

‘Wisdom of the Crowds’: Crowd Control and Intelligence Gaps During the COVID-19 Pandemic

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Abstract

Throughout the COVID-19 pandemic, several law enforcement organizations around the world seemed surprised about the “sudden” escalation of crowd gatherings into riots and violent protests, while they could have known about the potential impact of social undercurrents. In the firm belief that police and security organizations should continuously draw lessons from the pandemic in order to improve their performance, the authors of this article have sought to provide a comparative framework for the assessment and interpretation of collective violence. The article describes public order management tasks of law enforcement organizations and focuses on the materialization of these tasks during the COVID-19 era. Furthermore, attention is paid to different stages of the intelligence-gathering process that law enforcement authorities carry out to prevent the escalation of violence and potentially dangerous encounters. The dominant claim of the article is that the COVID-19 pandemic laid bare unnecessary intelligence gaps, which could easily have been identified if professional norms for intelligence-processing had been complied with. Our findings, which are based on a combination of recent academic research with doctrinal insights from professional experience with public order management, provide input for the further development of knowledge-based public order management, and thus seek to contribute to a theoretically shared basis for intelligence strategies on public order management. The article wraps up with the formulation of future lines of research.

Introduction

Throughout the COVID-19 pandemic, severe social tensions have manifested themselves in collective gatherings, ranging from legitimate and peaceful protests to non-authorized violent encounters between citizens and police. Law enforcement organizations themselves seemed ill-prepared for these dimensions of the pandemic and were surprised about the escalation of crowd gatherings into riots and violent protests. From a knowledge management perspective, this raises various questions: to what extent law enforcement organizations were plagued by a lack of information and intelligence about the events themselves; the people who were participating in them; the way these events had the potential to transform themselves; and the means and instruments that could be used prior, during and after these events.

Public order management, as well as crowd and riot control, have been subject to doctrine for a wide range of law enforcement agencies worldwide, ranging from civil police to paramilitary-style police organizations. Intelligence-policing has increasingly been emphasized as a means to improve the effectiveness of interventions:⁵ for instance, when it is possible to assess the probable conduct of a crowd, it is easier to pre-organize riot control tactics. At the same time, a sound information position may help to prevent clashes either between the crowd and law enforcement or among crowds themselves. Hence, if intelligence can be organized in a rational, systematic, professional and transparent manner, and if it results in constructing pinpointed and relevant information products useful for operational translation, it may actually help to enhance the legitimacy of public order policing.

On the basis of open source information on crowd violence during the pandemic, we aim to investigate why civil protest has actually resulted in forms of violent encounters with law enforcement actors. This article follows up on recent theoretical developments and, on the basis of available literature, seeks to provide a comparative framework for the assessment and interpretation of collective violence. This framework subsequently serves to identify underlying intelligence issues with regard to public order management. Available academic literature and empirical research are used to acquire a deeper understanding of these issues and to allow a closer analysis of intelligence lessons and intelligence gaps. On the one hand, our findings provide input for a practical contribution to knowledge-based public order management, while on the other hand, they contribute to building a theoretical basis for intelligence strategies on public order management⁶ that comply with a series of conditions, including legal and social legitimacy.⁷ The article closes with the exploration of potential future lines of research.

⁵ Charl J. Crous, "Policing with Intelligence: Leading a Paradigm Change," *The Journal of the Australian Institute of Professional Intelligence Professionals* 19 (2011): 1-19. Jerry H. Ratcliffe, *Intelligence-led Policing*, (Cullompton, UK: Willan Publishing, 2008).

⁶ See e.g. <https://www.app.college.police.uk/app-content/public-order/planning-and-deployment/#gather-information-and-intelligence>; accessed 15 April 2021.

⁷ Daniel J. Jones, "The Potential Impact of Pandemic Policing on Police Legitimacy: Planning Past the COVID-19 Crisis," *Policing: A Journal of Policy and Practice* 14 no.3 (September 2020): 579–586, <https://doi.org/10.1093/olice/paaa026>.

Historical analysis

In twentieth-century democracies, demonstrations have recurrently generated violence in the form of broken negotiations. Demonstrations pose interesting puzzles for analysts of violence because of their ambivalence. On the one hand, the characteristic actions of demonstrators – marching, assembling, and displaying shared will – are in themselves nonviolent. On the other hand, conventional demonstrations share enough form and genealogy with the military parade and review to convey a threat of force. When and how does that threat become reality?⁸

Historical analysis of public order management issues provides a far from exhaustive overview of collective violence around demonstrations, protests, football matches, recreational events and community disturbances. One may think, for instance, of the United States riots in the 1960s,⁹ the British mass riots at the end of the 1980s,¹⁰ confrontations between protesters and the police at international G8 and G20-summits¹¹ and disturbances around football matches.¹²

The variety of settings in which collective violence has occurred over the past decades indicates that collective violence is bound to manifest itself in modern society. This point of view is illustrated by the fact that – following the announcement of a curfew to fight COVID-19 – several European countries repeatedly experienced civil unrest and riots that in some cases continued for several days. In Germany, for instance, riot police clashed with anti-lockdown protesters in Berlin (May 2020)¹³ and Kassel (2021).¹⁴

⁸ Charles Tilly, *The Politics of Collective Violence*, (Cambridge, UK: Cambridge University Press, 2003).

⁹ N.S. Caplan and J.M. Paige, "A Study of Ghetto Rioters," *Scientific American* 219, no.2 (August 1968):15-21.

¹⁰ Danny Burns, *Poll tax rebellion*, (London, UK: Attack International, 1992).

S.D. Reicher, "The Battle of Westminster: Developing the Social Identity Model of Crowd Behavior in Order to Explain the Initiation and Development of Collective Conflict," *European Journal of Social Psychology* 26, no.1 (January-February 1996):115-134. John Walton and Charles Ragin, "Global and National Sources of Political Protest: Third World Responses to the Debt Crisis," *American Sociological Review* 55, no.6 (December 1990): 876-890.

