in Hong Kong's history (Lok-kei et al. (2019). On June 21st, thousands of protesters surrounded Hong Kong's police headquarters to express their anger over the use of excessive force against protesters. On July 1st, protesters stormed the Legislative Council Complex and vandalised the building. The protests continued throughout July and August, with many of them resulting in predictable confrontations between police and protesters and ongoing accusations about police use of excessive force against protesters.

On September 1st, undercover officers posing as protesters fired two warning shots with live rounds over the heads of protesters, not striking anyone. On that same day, police and protesters clashed, with protesters throwing objects at police officers, and police using tear gas, pepper spray, and a water cannon with blue dye on protesters. On September 4th, Chief Executive Carrie Lam permanently withdrew the extradition bill in an attempt to quell tensions and reduce violence. Unfortunately, by that time the protests had become about much more than just the bill. Protesters were concerned about mainland China's increasing influence in Hong Kong's affairs, and they demanded Carrie Lam's resignation. They had also become increasingly critical of police's heavy-handed response to the protests and demanded an independent investigation into the excessive use of force. On September 19th, Amnesty International (2019b) released a report stating that "Hong Kong's security forces have engaged in a disturbing pattern of reckless and unlawful tactics against people during the protests. This has included arbitrary arrests and retaliatory violence against arrested persons in custody, some of which has amounted to torture."

The protests continued throughout September. Clashes between police and protesters became routine. On October 1st, the 70th anniversary of China's communist party, a police officer shot an 18-year old protester in the chest with a live round. On that same day, police arrested 269 people and fired 1,400 tear gas canisters, 900 rubber bullets, 190 beanbag rounds, 230 sponge-tipped rounds, and six live rounds (Chan, 2019). Numerous protesters, journalists, and police officers were injured due to the violence. On October 4th, Carrie Lam announced a ban on facemasks in response

to the widespread practice of protesters wearing masks to conceal their identities. Critics questioned the legality of the ban (Pomfret & Torode, 2019). The ban backfired, triggering widespread defiance, with mask-wearing protesters taking to the streets en masse, some setting fires or engaging in other forms of property damage (Pomfret & Pang, 2019). Protests continued throughout October of 2019, with ongoing clashes between police and protesters. On November 11th, police fired live rounds at protesters, wounding one. On November 17th, protesters barricaded themselves on the campus of the Chinese University of Hong Kong. Protesters hurled objects, including bricks and Molotov cocktails, at police officers. The police responded with a barrage of less lethal weapons. On November 18th, Amnesty International (2019c) released a statement calling on police to exercise restraint. “The increasingly violent nature of the Hong Kong protests and the resultant injuries to bystanders and others is alarming, but the heavy-handed police response to largely peaceful demonstrations over the past months is the main cause of this escalation. Their threat today that protesters could face live ammunition is a further aggressive move that heightens the risk of tragedy on the streets. At a time when Hong Kong needs level-headedness and humanity from those in power, it is instead getting tear gas, beatings and threats of lethal force.” The violent standoff lasted for more than a week.

The violent clashes between police and protesters continued into 2020, although February through April was relatively calm due to the emergence of the Covid-19 pandemic. In May of 2020, China’s parliament approved a proposal to impose a controversial National Security Law on Hong Kong, due in part to the violence that had occurred during the protests. The new law took effect on June 30th. According to Human Rights Watch (2020a), Hong Kong authorities quickly used the law to prosecute peaceful speech and assembly, rights guaranteed to citizens under Hong Kong’s Basic Law. Human Rights Watch expressed concern that the new law would likely be “devastating to human rights protections in Hong Kong.” After a man was arrested for possessing a “Hong Kong Independence” flag, Amnesty International (2020) noted that “peacefully expressing one’s opinions about independence does not constitute a threat to national security.” In September 2020, Human Rights Watch (2020b) issued a statement decrying the surge in “politically motivated arrests and prosecutions in Hong Kong.” As 2020 ended, human rights organisations continued to decry the repression of peaceful political expression. In December, Human Rights Watch (2020c) noted that “Hong Kong is descending at a dizzying pace from a city of freedoms to a mainland Chinese city that criminalizes peaceful protests.”

