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**An Examination into What Constitutes an “Ideal” State
Response to Rioting: Comparisons Between Rioting in
England and the United States**

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Abstract

The aim of this dissertation is to provide answers as to what constitutes an “ideal” response to rioting and how this can be achieved. This study explored the pillars of riot theory and presents arguments regarding the policing and social control of rioting. Through exploring different theoretical perspectives on policing strategies and the impact of social control on protest and rioting it was found that an ideal response to rioting is one that protects the right to protest, maintains police legitimacy and is based upon an evidence-based approach to rioting behavior from both a policing and criminal justice perspective. These arguments regarding the policing and social control of rioting were then applied to two highly publicized riots, the 2011 England riots and the 2021 United States Capitol riot in order to conclude on how the response of each jurisdiction aligned with an ideal response to rioting. The analysis of these State responses to rioting found that neither jurisdiction fulfilled the criteria to be considered an ideal response to rioting. The responses of each jurisdiction to examples of rioting were then compared using the parallel topical comparison method which found that both jurisdictions shared many similarities in their response to rioting. In concluding this dissertation recommendations were provided on how these responses could be improved and how ideal responses to rioting could be achieved.

Chapter 1: Introduction

1.1 Introduction

Rioting has been used as a tool to respond to injustice throughout history and its existence has provided much academic discourse. This dissertation will focus on responses to rioting, examining different State responses to infamous riots in order to answer my primary research question “*what are ideal state responses to rioting and how can they be achieved?*”.

I will begin this dissertation with a discussion on riot theory which will include an examination on the varying definitions of the term “riot” as well as on existing theories regarding the evolution of the term. This will bring me to a discussion on the policing and social control of riots which I will further develop on in my analysis of the 2011 England riots and the 2021 United States Capitol riot. Upon analysing these riots I will conclude on their successfulness with regards to their alignment with an ideal riot response. Furthermore I will apply the parallel topical comparison methodological approach in order to compare these two jurisdictions and their response to rioting. This will allow me to highlight the similarities and differences of the State responses which I will then use to answer my research question and give recommendations for change based on arguments made throughout this dissertation. The importance of having “ideal” responses to rioting is highlighted when State responses to rioting are inadequate in preventing and deescalating disorder when it occurs, as is demonstrated through the discussions on England and the U.S in this dissertation. By providing arguments supporting the three key aspects of an “ideal” response I hope to highlight the importance of having ideal State responses to rioting.

1.2 Forming My Research Question – What is Considered to be “Ideal”?

When constructing my research question and considering what findings I wanted it to produce I was firstly interested in uncovering how riots could be best dealt with from a policing and criminal justice perspective. This led to my consideration of the term “ideal” which I will base my research on. This term to me in the context of riot takes into account three primary factors. The first is the right to protest. The right to peaceful protest is fundamental to the upholding of a democratic society and should not be impeded by any form of social control in the hope of diminishing the possibility of a riot ensuing. I will consider this context through discussing to what extent social control played a role in each jurisdiction I will cover. The second factor is high levels of police legitimacy. This dissertation will discuss the importance of police legitimacy in preventing and deescalating riots. The presence of a positive perception of the police is fundamental to any form of “ideal” response and I shall discuss this factor with relation to whether positive police legitimacy was present in each case I cover. The third and final factor that constitutes an “ideal” state response to rioting is an evidence based organized and developed approach to rioting behaviour both from a law enforcement and a criminal justice system perspective. Whilst riots and the scale to which they break out are unpredictable, the manner in which they are dealt with when they occur is crucial. By having police strategies and criminal justice policies in place for if and when they do occur is paramount to effectively dealing with aftermath of rioting as well as ensuring that the approach taken to rioting is one that is supported by evidence based policies. By using the term “ideal” to anchor my findings I hope to provide recommendations on how this standard can be met.