¹¹ Donatella della Porta and Herbert Reiter, "The Policing of Global Protest: The G8 at Genoa and its Aftermath," in *The Policing of Transnational Protest*, 1st ed., ed. Donatella della Porta, Abby Peterson and Herbert Reiter (Aldershot, UK: Ashgate Publishing, 2006). R. Ericson and A. Doyle, "Globalization and the Policing of Protest: The Case of APEC 1997," *British Journal of Sociology* 50, no.4 (December 1999): 589-608.

Steve Herbert, "The 'Battle of Seattle' Revisited: Or, Seven Views of a Protest-Zoning State," *Political Geography* 26, no.5 (June 2007): 601-619. Mike King and David Waddington, "Flashpoints Revisited: A Critical Application to the Policing of Anti-globalization Protest," *Policing and Society* 15, no.3 (2005): 255-282.

Willem de Lint and Adam Pocrnic, "Living Law in Public Order: Trust, Risk, Dominion and Universality," in *Comparative Policing from a Legal Perspective*, ed. Monica den Boer (Cheltenham, UK: Edward Elgar Publishing, 2018).

¹² Ramon Spaaij, *Understanding Football Hooliganism: A Comparison of Six Western European Football Clubs*, (Amsterdam, Netherlands: Amsterdam University Press, 2006).

Ramon Spaaij, "Men Like Us, Boys Like Them: Violence, Masculinity and Collective Identity in Football Hooliganism," *Journal of Sport and Social Issues* 32, no.4 (November 2008): 369-392.

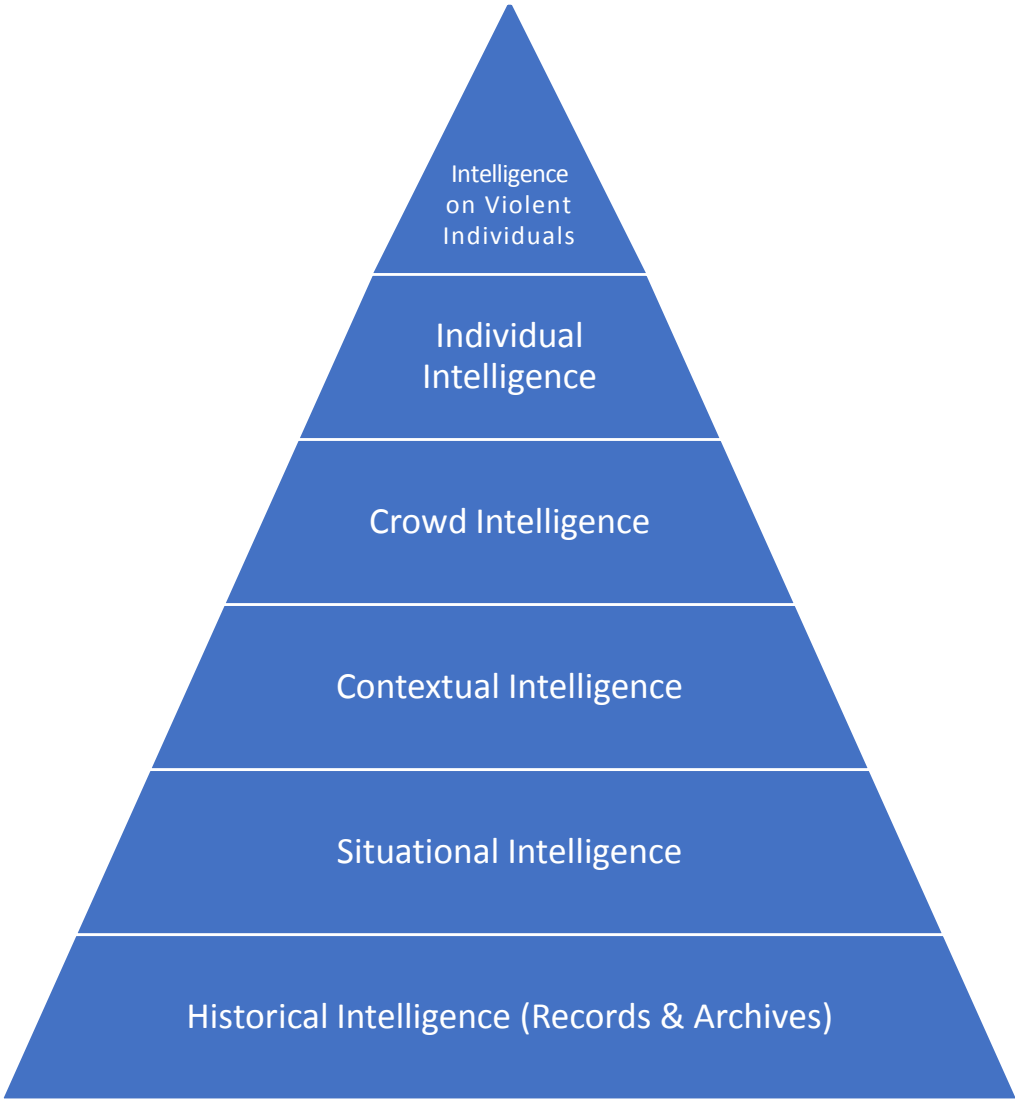
John Williams, Eric Dunning and Patrick Murphy, "The Rise of the English Soccer Hooligan," *Youth and Society* 17, no. 4 (June 1986): 362-380.

¹³ Ryan Fahey, "Riot Police Clash with Hundreds of Protesters in Berlin Chanting 'Freedom' in Demonstration against Coronavirus Restrictions as Germany Death Toll Rises by 147 to 7,369," *Daily Mail*, May 10, 2020, <https://www.dailymail.co.uk/news/article-8304227/Riot-police-clash-hundreds-anti-lockdown-protesters-Berlin.html>.

¹⁴ "Police Use Water Cannon as German Lockdown Protest Turns Violent," Reuters, last accessed June 7, 2021, <https://www.reuters.com/article/us-health-coronavirus-germany-protest-idUSKBN2BC0NL>.