Portland, Oregon

Portland is a city of about 650,000 people located in the Pacific Northwest of the United States. It is the capital of Oregon and is its largest city. Portland is often characterised as a bastion of west-coast liberalism, with progressive views on social issues such as gay rights, racial equity, and immigration (Hambleton, 2020). The city’s Democratic leaders have often conflicted with federal authorities under the Trump administration. For instance, the city council voted to designate Portland as a sanctuary city and prohibited Portland police officers from providing information to the U.S. Bureau of Immigration and Customs Enforcement (ICE). One city official said: “We must act together with the county and state to build a wall of resistance around our neighbors to prevent Trump’s deportation agenda from terrorizing communities and tearing apart families in Portland” (Floum, 2017). When President Trump issued an executive order prohibiting federal funding for sanctuary cities, the City of Portland sued the administration and won (Friedman, 2018). In February 2019, Portland’s city council voted to withdraw Portland police officers from the federal Joint Terrorism Task Force due to concerns about targeting immigrants (Templeton, 2019).

On May 25th, 2020, a white Minneapolis police officer killed an African American man named George Floyd by kneeling on his neck. The video of Floyd’s slow-motion death quickly went viral, triggering outrage and protests worldwide. On May 28th, Portland’s Police Chief, Jami Resch, issued a statement condemning the killing: “The death of George Floyd in Minneapolis has reverberated

across the nation. The actions and tactics displayed on the video do not represent our profession's values and are contrary to our fundamental duty to protect and serve . . . This incident strengthens our resolve to work even harder to earn the trust of our community, especially with persons of colour" (Riski, 2020). That same evening, a crowd assembled outside of Portland police headquarters and marched through downtown streets to protest Floyd's death and to support the Black Lives Matter movement (Ramakrishnan, 2020).

On May 29th, protests in Portland against the killing of George Floyd remained peaceful throughout the day but escalated in the evening. Protesters broke windows, spray-painted buildings, and lit fires in downtown Portland. Some people broke into stores and stole items. Although police had remained distant from the protests throughout the day, once the protesters began engaging in property damage, police declared the event an unlawful assembly and ordered protesters to disperse. Police used tear gas, pepper balls, rubber bullets, and flash-bang grenades to disperse the crowd (Harbarger, 2020). Portland Mayor Ted Wheeler tweeted: "Portland, this is NOT us. When you destroy our city, you are destroying our community. When you act in violence against each other, you are hurting all of us. How does this honour the legacy of George Floyd? Protest, speak truth, but don't tear your city apart in the process."

On May 30th, Portland Mayor Ted Wheeler declared a state of emergency in response to the destructive activity that had occurred the previous evening. In an attempt to prevent further property damage and theft, the mayor imposed a curfew from 8pm that evening until 6am the next morning. Protesters continued to damage property, light fires, and throw objects at officers. Portland police arrested 48 adults and detained nine juveniles during the protest. On May 31st, the mayor extended the curfew for an additional day. Portland police took a knee as a show of compassion for the protesters, but shortly thereafter, people began throwing objects at officers. Police used flashbang grenades, pepper spray, and tear gas to disperse the crowds. They arrested ten adults and detained two juveniles.

The protests continued nightly. Though most protesters behaved in a peaceful and lawful manner, a subset of protesters continued to engage in destructive and violent behaviour. In the evening, these events often devolved into violent clashes between police and protesters. Both sides blamed the other for the conflict. On June 5th, a group of protesters filed a federal civil rights lawsuit against the City of Portland. The suit alleged that Portland police had violated the plaintiffs' First Amendment rights by inhibiting their freedom of speech, and their Fourth Amendment rights by using excessive force against them. The plaintiffs requested a court order prohibiting the police from using tear gas to disperse crowds (2020). On June 9th, Judge Hernandez issued a temporary restraining order limiting the use of tear gas by Portland Police to situations in which "the lives or safety of the public or the police are at risk" (2020, pp. 9–10).

In late June, federal law enforcement officers deployed to Portland in response to the protests, engaging in aggressive and controversial tactics that appeared to escalate rather than alleviate tensions. Journalists characterised the federal response as "stretching the legal limits of federal law enforcement" and the state's attorney general noted that the officers were acting beyond their authority (Baker et al., 2020). On July 29th, state and federal officials reached an agreement for DHS to withdraw federal agents from downtown Portland. Oregon governor Kate Brown applauded the decision, noting that federal agents had "acted as an occupying force and brought violence" (Campbell & Cole, 2020). Many people expected the conflict between law enforcement and protesters to decrease after the federal agents departed.