Chapter 2: An Introduction to Riot Theory

2.1 Defining a Riot

The task of defining a riot has been heavily discussed in literature with many academics and policy makers weighing in on the debate of what constitutes a riot. Discourse surrounding the difficulty of defining a riot is recurrent due to not only the variety of terminology used by scholars to characterise riots but also the variety of theories explaining the violent acts that can occur when members of the public gather in a crowd as well as conflicting arguments on what exactly these violent acts include (Heyer, 2020) and also the different forms of riot incitement. Definitions of the word itself often differ from what actually occurs and makes a riot. Such definitions inform us that a riot is a “disturbance of the peace and outbreak of lawlessness, on part of a crowd (in Law by three or more)” (Jan-Khan, 2003) with other definitions framing riots as “a violent and turbulent act that tends to terrify the people” (Kaminsk, 2012). However in reality riots usually involve much larger groups whose actions are usually motivated by perceived political and societal injustice and involve a “breakdown of social order” (Newburn, 2021). Also playing a challenging role in producing a single solidified definition of the term riot is the varying legislative definitions for the word riot globally. This variation results in different jurisdictions holding different claims as to what constitutes a riot which then impacts how these riots are policed and how those involved are sentenced. Equally as important as defining the word “riot” is the analysis of the incitement of riots which usually goes unconsidered in much of the available riot literature but is fundamental to the understanding of what constitutes as a riot. This act can be defined as the criminalization of encouraging others to become involved in a riot which creates the risk of harm (Kaminsk, 2012) and takes form in four different ways. The first and most basic form involves the “instigating, promoting or aiding of a riot” (Kaminsk, 2012) this can occur in a number of ways such as the collection of individuals to participate, the organization of a location and date and the collaborative preparation of riot activities. The second form involves the use of travel and commerce including postal services as well as online communication in order to aid in the incitement of a riot (Kaminsk, 2012). The third form includes incitement at the area of the riot through the use of language from participants that encourages the use of violence and acts of danger and also involves the likelihood of the formation of a riot due to such speech (Kaminsk, 2012). The fourth and final form of riot incitement is the instruction of individuals to participate in riot acts and occurs through participants commanding each other to commit certain acts (Kaminsk, 2012). The incitement

of riots as well as the varying legislative definitions and their subsequent enforcement responses are issues that I will later discuss in further detail with relation to riots in England and the United States. However, before doing so, it is important to understand the foundations of riot theory, how it came to be and its political and societal dimensions.

2.2 The Evolution of Riot Theory – From Crowd Psychology to the Criminal Crowd and Influential Emerging Theories

Rioting and acts of violent protest are a phenomenon that have been studied for more than a century by academics and researchers alike in hopes of better understanding the reasoning behind why such instances occur. Often cited as the fathers of riot theory by providing such understandings was French anthropologist Gustave Le Bon whose work on crowd psychology laid the foundations upon which riot criminological theory was built and his predecessor Scipio Sighele who presented theory on “the criminal crowd” (Ginneken, 1992).

Le Bon sought out to provide understandings as to what constitutes a crowd and the extent to which crowd mentality can be damaging. He believed that crowds are created through the “disappearance of a conscious personality (identity) and a similarity in feelings and thoughts” (Granström, 2009). This crowd creation he argued was built on three mechanisms; “submergence, contagion and suggestibility” (Drury, 2017) these mechanisms refer to firstly the loss of identity within the crowd, secondly the “social influence process” (Drury, 2017) which refers to the ignition of an idea (usually a common political belief) that spreads through the crowd and lastly the hypnotic state of the crowd which supports the “social influence process” (Drury, 2017). These mechanisms can result in a violent and destructive cohort that are characterized by an “impulsive and barbarian nature” and are prone to manipulation leading to an “incapacity to reason” (Borch, 2013) (Drury, 2017). The crowd under Le Bon’s theory has a “collective mind” (McKenzie, 1982) which makes those who participate think and act differently than being outside of the crowd (McKenzie, 1982). Le Bon’s theory heavily focuses on and insinuates the idea of the crowd being an irrational body of individuals (often described as the lower class, women and children in relevant literature (McKenzie, 1982)) whom due to the forces of mob mentality act in damaging and mostly illegal ways that do not represent the individualistic mentality that belongs to the people that makeup the crowd. He argued that the only enforcement response to dealing with such irrationality lay in the form of “reactionary policing” (Drury, 2017) that dealt with the violent

crowd through reciprocating such violence and tactics of coercion as a way of protecting civilization (Drury, 2017).