Furthermore, in January 2021, the Netherlands experienced violent protests that continued for several days and occurred not only in larger but also in smaller municipalities across the country.¹⁵ The interesting novelty here was that law enforcement actors saw themselves confronted with atypical protestors, hence not so much a well-known and relatively static group of “usual suspects” but unknown, emergent and fluid “unusual crowds” that seemed to emerge and re-emerge. This demonstrated the capacity of opportunity coalitions and mixed groups that rallied around different—and even opposite—objectives. Hence, doctrines on information-gathering as a means to properly prepare a public order operation suddenly seemed somewhat obsolete. For instance, it is much more difficult

Figure 1. Intelligence Apex



¹⁵ Jen Kirby, “Violent Anti-Lockdown Protests Sweep the Netherlands,” Vox, January 26, 2021, <https://www.vox.com/2021/1/26/22250380/violent-anti-lockdown-protests-netherlands>.

to build a relationship with unknown (groups of) demonstrators. It may also undercut law enforcement organizations to limit the intelligence-gathering to the top-violent Apex of the gathering crowd; instead it becomes much harder to focus on subjects that may be new and instigate agitation amongst protesting individuals.

Compared to previous public order interventions, during the COVID-19 crisis, government and security actors immediately focused on the conduct of rioters and called for a vigorous criminal investigation with the aim to prosecute all involved.¹⁶ By focusing on conduct and prosecution of those involved in collective violence, the riot itself is —unconsciously— considered as a given, thereby overshadowing the relevance of information and intelligence, while these resources may play a fundamental role in the context of protest policing as well as crowd and riot control. For instance, information that assists in identifying potential drivers of crowd violence can be instrumental in making informed decisions concerning the measures to be taken. A highly relevant question, both from an academic as well as a (military) policing perspective, is which information is relevant to allow security providers to perform effective and legitimate management of potential and real collective violence before, during and after the event(s), whilst at the same time facilitating legitimate and peaceful public assemblies and avoiding unnecessary use of violence despite arising intelligence gaps.

Theoretical positions on collective violence

Despite the practice of monitoring individuals and groups whose conduct in crowds may be pre-considered as problematic by the police,¹⁷ in the past decades a dominant frame evolved that individuals who participate in crowd violence are “ordinary” human beings that resort to violence only under very specific conditions.¹⁸ Focusing on the social context in which human beings enter into collective conflict was deemed necessary, particularly as —despite the presence of individuals and groups known for their frequent engagement in such conduct— some events perspired into collective violence and others did not.¹⁹

¹⁶ “‘Criminal Violence’: Dutch PM Deplores COVID Lockdown Riots,” Aljazeera, last accessed June 7, 2021, <https://www.aljazeera.com/news/2021/1/24/dutch-police-clash-with-anti-lockdown-rioters-in-two-cities>.

¹⁷ Ramon Spaaij, “Risk, Security and Technology: Governing Football Supporters in the Twenty-First Century,” *Sport in Society* 16, no.2 (2013): 167-183.

¹⁸ Ramon Spaaij, “Sports Collective Violence: An Interdisciplinary Synthesis,” *Aggression and Violent Behavior* 19, no.2 (March-April 2014):146-155. Stephen Reicher, “The Psychology of Crowd Dynamics,” in *Blackwell Handbook of Social Psychology: Group Processes*, ed. Michael A. Hogg and R. Scott Tindale (Malden, USA: Blackwell Publishers, 2001). Stephen Reicher et al., “An Integrated Approach to Crowd Psychology and Public Order Policing,” *Policing: An International Journal of Police Strategies and Management* 27, no.4 (December 2004): 558-572.

¹⁹ Clark McPhail, “The Social Organization of Demonstrations” (paper presented at the annual meeting of the American Sociological Association, Washington DC, 1985). Clark McPhail, *The Myth of the Madding Crowd*, (New York, USA: Aldine de Gruyter, 1991). Michael D. Smith, *Violence and sport*, (Toronto, Canada: Butterworths, 1983). Ralph H. Turner, “Collective Behavior,” in *Handbook of Modern Sociology*, ed. Robert E. L. Faris (Chicago, USA: Rand McNally, 1964). Stephen Reicher et al., “Crowd Psychology and Public Order Policing.” David Waddington and Mike King, “The Disorderly Crowd: From Classical-Psychological Reductionism to Socio-Contextual Theory – the Impact on Public Order Policing Strategies,” *The Howard Journal of Criminal Justice* 44, no.5 (December 2005): 490-503.

Contextual theories have mainly focused on perceived injustice, perceived efficacy and social identity.²⁰ Perceived injustice relates to economically, politically or socially perceived forms of injustice that may act as “triggers” that lead human beings to desire a restoration of justice by behavioral means, potentially consisting of retaliatory moves against those considered responsible.²¹ The likelihood of behavioral reactions increases in case of strong feelings of injustice, when people see a chance of improving their situation, and when they assume that the situation would not change without any other type of action.²² This links to the element of perceived efficacy, relating to a group’s awareness of its ability to advance its goals and interests. Most relevance, however, has been attributed to the concept of *social identity*. This concept has been developed to illustrate that, to those involved in collective violence, their conduct can be defined as meaningful. It is argued that crowd behavior is guided by an individual’s self-understanding as a member of a group (social identity) instead of his or her personal goals and desires (personal identity), shifting focus to perceived shared similarities with the in-group and differences with the out-group. Social identity, then, relates to the emergence of a shared social definition within a crowd, resulting in an “us versus them” perspective. This divide has a polarizing effect and serves as a catalyst in which situation-specific norms direct individual behavior.²³

Despite the focus on contextual drivers of collective violence over the past decades, recently so-called propensity theories have gained scientific support. A vantage point in propensity theories is that individuals who participate in collective violence resemble other (violent) offenders, who are constantly on the verge of frequent offending due to their personal characteristics.²⁴ While acknowledging the relevance of intergroup relations (“us versus them” perspective), Van Ham found that particularly individuals who persist in collective violence suffer from psychological characteristics which may underlie the incentive(s) of engaging in violence, such as heightened impulsivity, sensation-seeking

²⁰ Otto M. J. Adang, “Initiation and Escalation of Collective Violence: An Observational Study of Protest and Football Events,” in *Preventing Crowd Violence*, ed. T.D. Madensen and J. Knutsson (Boulder, USA: Lynne Rienner Publishers, 2011), 47-68. John Drury and Steve Reicher, “The Intergroup Dynamics of Collective Empowerment: Substantiating the Social Identity Model of Crowd Behavior,” *Group Processes and Intergroup Relations* 2, no.4 (1999): 1-22. John Drury and Steve Reicher, “Collective Action and Psychological Change: The emergence of New Social Identities,” *British Journal of Social Psychology* 39, no.4 (December 2000): 579-604.

