

POLICE POWERS, PROTESTS AND PUBLIC ORDER: A DISCUSSION

From Women's Marches to the Umbrella Movement, from Occupy Wall Street to anti-war demonstrations, protest has been an important part of recent history. People who are not in positions of power or influence to directly affect policy may mobilise over broad themes or particular incidents - to express a political ethos or to demand specific institutional action.

In Singapore, protests are highly regulated - generally requiring a police permit and/or confined to Hong Lim Park. Recently, a silent protest on an MRT train resulted in charges against the organiser. The concern is often expressed that protests can lead to inconvenience or disorder.

In late February, the administration tabled a Bill in Parliament intended to expand police powers to deal with "serious incidents", including peaceful protests. The measures include "communications stop orders allowing the police to ban the making of films or videos in a particular area, as well as to ban the sharing of any information or media about law enforcement. Police would have wide powers to intervene, question and seize property from those they believe are contravening the ban.

The Bill also expands the powers of police to, for example, cordon, search or question members of the public about the "serious incident", including enforcing commands with force in some cases. It also makes it a crime to possess, produce or distribute certain documents (e.g. if they may advocate disobedience of the law, or excite contempt against public servants) during this period.

The current administration argues that the law is necessary because communications may harm police work in terrorism situations (e.g. if hostage takers or terrorists can follow or anticipate police movements via media). Should peaceful protests be treated the same way?

The Bill

- Defines and gives examples of "serious incidents" that allow the Minister and Police Commissioner to activate special police powers
- Lists a range of powers that the Commissioner can grant police
- Defines forms of conduct that would be a crime in such circumstances, e.g. failure to share all information with police on questioning, making a film that depicts the "target area", sending a text message that describes

The Bill is intended to replace a similar Act passed in 1985. The 1985 Act did not clearly define the incidents that can trigger its use. Key changes include:

- Specifying that peaceful protests are included
- The expansion of powers and the introduction of new "communications stop orders"
- Organisations and their managers may also be liable for the acts of their officers, unless they take "reasonable efforts" to prevent them
- Parliament will no longer be able to annul the activation of the powers by the Minister

GROUP DISCUSSION

Are all forms of protest the same? Who protests and why do they protest? Should some forms be permissible? What sort of police powers are needed in the case of peaceful protests? What are the risks and benefits of people documenting and/or communicating about such events? What are the risks and benefits documenting and/or communicating about police action?

Please get together in groups of about six people. Discuss the above questions with your group over the next hour. Consider seriously the positions of as many different stakeholders as possible. At the end of that time, a representative from your group will present on the decision-making processes your group decided to adopt, explaining both what these are AND why you decided on them.

Be prepared to take questions from others.

ISSUES TO CONSIDER

Think about the following questions as you discuss in your groups:

1. What recourse is available when people disagree with the state or administration? What are the advantages and disadvantages of protest to different stakeholders?
2. Are all forms of protest the same? What is acceptable to you, and why?
3. Should police be present at protests? If so, what should their priorities be? Do protesters also deserve protection by the police and the law?
4. Why might people wish to communicate about protests and/or police action? What are the risks and benefits of preventing documentation or communications in such situations?
5. Should there be limits on the state's ability to trigger special police powers? What should these limits be and how can they be implemented? Who should be the ones limiting what the state can or should do?