The protests were largely peaceful for the first two nights after the federal agents left, but then ramped back up quickly. On August 1st, protesters threw glass bottles and jars at Portland police, one of which struck an officer in the head. On August 3rd, protesters threw paint-filled balloons and other objects at police. Protesters punched one officer and hit another with a stick. As the protests continued to escalate, police responded in a manner that appeared to be simultaneously too soft and too hard: too soft because they allowed some protesters to light fires and damage property, including police facilities; too hard because they used indiscriminate force against peaceful

protesters who were not engaged in property damage, theft, or violence. In many cases, they used force against protesters who appeared to be following dispersal orders but not moving quickly enough for police. On August 10th, the American Civil Liberties Union noted that Portland police “are making a mockery of the First Amendment by using excessive force, violence and intimidation to suppress free speech in the Black Lives Matter movement” (Simon, 2020).

On August 11th, the Multnomah County District Attorney’s Office announced a new policy stating that they would drop all charges against those arrested at the protests with the exception of “deliberate property damage, theft or force against another person or threats of force.” A political struggle ensued between local, state, and federal authorities over how the criminal justice system should address the protests. Some felt the District Attorney’s Office was abandoning the police by refusing to prosecute low-level offences related to the protests. Others viewed the decision as an attempt to safeguard the First Amendment rights of protesters (Speri, 2020). On August 29th, a right-wing Trump supporter was shot and killed by a left-wing activist. On September 5, Portland held its 100th consecutive day of protests. Protesters threw Molotov cocktails and police declared the assembly a riot. Police deployed tear gas and arrested 59 protesters. A police sergeant was hit by a commercial-grade firework, injuring his hand. Protesters vowed that they would continue their nightly protests against the police (Selsky, 2020).

Portland continued to experience frequent protest events through the end of 2020, many of them involving violence and property damage. Although Portland is the 26th largest city in the United States, it had the second highest number of protests among U.S. cities, trailing only New York City.¹ Portland became well known as a protest hot spot in the United States, not only because of the frequency of protests, but also because of the number of protests resulting in violent conflict. In some cases, the violence occurred between left wing and right wing protesters; in other cases it involved protesters and police.

Santiago, Chile

Chile is a country of about 17.5 million people located on the southwestern coast of South America. The long, narrow country lies to the south of Peru and Bolivia and the west of Argentina between the Andes Mountains and the Pacific Ocean. Its capital and largest city are Santiago, which has a population of about 5.6 million. Chile declared its independence from Spain in 1818. In 1973, the nation experienced a coup d’état that resulted in a military dictatorship led by General Augusto Pinochet until 1990. During Pinochet’s rule, security forces waged “a covert war of extermination against the Chilean left” and committed thousands of human rights abuses including murders, disappearances, and torture (Ensalaco, 2000, p. 20; also see Berryman, 1993). Since then, however, Chile has often been regarded as Latin America’s “poster child” for development. It is widely considered the most progressive and developed nation in Latin America on a number of measures, with high levels of income, education, and freedom, and low levels of crime and corruption (Sehnbruch & Donoso, 2020).

In October 2019, a variety of social and economic concerns among the population led to widespread protests in Santiago. The triggering event for the protests was a fare hike in Santiago’s public transit system. On October 7th, secondary school students responded to the increase in subway fares by launching a coordinated fare evasion campaign (*evasiones masivas*). Students showed up en masse at different subway stations and jumped the turnstiles. On October 14th, violent confrontations between police and students at metro stations led some stations to close. As the protests and confrontations began to spread, protesters began to vandalise and burn down Santiago’s metro stations. On October 18th, the protests spread to downtown Santiago, where the police used a water cannon and tear gas to disperse the crowds. On that same day, President Sebastian Piñera declared a State of Emergency, which suspended the freedom of assembly and authorised the nation’s armed forces to assist its national police force (*Carabineros*) in restoring order. This was the first time the Chilean military had patrolled the nation’s streets since the dictatorship.