John Drury and Steve Reicher, “Explaining Enduring Empowerment: A Comparative Study of Collective Action and Psychological Outcomes,” *European Journal of Social Psychology* 35, no.1 (January-February 2005):35-38.

S.D. Reicher, “The Battle of Westminster.”. Stephen Reicher, “The Psychology of Crowd Dynamics.”

²¹ Other major types of responding to injustice are: a) psychological or cognitive restoration of justice by changing the interpretation of the situation; and b) nonacting or resignation. See , T. R. Tyler, *et al.* (1997) *Social Justice in a Diverse Society*. Boulder, CO: Westview.

²² G. Mikula, “Justice: Social Psychological Perspectives,” in *International Encyclopedia of the Social and Behavioral Sciences*, ed. Neil J. Smelser and Paul B. Baltes (Oxford, UK: Elsevier, 2001).

²³ Stephen Reicher, “The Psychology of Crowd Dynamics.”

²⁴ Gustave Le Bon, *La psychologie des Foules*, (Paris, France: Alcan, 1895). Stan Taylor, “The Scarman Report and Explanations of Riots,” in *Scarman and After: Essays Reflecting on Lord Scarman’s Report, the Riots and Their Aftermath*, ed. John Benyon (Oxford, UK: Pergamon Press, 1984). P.A.J. Waddington, “Policing Public Order and Political Contention,” in *Handbook of Policing*, ed. T. Newburn (Cullompton, UK: Willan, 2003).

behavior and a hostility bias.²⁵ In addition, his findings suggested that there ought to be a differentiation between spontaneous crowd violence and pre-planned forms of crowd violence, the latter particularly observed in individuals and hooligan groups who appear to extract intrinsic (excitement) and/or extrinsic value (social dominance) from behaving violently, both individually and as a group.²⁶

Taken together, the results of prior empirical work on collective violence indicate that this type of collective violence requires analysis on various levels. The first level of analysis is that of *context*, such as trigger events and intergroup relations. The second level of analysis is that of *intragroup relations*, which focuses on intragroup dynamics, norms and expectations (e.g., role models, synchronizing behaviors). The third level of analysis relates to individual characteristics that are associated with behaving violently and may influence individual perception of intra- and intergroup relations.²⁷ In the analysis that follows, this evolution of contextual and propensity positions on collective violence serves as a cornerstone for the identification of an analytical basis that contributes to an effective and legitimate framework for proactive intelligence assessment that can be projected onto forms of (potential) collective violence, aiming to take contextual as well as individual drivers of collective violence into account.

Public Order Management Issues During the Covid-19 Pandemic

Public order management tasks

Traditionally, police and law enforcement agencies have adopted and enforced doctrines on public order management, allowing them to prepare their operations strategically, tactically as well as operationally. Public order management has been subject to substantial professionalization: training, preparation and evaluation are regarded as core elements of public order policing.²⁸ Public order management centers around three tasks:

1. The prime task for the designated law enforcement authority is to facilitate legitimate protest and demonstrations (“policed demonstrations”), as well as peaceful events. In this sense, they are responsible for crowd management in order to prevent the danger of brawls and people running each other over. In the past, we have witnessed several instances where mass gatherings got out of hand, leading to significant death tolls and critical injuries. Examples are the Love Parade in Duisburg, Germany (2010) and the Heysel Football Stadium drama in

²⁵ Tom van Ham, “Collective Violence Offenders and Offending. The Role of Individual Characteristics,” (PhD thesis, Leiden University, 2020).

²⁶ Ramon Spaaij, “Men Like Us, Boys Like Them.”

²⁷ Tom van Ham, “Collective Violence Offenders and Offending.”

²⁸ Willem de Lint, “Public Order Policing: A Tough Act to Follow?” *International Journal of the Sociology of Law* 33, no.4 (December 2005): 179-199. P.A.J. Waddington, “Policing of Public Order,” *Policing: A Journal of Policy and Practice* 1, no.4 (2007): 375-377.

Belgium (1985). It should be emphasized however that in most cases, large-scale events take place without a single incident. Moreover, several measures have recently been introduced to manage crowds, a task that is increasingly performed by private security providers (e.g., stewards) as well as volunteers.

2. Another task of police and law enforcement is to de-escalate and to prevent that an orderly and peaceful event leads to aggressive encounters between police and public, or between different groups among the public themselves. Often, this task is performed before, during and after the event, for instance by creating obstacles to direct crowd dissemination or to impose temporary or local alcohol bans.
3. Thirdly, police and law enforcement agencies have to weigh and operationalize different styles of policing, ranging from community policing to the use of repressive tactics and instruments to bring a violent encounter under control. By all means and throughout the full duration of an operation, the police and law enforcement authority are responsible for continuous communication between the different units on the ground.
4. Fourthly, if the situation threatens to get out of hand, leading to potentially risky circumstances, a broad repertoire of interventions is available to dissuade or stop a crowd from engaging into violent conduct. Increasingly, security providers employ technical means to stage electronic surveillance and behavioral detection (e.g., by means of drones).

Ultimately, civil police agencies may be assisted by military police agencies when there is a prediction that the collective violence will be extreme. Hence, military police can be called to assist and thus acts in a complementary and subsidiary manner, mostly at the higher end of the violence spectrum. An example is the (late) mobilization of the National Guard when the United States Congress was under siege on January 6, 2021. Another example of a multidisciplinary public order intervention, also in January 2021 and following upon the imposition of curfew: riot control units of the Royal Netherlands Marechaussee (RNLM) assisted the National Police in regaining control when violent riots simultaneously persisted for a number of days in different municipalities. However, the potential problem in a multidisciplinary public order management operation is either the lack of (shared) intelligence, the late arrival of intelligence or the passing of intelligence that has previously been filtered and translated, making it ineffective for the complementary law enforcement organization to actually use it. This intelligence-dependability within a multidisciplinary context has, to our knowledge, hardly been the subject of empirical research. “Ready-made” intelligence makes it hard to exercise autonomous discretion within a public order management context.