These arguments differ from Sighele's crowd theory which focused on the predisposition of crowds to commit unlawful acts and argued that the crowd is made up of individuals whom under hypnotic suggestion favor crime yet those involved do not lose their individualistic thoughts and feelings, instead they are individuals who are easily prone to persuasion (Pireddu, 2018). He believed that the majority of individuals involved in the criminal crowd were lawful citizens who should be treated with leniency (Bellamy, 2003). However, in saying this he highlighted how the formation of a crowd creates the perfect conditions for criminal acts to occur. Whilst the crowd and its individuals may be well intentioned at first, Sighele believed that "the soul of the crowd causes the good to spoil, and the potentially wicked and the cruel to actually realise themselves" (Sighele, 1892) (Pavón-Cuéllar, 2021). In saying this Sighele highlights the ability of the crowd to form criminals out of ordinary individuals through the encouragement of individuals previously prone to being involved in other forms of criminal activity.

Le Bon's and Sighele's crowd theory differentiate in one significant way. This being that Le Bon's theory is more "primitive" (Pavón-Cuéllar, 2021) in its nature through its description of those involved as having "impulsive and thoughtless" (Newburn, 2021) traits which inherently cause them to be more susceptible to mob mentality. This differs from Sighele's theory where the crowd is considered "criminalised" due to possible criminal and cruel predispositions of individual crowd members.

These theories lay the foundations for the phenomenon that is riots to have a space in criminological and sociological discourse. With this being said the arguments made by these theorists have been argued to be flawed due to their classist undertones and their encouragement of reactive based policing. There is no one group of individuals that are most likely to become involved in rioting activities due to their class type, race, gender or personal predispositions. Instead much of the current literature looks to external societal and political factors when attempting to understand how riots are constructed today.

An emerging theory that takes these factors into consideration is Waddington's flashpoint model. This theory was first developed in 1989 "on the basis of case studies of violent and non-violent episodes of crowd behaviour and offers a multivariate framework for explaining why it is that some events become characterized by disorder while others remain peaceful" (Waddington, 2010). The "flashpoint" (Waddington, 2010) mentioned refers to an "event that provides immediate moral and emotional meaning to the protest, it channels already existing

feelings of dissent and triggers people to take to the streets.” (Bruchem, 2023). Unlike previous riot theories the flashpoint model takes into account the “feelings and triggers” (Bruchem, 2023) of participants and argues that public disorder arises from a multitude of different grievances such as “structural, political/ideological, cultural situational and interactional” issues (Waddington, 2010). This model strongly supports the implementation of a proactive form of policing which I will cover in my discussion on the policing of riots. Waddington’s model is modern in its approach due to its highlighting of the multitude of factors that can lead to the incitement of a riot and its emphasis on the early deescalation of riot behaviour.

2.2.1 The Limitations of Le Bon’s and Sighele’s Crowd Theory in Policing Riots

The evolution of crowd theory has led to a greater understanding of how individuals may operate when involved in crowd behavior such as riots. This is important as it can help with developing the enforcement response. In saying this, research suggests that where police and law enforcement hold a view “primitive” view of crowds that aligns with Le Bon’s classical crowd psychology theory, their responses to such crowds can “inadvertently escalate public disorder” (Stott, 2010). One of the key issues with Le Bon’s crowd theory is that it frames the crowd as being made up of irrational and dangerous individuals. Where this theory is held by police in crowd policing strategies it can result in police officers using excessive force with crowds due to the perception of the crowd as an automatic threat to public safety. Research has shown that the use of excessive force in policing crowds “contribute to a widespread escalation in the levels of public disorder.” (Stott, 2010). This research highlights the limitations of both Le Bon’s and Sighele’s crowd theories which both support the use of “reactive” (Stott, 2010) policing when dealing with crowds due to their consensus of crowds as being made up of inherently violent individuals and individuals predisposed to crime over “proactive” (Stott, 2010) policing strategies. Whilst Le Bon’s and Sighele’s crowd theories laid the foundations to riot discourse they did not address how crowd and riot formation may have been a “response to gross social inequality and active repression” (Reicher, 1984) rather than due to the perceived inherent impulsive and dangerous nature of the crowd. By ignoring the social context in which riots occur these theories imply that riots themselves are meaningless and instead imply classist undertones due to their descriptions of crowd participants as barbarian, lower class and cruel. This can have further implications for

policing strategies that are supported by these theories and further highlight the need to have ideal riot responses in which riot legislation and enforcement can be measured against.