On October 19th, President Piñera cancelled the fare increase and established a curfew from 10pm to 7am. The next day, tensions escalated when he likened protesters to a criminal organisation, stating, “we are at war with a powerful enemy” (Laing & Ramos Miranda, 2019). On October 22nd, President Piñera announced a series of social reforms that would increase pensions, increase the minimum wage, and tax wealthier citizens at higher rates. However, this announcement came as protesters were still being arrested, injured, and killed by security forces, so it had little effect. Widespread allegations of human rights abuses by police and soldiers, including torture and sexual violence, further inflamed tensions (United Nations, 2019). On October 25th, more than a million people participated in protests against President Piñera in Santiago.

On October 26th, President Piñera lifted the State of Emergency and requested resignations from his cabinet ministers as a conciliatory gesture towards protesters. During an interview with BBC on November 5th, he said prosecutors would hold security forces accountable for any unlawful behaviour towards protesters. He also noted that he had listened to protesters and was putting in place a “social agenda” that would be responsive to their concerns (BBC, 2019). On November 10th, the president met one of the protesters’ key demands, announcing the establishment of a Constitutional Congress to develop a new Chilean constitution.

On November 16th, the Universidad de Chile released a report on the impact munitions used by the army and the police against protesters. It showed that many of the projectiles that had injured protesters were made primarily of lead, not rubber, as claimed by the police (Jorquera & Palma, 2019). In response to these findings, police announced on November 19th that they would suspend the use of rubber bullets to control crowds during the protests (Laing, 2019). On November 21st, Amnesty International (2019d) completed its investigation in Chile, concluding that the army and Carabineros had carried out “widespread attacks using unnecessary and excessive force with the intention of injuring and punishing protesters. These attacks have so far resulted in the deaths of five people and the torture, ill-treatment and serious injury of thousands of others.” Chile’s Undersecretary of Human Rights criticised Amnesty International’s findings as “irresponsible” and several other government officials also rejected the findings (Truesdale, 2019).

On November 24th, Human Rights Watch accused the police of committing serious human rights violations and called on Chile’s judiciary to prosecute the offenders. On December 6th, the Inter-American Commission on Human Rights (*La Comisión Interamericana de Derechos Humanos*) condemned the excessive use of force and human rights violations committed against protesters in Chile (CIDH, 2019). On December 10th, President Piñera acknowledged the human rights violations that had occurred over the past 52 days. He also established a “comprehensive eye recovery plan” (*plan integral de recuperación ocular*) in response to reports that many protesters had sustained eye injuries due to munitions fired by police (Dw.com, 2019; also see Cox et al., 2020, and Ravalan Zapeda & Hoyl Moreno, 2020). As the year came to a close, the National Institute of Human Rights (*Instituto Nacional de Derechos Humanos*) released a report on December 30th showing that during the protests, 3,583 people were injured, 2,050 had received wounds resulting from projectiles fired by police, and 359 had received eye injuries (Romero, 2019). In January 2020, the protests began to intensify again but then slowed down significantly due to the global Covid-19 pandemic.

Discussion

In all three cities, similar patterns emerged with regard to the relationships and dynamics between police and protesters. Recognising these patterns is useful for thinking about how police and crowds react to one another and the implications of these reactions for developing sound policing strategies for policing crowds. In all three settings, protesters engaged in loud, disruptive protests designed to bring attention to their cause. Police responded forcefully in all three cases, generating significant concerns about civil liberties, human rights, and police repression. Some protesters engaged in violence against the police (and in some cases against counter-protesters). All three cities also

experienced arson, vandalism, and looting during the protests. Police and protesters in each city were injured due to the violence that occurred during the demonstrations, with some protesters dying from their injuries. The police response to protests in all three cities generated significant criticism from the media and human rights organisations, raising key questions about the militarisation of police and the extent to which their behaviour undermines democracy.

The factors that triggered the initial protests were different in each city. In Hong Kong, the protests were originally focused on a proposed amendment to the existing extradition law. Pro-democracy protesters were concerned that the law would allow mainland China to arrest and prosecute critics and political rivals. Although the proposed amendment focused specifically on extradition, it raised larger issues associated with the relationship between Hong Kong and mainland China. Police were not the initial focus of the protests, but the pro-democracy community in Hong Kong had raised significant concerns about the police response to protests in the past, particularly during the Umbrella Movement in 2014 (Chow, 2015).