Public order management and COVID-19

Although the law does not provide an unambiguous definition of demonstration or civil protest, it primarily refers to a collective expression of an opinion by a group of people who share a point of view in public space. The right to demonstrate is included in Article 21 of the International Covenant on Civil and Political Rights (ICCPR) and Article 11 of the European Convention on Human Rights (ECHR). A government can only impose additional and restrictive legal rules on this right to protect health, in the interests of traffic, and to combat or prevent public disorder.

Generally, police and administrative authorities are often informed prior to a demonstration or protest about the objective of a demonstration or civil protest, the expected size of the crowd, as well as the time and location where the crowd intends to stage its protest. However, it may occur that demonstrations fail to be pre-announced or that they emerge as a result of spontaneous organization. In a world which is increasingly online or virtual, “flash mobs” – the mobilization (and/or dispersion) of crowds through the use of social media – happen more frequently.²⁹ There have been various examples of “flash mobs” in the recent past, including during the COVID-19 pandemic. For instance, on Instagram a demonstration against the corona measures in Deventer (the Netherlands) was announced by stating that “today we stand up against all rules and order.” This demonstration was scheduled to commence just before the curfew of 9 p.m. that was in force at the time.³⁰ Around the same time, in Belgium, messages were circulating on social media, calling for a protest in cities like Antwerp, Genk, Kortrijk and Turnhout.³¹

In connection to the spread of the coronavirus, governments have mandated that protesters keep a distance of at least five feet (1.5 meters) from each other and/or wear a mask. Consequently, the expected number of individuals present and the location where a demonstration was taking place was an even more relevant issue during the COVID-19 pandemic. However, at least in the Netherlands, the possibilities of social media monitoring proved limited due to privacy protection by social networks themselves, legal restrictions on gathering social media information on groups and individuals as well as information volatility. For instance, a Black Lives Matter (BLM) demonstration in Amsterdam was joined by far more protesters than was expected based on social media monitoring, possibly in part due to influencers bringing the

²⁹ For example, see Sander Vols, “*Virtuele Handhaving van de Openbare Orde*,” (Master thesis, Groningen University, 2010).

³⁰ Ivar Penris, “Corona-demonstratie Vanavond in Deventer: Gemeente Neemt Oproep Serieus,” *De Gelderlander*, January 25, 2021, <https://www.gelderlander.nl/overijssel/corona-demonstratie-vanavond-in-deventer-gemeente-neemt-oproep-serieus-a37c32ba/>.

³¹ Els Brandt and Judit Verstraete, “Oproep op Sociale Media om Rel te Schoppen in Turnhout, Genk, Antwerpen en Kortrijk,” *VRT*, January 26, 2021, <https://www.vrt.be/vrtnews/nl/2021/01/26/oproep-op-sociale-media-om-rel-te-schoppen-in-turnhout-burgemeer/>. R. Procter, J. Crump, S. Karstedt, A. Voss & M. Cantijoch (2013). “Reading the riots: What were the police doing on Twitter?” *Policing and Society*, 23(4):413-436.

demonstration to the attention of their followers.³² Due to the assessment of the police that an early termination could result in conflict between the police and protesters, the demonstration was not dissolved despite the fact that social distancing could no longer be practiced. Whether or not to dissolve a demonstration, due to the coronavirus, thus became a trade-off between public health and public order.³³ In addition, recent experiences in the Netherlands have highlighted that demonstrations against government measures to fight the coronavirus may mobilize far higher numbers of participants than originally specified, in part due to the very wide reach of social media groups of individuals (which may have up to 160,000 members) and groups calling for protests.³⁴

In general, civil protest against measures taken to fight COVID-19 have been peaceful in character. However, various countries (including the Netherlands) have been confronted with riots during which cars were set on fire, windows were smashed, shops were looted, and (military) police faced rocks, fireworks and Molotov cocktails, leading to substantial risk for demonstrators themselves, the law enforcement personnel as well as the social and physical surroundings. On the one hand, it appears indeed that the violence was reactive in nature –a response to the friction between governments and civilians due to imposed measures. On the other hand, however, it seemed that individuals involved –particularly young males– shared the intention to seize the moment for showing violent misconduct.³⁵ From a theoretical perspective, this can be seen as another expression of the so-called “young male syndrome”,³⁶ which refers to the tendency of young males to take risks and be violent because they discount the future in favor of short-term gains, something that is socially facilitated by the presence of peers in pursuit of the same goals.³⁷ In practice, however, the observation that groups participating in anti-lockdown demonstrations are diverse and have various motives³⁸ reflect the main dilemma of public order authorities, namely controlling crowd members with violent intent without alienating crowd members whose aims are legitimate.³⁹ This is obviously a fragile balance to manage.

³² However, also other reasons such as the nice weather and the then recent relaxing of corona restrictions have been implicated in the presence of more protesters than expected.

³³ “Demonstraties in Coronatijd (Demonstrations in Corona Time Information Provision and Decision-Making by the Police Prior to and During the Demonstrations on 1, 2 and 3 June 2020),” Inspectie Justitie & Veiligheid, last modified September, 2020, <https://www.inspectie-jenv.nl/Publicaties/rapporten/2020/11/05/rapport-demonstraties-in-coronatijd>.

³⁴ Bonne Kerstens, “Demonstratie tegen Coronamaatregelen Ook in Amsterdam Verboden,” *AD.nl*, June 20, 2020, <https://www.ad.nl/binnenland/demonstratie-tegen-coronamaatregelen-ook-in-amsterdam-verboden~a22b3e52/>.