2.3 Riot Typologies

Riot typologies are used to characterise collective violence in the occurrence of violent forms of protests. These typologies are known as primitive collective violence and reactive collective violence (Schneider, 1993). Primitive collective violence occurs when acts of violence breaks out from one small group and is directed at another small group, for example feuds, mob crimes and outbreaks at sporting events (Schneider, 1993). Reactive collective violence refers to violence directed at those in positions of power, for example politically motivated riots (Schneider, 1993). For the purpose of my dissertation I will focus on the reactive collective violence riot typology and state responses to this form of riot. The reactive collective violence typology can be further categorized into “ideal types” (Schneider, 1993) of riots. The first is the instrumental riot which refers to planned and structured riots that have an impactful purpose based on a common belief such as the 2021 Capitol riot in the United States. The second is the expressive riot which are often “characterised by their outward expression” (Schneider, 1993) and a common belief is present but this belief is not fundamental to resolving the group’s problems for example the 2011 England riots. The third and final form of riot is the “issueless riot” (Wood, 1975) which occurs following a victory or when social control is weakened. This type of riot lacks a common belief amongst rioters and does not have an impact on social movements. By categorizing these ideal types of riots we can better understand the root causes of specific riot examples whilst also being able to link these riot types to response types which is fundamental to proactive riot legislation.

2.4 Political Dimensions to Riot Theory

During the course of the 19th century the scale of the bourgeois elite’s wealth and influence grew along with the industrialization process as well as population expansions in cities. The industrial elite became the dominant owners of the wealth, while the wages of their workers remained low. As a result of this perceived injustice by the lower classes, the crowd developed as a “weapon of political resistance” (Drury, 2017). This formation of the crowd became “a direct threat to the social arrangements necessary for successful capitalist expansion.” (Stott, 2010). Fast forward two centuries and this scenario can still be seen as the basis for political protests in today’s society. Riots are often framed as a means of political

expression that evoke social change. Research has shown that rioting in recent times is caused due to rising tensions surrounding “inequality, exclusion, racism and state violence” (Newburn, 2021). These tensions then manifest into acts of collective violence. In his analysis conducted on recent riots (Wacquant, 2007) argues that “violence from above begets violence from below.” (Wacquant, 2007). This statement at its surface supports literature on major causes of rioting and can be seen in the 2011 England riots which I will later discuss. The “above” (Wacquant, 2007) referred to stems from the reinforcement of “economic and socio-political changes” (Wacquant, 2007) that have the heaviest effect on the lower and middle class. These changes can be seen in the form of inequalities and repression such as “mass unemployment, relegation to decaying neighbourhoods and heightened stigmatization in daily life” (Wacquant, 2007) as well as perceptions of corruption (Brannen, 2020), all of which amplify the separation of class structures.

The “below” (Wacquant, 2007) as referred to by Wacquant are those most affected by “economic and socio-political changes” (Wacquant, 2007) of the above and include the lower working class, youths of disadvantaged neighbourhoods and ethnic minorities. Whilst Wacquant does highlight some of the main marginalized groups, the evolution of riots has resulted in the expansion of the “below” (Wacquant, 2007) category which in modern riots has included individuals from all walks of life (however, still primarily from lower socio economic backgrounds). Wacquant’s analysis may have been well constructed for its time but due to changing societal and political landscapes, has become less relevant. This analysis of riot formation fails to mention arguments that riots are not a lower-class phenomenon but can include individuals from anywhere on the race and class spectrum. By suggesting that riots are made up of solely lower-class citizens this can have an impact on the policing of crowds, an issue that I shall now discuss.