In Portland, the protests focused initially on the death of George Floyd in Minneapolis, as well as larger issues associated with racial justice and police brutality. Although these protests were triggered by a killing that had happened more than 1,400 miles away, there were longstanding tensions in Portland between social justice advocates and police over racial bias and police use of force issues. Two factors exacerbated these tensions. One was the presence of white supremacist groups that embrace the use of violence against social justice activists on the left. The second is a longstanding belief in the social justice community that police use excessive force against them while behaving permissively, and possibly complicitly, with right-wing extremist groups such as Patriot Prayer and the Proud Boys. For instance, one social justice activist noted that “Portland police allowed alt-right and paramilitary groups to sow chaos and deploy violence against the community with apparent impunity” (J. Wilson, 2020). Protesters have filed a slew of civil rights lawsuits against the Portland police due to allegations of excessive force and wrongful arrest at social justice protests (Bernstein, 2018; Green, 2020).

In Santiago, the initial spark for the protests was a subway fare hike. However, protesters were also motivated by wider-ranging concerns about the cost of education and health care, as well as frustration with the nation’s private pension system. The protests “stripped away Chile’s veneer of tranquillity, exposing discontent over deep inequalities” that had been festering since a military dictatorship had ruled the nation (Fraser, 2019, p. 1697). Although Chile was often lauded as Latin America’s most progressive nation, Santiago continued to struggle with “highly resilient patterns of urban inequality” (Fernández et al., 2016; also see Fraser, 2019). These socioeconomic issues, coupled with the nation’s dark history of dictatorship, fed into tensions between police and protesters.

In all three cities, protests were launched for different reasons. However, in each case, the incident that triggered the protest was associated with deeper, more entrenched social or economic issues. Had these issues been less profound, the police decision to respond forcefully in dispersing protest crowds may have been more successful. However, in each instance the police encountered protesters who were deeply committed to their cause and not easily dissuaded. When police cracked down on them violently, it strengthened their resolve and united them in opposition to the police. In each city, police leaders made profound miscalculations by adopting strategies and tactics that worsened and intensified protests rather than dissipating them. Previous research in a variety of settings demonstrates that how authority figures behave towards crowds is often a principal factor in explaining the escalation of conflict and violence (Reicher, 1984; Stott & Drury, 2000; Reicher et al., 2004; Drury & Reicher, 2009). Patterns observed in all three cities suggest that police played a key role in escalating tensions rather than using evidence-based practices for reducing conflict and violence.

In Hong Kong, Stott et al. (2020) found that the police response to protests had a powerful effect on the social identities of protesters. What began as protests against an extradition law quickly morphed into protests against the police. This “transfer of grievance” from the original focus of the protest to the police is a common reaction of crowds to overly forceful police responses (Maguire & Oakley, 2020). Stott et al. (2020) note that when police began to behave more violently against the

protesters in Hong Kong, they inadvertently created a sense of psychological unity among them and generated support for “more radical and confrontational actions.” Maguire (2020) concluded that the police response to Hong Kong’s pro-democracy movement “has routinely violated international human rights standards as well as the civil liberties enshrined in Hong Kong’s Basic Law . . . The excessive use of force by police has radicalised the population, turned the animus of the protesters towards the police, and expanded the pro-democracy movement.” In Portland, police and federal authorities relied heavily on the use of chemical agents (tear gas and pepper spray), less lethal impact munitions (rubber bullets and pepper balls), and other tools (such as flash-bang grenades) to disperse the crowds. These approaches appear to have had the opposite of their intended effect, fuelling protests rather than dissipating them. The more the police and federal authorities cracked down on the protesters and deployed less lethal weapons in an indiscriminate manner, the more the protests seemed to grow, in both size and intensity. According to one protester: “We came out here dressed in T-shirts and twirling Hula-Hoops and stuff, and they started gassing us, so we came back with respirators, and they started shooting us, so we came back with vests, and they started aiming for the head, so we started wearing helmets, and now they call us terrorists. Who’s escalating this? It’s not us” (Hampton et al., 2020, p. 4). In Chile, President Sebastián Piñera denounced protesters on 20 October 2019, declaring: “we are at war with a powerful enemy.” This statement was widely credited for inflaming tensions between the government and protesters (Laing & Ramos Miranda, 2019; also see Kaltwasser, 2019). For instance, Chacon (2020) argues that this declaration of war “did nothing but inflame the population’s feelings of injustice and multiplied the number of people taking [to] the streets to make their voices heard.” This type of inflammatory rhetoric is dangerous on a number of levels, one of which is that it serves as a wink and a nod to security officials that the gloves are off. Chacon (2020) notes that Chilean security forces internalised the president’s message and began, “viciously repressing the protests by carrying out violence against both peaceful and violent demonstrators.” Somma et al. (2020, p. 4) concluded that the Chilean police had “reacted brutally, causing fear, anger and consternation in the population, and radicalizing protesters.”