³⁵ Algemeen Nederlands Persbureau (ANP), “Plunderingen en Vernielingen in Onrustig Den Bosch,” *Nederlands Dagblad*, January 25, 2021, <https://www.nd.nl/nieuws/varia/1016292/-plunderingen-en-vernielingen-in-onrustig-den-bosch->.

³⁶ Margo Wilson and Martin Daly, “Competitiveness, Risk-Taking and Violence: The Young Male Syndrome,” *Ethology and Sociobiology* 6, no.1 (1985): 59-73.

³⁷ Otto M. J. Adang, “Initiation and Escalation of Collective Violence.”

³⁸ “Jaarverslag 2020,” Algemene Inlichtingen- en Veiligheidsdienst (AIVD), last accessed June 1, 2021, <https://www.aivd.nl/onderwerpen/jaarverslagen/jaarverslag-2020>.

³⁹ Stephen Reicher et al., “Crowd Psychology and Public Order Policing.”

Intelligence Issues for Public Order Management

An adequate information position is deemed crucial for a balanced preparation and active performance which is proportionate to the potential level of aggression and/or violence. Having a thorough understanding of the phenomenon and more specifically the situation that is at hand is a sine qua non for the professional public order profession. Therefore, it is important to understand and analyze how events (potentially) evolve into aggressive and violent encounters, and what the underlying patterns and logics are.

In order to prevent the escalation of violence and to avoid potentially dangerous encounters, relevant law enforcement authorities stage an intelligence-gathering process, which follows an intelligence cycle, such as presented in figure 2.

Figure 2. Intelligence Cycle⁴⁰



⁴⁰ Based on (p.7) “The Collection and Use of Intelligence in Policing Public Order Events,” Wayne P. Wawryk, last accessed June 1, 2021, https://www.attorneygeneral.jus.gov.on.ca/inquiries/ipperwash/policy_part/research/pdf/Wawryk.pdf.

The initiation and escalation of events should be subject to analysis prior to the event, in the sense that triggering events should not be waited for, but preferably assessed and anticipated in a proactive manner. On the basis of a broad analysis of the phenomenon and prior knowledge that is locally present within the police force, an intelligence position starts with a reconnaissance operation of the situation, the location, and the group or groups that are likely to participate in the event. This includes an appreciation of how the environment will affect the group of individuals and how that environment, with the presence of the group of individuals, may affect the relevant (public order) policing unit. On the basis of this pre-inquiry, a situation report (“sitrep”) is established, which is used for the first preparation of the law enforcement operation in the form of a (pre-)briefing of the relevant unit(s).

Intelligence issues around pre-inquiries

Trigger events and the subsequent intergroup dynamics facilitate the forming of groups and the antagonistic relationships between them.⁴¹ An antagonistic relationship may have existed for a long time due to all kinds of causes – such as ideologically divergent views, rivalry or previous violent encounters – but may also evolve *impromptu* due to a specific course of events, such as mutual provocations or police actions that are considered disproportionate by the crowd. Collective violence, then, can materialize in a wide range of situations; from spontaneously emerging groups against the police or each other to spontaneous, unilateral (revenge) or concerted confrontations between groups already known to the police (such as hooligans, right- and left-wing groups)⁴².

Distinguishing between the controlled and spontaneous nature of collective violence implies that one may differentiate between an intention and a willingness to act violently. Whereas intentions reflect a mental state of commitment to carrying out an action in the future (requiring planning and forethought), a willingness to act reflects taking action when considered necessary. Particularly, given the wide range of groups present around demonstrations against COVID19-measures, a specific intelligence issue relates to differentiating between intent and willingness of the groups that are present. This appears an even more salient intelligence issue in light of the observation that to some groups and individuals violence is a means instead of an end. Violence, within certain limits, thus may be considered as a “catharsis”.⁴³ This links to observations around demonstrations and football matches alike: groups were not merely reacting to unfolding events but were actively seeking out opportunities to behave violently.⁴⁴ Consequently, collective violence may materialize out of some form of revenge or because of a collective feeling of being (physically or psychologically) attacked, but may also rest on underlying individual motivations such as excitement-seeking conduct and desire for social dominance or goods.⁴⁵

⁴¹ Stephen Reicher, “The Psychology of Crowd Dynamics.”

⁴² Spaaij, R. (2007). “Football hooliganism in the Netherlands: Patterns of continuity and change”. *Soccer & Society*, 8(2-3).

⁴³ Tom van Ham, “Collective Violence Offenders and Offending.”

⁴⁴ For example, see Otto M. J. Adang, “Initiation and Escalation of Collective Violence.”

⁴⁵ Richard Howard, “Personality Disorder and Violence: What is the Link?” *Borderline Personality Disorder and Emotion Regulation* 2, no.12 (2015):1-11. Ramon Spaaij, “Men Like Us, Boys Like Them.”

From the foregoing, it may be derived that it is important to know in advance which groups are present, what they intend to achieve by organizing or participating in a demonstration, and which underlying mechanisms can influence an escalation into a violent confrontation. Given the dynamics of collective violence, intelligence with regard to intergroup and intergroup dynamics may provide further input to assess the risk of collective violence manifesting itself. With regard to intergroup dynamics, the societal position of the group present is of relevance. Aspects requiring attention, for instance, are: the size and scope of a group; whether the group is being threatened by or being in conflict with other known groups; whether it is socially isolated; and whether it is operating in an unstable context. In addition, a history of violence of groups, violent norms or goals, strong cohesion, and strong leadership or power structure are examples of intragroup dynamics that – when present – may increase collective violence risk. Although it is generally possible to offer a description of (potentially) present groups and their inter- and intragroup dynamics – certainly when groups have a certain history with law enforcement bodies – gathering intelligence about their intentions with regard to specific events has proven much more difficult. HUMINT, for example, may not suffice to gather the required intelligence due to counter measures taken by groups and their closed character.