2.5 Riot Policing

Rioting in the western world in the 19th century was a normal part of civilian life for many global populations (Brown, 2015). This frequency of rioting along with the failure of the police to prevent this civil unrest (Marshall, 2020) resulted in the development of “professional police organizations” (Brown, 2015). Prior to the 1950’s in the United Kingdom riot policing and crowd control consisted primarily of violent and reactive policing tactics including the use of batons and firearms which aligned with global police rioting procedures and was considered standard practice for dealing with such events (Newburn,

2008). However, over the last 60 years police forces globally have implemented “four prominent protest management strategies” (Kennedy, 2019) aimed at uncovering ideal enforcement responses to rioting. They include “escalated force, command and control, negotiated management, and strategic incapacitation” (Kennedy, 2019).

The first strategy mentioned “escalated force” is the most scrutinized strategy and is one which is based upon Le Bon’s crowd control theory. It is an example of reactive policing and was most heavily used in the 19th and mid 20th century, however it still occurs today particularly in response to violent crowds. The impacts of this strategy are ones that I will later discuss with regards to academic arguments on the effects of police presence during riots. The second strategy, “command and control” (Kennedy, 2019) stems from zero tolerance policing practices and emerged during the 1980’s (Kennedy, 2019). The command aspect of this strategy refers to strict enforcement strategies including arrests and fines made by police officers (Kennedy, 2019). The control aspect of this strategy refers to the restrictions placed on the event and the attendees (Kennedy, 2019). These restrictions often include barriers as well as special techniques implemented by police officers to break up crowds (Kennedy, 2019). This is a strategy that has also been heavily criticized with relation to arguments in literature made on the effects of police presence during riots, a topic I will later discuss as previously mentioned. The third strategy emerged in the 1990’s as law enforcement agencies sought after a more proactive approach rather than the reactive approach which had been taken in previous years and is known as the “negotiated management” (Kennedy, 2019) strategy. This strategy “emphasizes the use of dialog between police and demonstrators throughout the planning and demonstration process.” (Kennedy, 2019) (Gillham, 2011) (King, 2013). When there is communication and cooperation between citizens and the police, mutual respect is generated as well as an emphasis on public order and strengthened perceptions of law enforcement (Kennedy, 2019). The fourth and final strategy is “strategic incapacitation” (Kennedy, 2019). This strategy focuses on the principles of the three previously mentioned strategies by emphasizing communication and cooperation between citizens and the police but also using methods such as escalated force and special confinement only on the most problematic individuals and groups within the crowd (Kennedy, 2019). It is proactive in its approach and supports research that proves that “police are perceived as more legitimate when they target only harmful behaviours rather than generalize their actions to the entire crowd. (Kennedy, 2019). When discussing these protest management strategies it is important to take into account that their implementation may not always be able to stop all acts of crowd violence. However, they do play a significant role in

how various groups interact with one another within the crowd and ultimately determine whether a conflict remains confined and isolated or develops into a larger-scale riot (Kennedy, 2019), hence the importance of using strategies that have proven to be successful and are theoretically supported.

The use of police forces in dealing with riots and civil unrest has been a heavily debated topic in riot literature. A significant portion of such research argues that police presence often correlates with protest violence and increases the likelihood of violence within the crowd (Kennedy, 2019). Up until the 1980's reactive based strategies were used heavily by police organizations globally as a method of crowd control. These reactive based strategies as mentioned above consisted primarily of the use of excessive force and control, as well as zero tolerance policy tactics. These strategies are often associated with racial polarization and a lack of perceived police legitimacy which has an impact on police citizen relationships and creates tension in communities (primarily lower-class communities) (Kaminski, 2019). Arguments supporting the use of proactive policing strategies such as "negotiated management and strategic incapacitation" (Kennedy, 2019) are plentiful in riot research. Studies have shown that proactive strategies often encourage interaction and trust between civilians and law enforcement whilst also making a distinction between various groups within the crowd: those with good intent are more likely to react positively to police approaches and break away from other hostile groups (Reicher, 2004). Therefore, if certain groups within the crowd attempt to start a fight, it is more likely to be viewed as illegitimate by others who may choose not to participate or may actively work to put an end to acts of aggressiveness within the crowd (Reicher, 2004) this can lead to members of the crowd self-policing which further prevents the likelihood of a riot occurring.