In addition to cracking down violently against protesters in each city, police also arrested and used force against journalists who were covering the protests. In all three cities, critics have raised concerns about police curtailing freedom of the press. In Hong Kong, “scores of journalists have received beatings, pepper spray, direct hits of tear gas, and water-cannon spray, and have been wounded with rubber bullets and bean-bag rounds” (Sataline, 2019). In Portland, a news organisation filed a lawsuit against the City of Portland and federal law enforcement authorities for violating the rights of journalists covering protests. A federal court issued a preliminary injunction prohibiting police from “arresting, threatening to arrest, or using physical force directed against any person whom they know or reasonably should know is a journalist” (Index Newspapers LLC v, 2020). During the protests in Chile, journalists faced a climate “of intense hatred towards the media and violence by the security forces” (Reporters without Borders, 2019). In all three settings, indiscriminate police response to protests infringed upon freedom of the press.

As a young political scientist, David Bayley recognised that police play a fundamental role in political life (Bayley, 1969). In his words, “judgments about the nature of rule, the ethos of government, and the quality of political life can be enriched . . . by observing how the police act” (Bayley, 1971, p. 102). Later in his career, he observed that police are “the primary instrument controlling the character of political life . . . The police regulate the freedoms that are essential to democracy – immunity from arbitrary arrest, detention, and exile, the ability to speak, write, demonstrate, and form associations” (Bayley, 1995, p. 79). As the most visible representatives of the state, and armed with the capacity to use force, the police are in a unique position to impose limits on citizen behaviour, including democratic participation (Bayley, 1985; Seigel, 2018). In all three settings examined here, when people assembled in public places to express their deeply felt perspectives on social and economic issues, the police response clearly illustrated for them the boundaries of democracy. When journalists sought to cover these events, ostensibly protected by

their nation's provisions for freedom of the press, many found themselves on the receiving end of tear gas, rubber bullets, or police batons.

Political scientists have found that protests are more common when people view government and its institutions as unresponsive to their needs (Moseley, 2015). For instance, Bayley's (1962, p. 663) account of protests in India noted that large segments of the population "felt that the institutional means of redress for grievances, frustrations and wrongs – actual or fancied – were inadequate." When people engage in protests, they are seeking to be heard on matters that are important to them. When police respond to protests violently and indiscriminately, particularly against people who are behaving in a peaceful and lawful manner, they validate the sense of unresponsive democracy that often led people to protest in the first place. The patterns of police behaviour presented in this paper are similar to one another, despite the fact that the three settings are so dissimilar. These patterns illustrate a point that David Bayley underscored throughout his career – that the manner in which police assert their authority has a fundamental influence on the reality of freedom.

Conclusion

"Far from destabilising democracy, protest has been instrumental in forcing the introduction of most of the freedoms that now exist in liberal democracies" (Martin, 1994, p.22).

Democracy means much more than holding free and fair elections. According to Dahl (1989, p. 233), "effectively enforced" freedoms of expression and assembly are also fundamental ingredients of democracy. Although the three cities examined in this study all benefit from constitutional provisions that allow for freedom of expression and assembly, police have routinely undermined these provisions by responding in an overly forceful manner during protests. These types of harsh measures tend to "elicit moral indignation" and turn the focus of the protesters towards the police (Aytaç et al., 2017, p. 63). In all three settings, over-responses by police fuelled intense backlashes that increased the level of destructive and violent behaviour among protesters. Democratic norms require governments to rely on dialogue and de-escalation rather than repression in the face of dissent (Carey, 2006). When police violate democratic norms and constitutional safeguards by repressing dissent, they not only undermine their own legitimacy, they endanger democracy and the freedoms it affords.

Note

1. Data on number of protests events are from the Armed Conflict Location and Event Data (ACLED) project (<https://acleddata.com>). The ACLED data lists all known U.S. protest events starting on 1 April 2020. By the end of 2020, New York City had experienced 526 protests and Portland had experienced 278.

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