In addition, Van Ham provided evidence that the relative contribution of individual and contextual determinants and their interaction differs between various types of collective violence offenders.⁴⁶ Furthermore, he found that psychological characteristics may underlie the incentive(s) of engaging in violence by affecting trigger events and intergroup relationships perceptions. Therefore, he argues that individual characteristics and their interrelation with intragroup dynamics should also be accounted for. From an intelligence perspective, this means that individual aspects such as strength of group-based identity, (violent) role or status, strength of commitment, and negative attitudes toward out-group people require assessment. Furthermore, on the individual level, one encounters conduct- and attitude-problems (including pro-violence and antisocial attitudes), social adjustment problems and mental health problems. Currently, however, such information – also about individuals who frequently participate in collective violence – cannot easily be obtained. A first issue at hand is that of availability. In part due to the dominance in practice of contextual theories, generally no information on individual characteristics is gathered (also in case of individuals who frequently participate in collective violence). A second issue in this regard is that of access, as, at least in the Netherlands, various parties – including the Dutch National Police and Probation Service – have access to information on, for instance, crime history and psychological traits. Finally, unlocking this information tends to be very time-consuming as data are not recorded and processed in a uniform manner.

⁴⁶ Tom van Ham, “Collective Violence Offenders and Offending.”

Intelligence issues during an event

During the event, the information position of the law enforcement units needs to be updated on a continuous basis. More recently, security providers employ the concept of “real time intelligence,” also in the context of so-called “netcentric” performance. Different mechanisms are used in order to achieve an updated information position. An important element of routine public order management is to liaise with the groups during the event (“dialogue policing”), namely to have police-public contacts with the leaders or communicators of the group, which allow to measure the perceptions within the group.⁴⁷ This amounts to a mutual appreciation of intelligence requirements, for instance, concerning individual subjects, whose safety may be at stake at a certain moment. Hence, atmospheric reporting is prerequisite to a dynamic understanding of the event. At a tactical and operational level, this may be translated into flexible performance, for instance, in the form of couples of police professionals who are recognizable by (for example) a yellow vest and who are ready to communicate with the group: they act as human sensors and function as the ears and eyes on behalf of the law enforcement organization. Moreover, their information position serves as a basis for the differentiation between tactics, ranging from community policing to crowd control or even crowd combat (and potentially calling in assistance), and the staging of interventions. In addition, human intelligence on the ground may be achieved by police informants and police infiltrators (i.e., undercover agents who are present on the ground but may not be recognized as official police presence).

Human intelligence on the event may be achieved by means of analysts that comb through Open Source Intelligence (OSINT), and who map relevant groups, as well as their size, their potential to grow or to decline, and the likelihood of aggression or violence. To achieve an optimal and dynamic intelligence situation, technological sensors may be used in addition to human sensors. This includes the intensification of the use of aerial sensors and/or drones to map the situation on the ground.

Intelligence gaps during the COVID-19 Pandemic

Unfortunately, the COVID-19 pandemic has been marked by several violent encounters between police and public across the globe. Often these encounters resulted from previous and underlying social tensions. It emerged that police agencies faced substantial difficulty in balancing a certain amount of goodwill and understanding in enforcing health-related measures, whilst on the other hand, having to flex their capacity between total lockdown situations and public order capacity during protests and demonstrations. Moreover, from observations, it emerged that police authorities were confronted with spontaneous events for which they seemed ill-prepared. Were intelligence failures the cause of poor performance on the side of the police forces?

⁴⁷ Willem de Lint and Adam Pocrnic, “Living Law in Public Order,” 89.

Intelligence gaps could potentially arise from a number of challenges that occasionally occurred in combination with each other (interpersonal violence). A first intelligence challenge emerges from the fact that, in many cases, the police does not act on its own. Except for the need of internal intelligence consistency between different units of the same force, there is obviously a need for smooth intelligence-sharing with other security actors prior, during and after the event. In other words, except internal intelligence exchange, there needs to be an external intelligence-sharing mechanism/system, which is both consistent and agile, in the sense that it needs to take account of the dynamics of potential (de-)escalation. In the age of multi-agency performance, even across national borders, a pooled and shared intelligence situation is a precondition for professional public order management.

Another major intelligence challenge throughout the COVID-19 pandemic has been the duration of the pandemic and the perpetual demand for police intelligence capacity. This raised the need for a constant awareness and presence of potential public order disturbances, ranging across hugely differentiated groups and events, demanding new intelligence positions throughout a long period of time instead of specific time frames or focused on specific events. Added onto this was the fact that multiple events took place in different districts or municipalities at the same time, making it harder for intelligence capacity to pool efforts.

Except for the risk of reduced or even depleted intelligence capacity, two more challenges undercut the capacity of police authorities to mobilize their public order forces. On the one hand, the space-time-compression was reinforced during the pandemic, for instance, by means of previously mentioned “flashmobs”, where groups of people could suddenly and spontaneously be mobilized online and gather in sizeable group settings, whilst at the same time making it harder to enforce public health measures. Last but not least, whilst there may have been a need for permanent operational intelligence in a netcentric context, real-time intelligence may not have amounted to an integrated and joint intelligence picture that enables an agile form of crowd management.

Intelligence Lessons Learnt and Concluding Observations

When confronted with a pandemic or other pervasive crisis, there is no need for law enforcement organizations to be taken by surprise when crowds gather, potentially erupting into violent encounters. Last-minute intelligence-gathering, weak multi-disciplinary information-sharing and intelligence gaps can be avoided if law enforcement organizations start preparing even before a crisis looms. Scenario-thinking as well as joint training and preparation are a sine qua non for professional public order management that is ready for the challenges of the dynamic interface between the physical and the virtual world, and

which focuses on prevention of violence and de-escalation, instead of having to respond at the frontline. At this stage, the majority of studies and guidebooks on intelligence-led policing focus on the use of intelligence in view of criminal investigation (e.g., on organized crime).⁴⁸ An academic and professional inquiry will help to build a mature framework for the use of information and intelligence in the context of public order management, as this field remains relatively unexplored.

It has been a common observation that, during the COVID-19 pandemic, several communities around the world felt deprived of their rights. Building on the presence of undercurrent perceptions of injustice and unequal treatment, some demonstrations, which were meant to be peaceful, escalated into aggressive or violent encounters within and between protesters as well as between them and the police. Given the right to peaceful assembly, these situations should be regarded as undesirable.

A high-quality intelligence position does not necessarily undercut the legitimacy of public order management, but there should be transparency on the why, the how, the choices, and the tactics that were used. Professional intelligence-collection may benefit accountability and transparency of police performance,⁴⁹ as intelligence may help to solve the puzzle of why certain events amounted to violent escalation and others did not. A high-quality professional and rationally explained understanding of group dynamics and potential escalation assists in guaranteeing the integrity of the event as well as professional police performance, and may help protect the safety of group individuals, such as law enforcement officers, bystanders and the physical environment around them. As intelligence-led policing allows law enforcement to make informed and evidence-based decisions, intelligence-gathering not only helps to strike a balance between the types of policing and the level of coercive means that are employed during the event, but also helps to avoid selective and arbitrary use of police violence.

Once the COVID-19 pandemic is behind us, a proper evaluation study should be conducted of the role of intelligence before, during and after public order events, preferably from an internationally comparative point of view.⁵⁰ Evaluation results are paramount to the further development of public order management, and thus for improving professional training and performance in this field. On the long term, this will contribute to a public understanding of why certain strategies and tactics were used. Our observation is that public order events are rarely subject to a profound and independent evaluation, except if or when they get really out of hand, such as in the case of high number of injuries or even fatalities. Though traditionally information and activities are registered in a log report, allowing a potential reconstruction and accountability of the events, this material is often not used and remains unexplored. We would recommend a more systematic evaluation of public order events,

⁴⁸ Organization for Security and Co-operation in Europe, "OSCE Guidebook: Intelligence-Led Policing," *OSCE TNTD/SPMU Publication Series* 13 (July 2017): 2-104.

⁴⁹ For example, see p. 24 of "The Collection and Use of Intelligence," Wayne P. Wawryk,

⁵⁰ Rogier et al., *Handhaving van de Openbare Orde in het Buitenland: Overzicht van Bevoegdheden, Praktische Toepassing en Toepasbaarheid in Nederland*, (The Hague/Rotterdam, Netherlands: ES&E i.s.m. OMV-Faculteit der Rechtsgeleerdheid EUR, 2002). Willem de Lint and Adam Pocrnic, "Living Law in Public Order."

including all those that went smoothly and took place in the shadows of the media. Systematic evaluation allows the building and sharing of learning loops, through which intelligence operations in the context of public order management stand subject of continuous improvement and growing professionalization.

Furthermore, a more profound exploration is required of how intelligence-led policing can (and should) be legitimately performed in the face of multi-agency co-operation, privatization of security, as well as European and international intelligence-exchange,⁵¹ in compliance with overarching regulatory frameworks as well as with universal codes of conduct for law enforcement officials.⁵² A multidisciplinary approach to the development of a sustainable regulatory framework is very much needed, contributing to evidence-based implementation of codes of police conduct that have been developed by the United Nations, the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe. All too often, these ethical codes of conduct rest on the shelves of police archives. Departing from the assumption that civil policing and military policing environments may learn from one another, there may also be space for an academic exploration into how intelligence is used in – potentially expeditionary – military combat settings. We would suggest that multidisciplinary intelligence collection is also studied more profoundly within the context of public order management during stability policing missions, where information and intelligence is collected continuously on the adversary (e.g., through reconnaissance operations). Intelligence can then lead to situational awareness that enhances the commander's understanding of the environment and the people in that environment.⁵³ Both within national as well as international public order management operations, unity of command and unity of effort are crucial for the success of the operation.⁵⁴

In order to gain a better understanding of the relation between cyber activities, disinformation and social media, and the forming or radicalization of (violent) groups, we advise there should be an in-depth assessment on the influence of hostile social manipulation⁵⁵ through cyber tactics in order to identify required capabilities for monitoring and mitigating the influence they might have on their behavior.

We would also recommend a comparative analysis of the effectiveness of surveillance technology prior and during public order events. Do drones or other technological devices actually help to prevent or close potential intelligence gaps? What should be the

⁵¹ Monica Den Boer, "Intelligence-led Policing in Europe: Linger between Idea and Implementation," in *The Future of Intelligence. Challenges in the 21st Century*, ed. Isabelle Duyvesteyn, Ben de Jong, Joop van Reijn (Abingdon, UK: Routledge, 2014).

⁵² "Basic principles on the use of force and firearms by law enforcement officials"; https://www.ialeia.org/docs/OSCE_Guidebook_ILP_2017_327476.pdf; accessed 12 May 2021.

⁵³ Bruce W. Watson, "Intelligence (Military Science)," in *Encyclopedia Britannica*, <https://www.britannica.com/topic/intelligence-military>.

⁵⁴ Muller et al., "Strandrellen in Hoek van Holland - Dancefestival Veronica Sunset Grooves, 22 augustus 2009," *COT Instituut voor Veiligheids- en Crisismanagement & Bureau Beke*, December 8, 2009, <https://www.burge-meesters.nl/files/File/Crisisbeheersing/docs/20090822.pdf>.

⁵⁵ Michael J. Mazarr et al., *Hostile Social Manipulation, Present Realities and Emerging Trends*, (California, United States: RAND Corporation, 2019).

balance between human intelligence and information or intelligence that is required through technological means? And can it be regarded as legitimate if and when law enforcement goes undercover under a fake identity on social media in order to predict and identify potentially violent encounters?

Capacity and capability are two other issues to be explored further: lack of capacity and/or capability may actually make things worse. For example, if the number of violent protesters exceeds the police capacity needed to adequately enforce a trigger event, the individual police officer might be confronted sooner with a situation where that police officer is forced to use lethal force for self-defense, than if there would be adequate police capacity or capability.⁵⁶ An in-depth analysis on the number of police vs number of protestor ratio (capacity), including intensifying or mitigating (capability) aspects, might lead to better insights on effective public order policing (analysis Capitol Hill).

Finally, (potentially) violent encounters during the COVID-19 pandemic may have undermined the trust relationship between police organizations and the communities they serve. A policy study may be required into the need for and conditions of an information position that implies the restoration of police-community relationships.

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