As mentioned previously proactive policing strategies are also supported theoretically. An example of this is Waddington's flashpoint model theory which has been argued to be a beneficial substitute for reactive policing strategies used in riot settings. This model "comprises a number of integrated levels of analysis that are used to explain why some potentially disorderly incidents ("flashpoints") fail to ignite, while other, ostensibly similar, incidents can trigger off an explosive social reaction." (Waddington, 2005). This model is implemented through the use of "negotiated management and strategic incapacitation" (Kennedy, 2019) strategies which aim to identify the flashpoint and implement tactics to mediate the risk of riots occurring and deescalate riots when they occur. Research has shown that where this model was implemented there was a significant de-escalation of riot activities. In a study done analyzing the use of "intimate handlers" (Bruchem, 2023) (which refer to

individuals who are positively perceived by their community e.g coaches, youth workers and volunteers) in deescalating riots with the collaboration of police, it was found that the use of these “intimate handlers” (Bruchem, 2023) had a direct de-escalation effect and acted as a deterrent to riot crimes being committed by protesters due to the handlers strong social ties to their communities: Attendees at events stayed away from endangering these ties, which improved public perception of the police through citizen-police cooperation (Bruchem, 2023). This study highlights the importance of proactive policing strategies and how their use can be understood as a possible ideal response to rioting. With this being said the existence of proactive policing has been tied to arguments regarding it to be a technology of social control, a topic I shall now discuss.

2.6 Policing Protest and Social Control

To fully understand the politicized nature of riots, the right to protest must be recognized. However, often threatening this right is “technologies of social control” (Foster, 1999). The term social control “has been used to indicate all action constraining movement activities” (Wilson, 1977) and is executed upon the violation of a social norm. In the context of protests, social control can be seen through labelling protesters as a “deviants” (Wilson, 1977) often referred to as “criminalization” (Wilson, 1977). I will later discuss the impacts of this “criminalization” as an effect of social control in the context of riots. However before doing so it is important to understand who exactly perpetrates social control and how social control is executed. Those executing social control are of an “acknowledged authority” (Wilson, 1977). On a study conducted on the “social control of dissent through the policing of anti-globalization movements” (Fernandez, 2005), Luis Fernandez identified two categories of social control agents. The first being “hard-line” (Fernandez, 2005) social control agents such as law enforcement agencies and “dictatorships” (Fernandez, 2005) who aim to “directly undermine and abolish movements” (Fernandez, 2005) through the labelling of protesters as rioters and the enactment of laws that felonize protesters. The second category referred to “soft-line” (Fernandez, 2005) social control agents such as police officers who constrain social movement activities through the use of “legal regulation, the negotiation of protest, and self-monitoring” (Fernandez, 2005). Whilst recognizing the existence and the role of “hard-line” (Fernandez, 2005) social control agents is crucial to understanding the impact of social control on social movements, I will be using Fernandez’s “soft-line” (Fernandez, 2005) social control theory to further explain the politicized nature specifically of riots rather than protests

and social movements in order to demonstrate where this form of social control can be seen in my chosen jurisdictions and to assist me in answering my primary research question which is “*what are ideal state responses to rioting and how can they be achieved?*”. However, fully explaining this politicised nature of riots with regards to social control has its challenges. Riots unlike planned protests or social movements do not follow a structure by which they unfold. They can occur as part of a protest or as a totally separate event and are often spontaneous in nature. With this being said, how social control impacts specifically riots for the most part goes undocumented. By using arguments made in riot research and applying Fernandez’s soft line social control theory I hope to now clarify the position of social control within the phenomenon that is rioting.

As discussed above, “soft-line” (Fernandez, 2005) social control is exercised by police officers through the use of “legal regulation, the negotiation of protest, and self-monitoring” (Fernandez, 2005). These examples of “technologies of social control” (Foster, 1999) can be exercised through both reactive and proactive policing strategies and have a multitude of effects, with the most predominant effects being “repression” (Fernandez, 2005) and “criminalization” (Fernandez, 2005). Before analysing these effects it is important to discuss the technologies that lead to them and how they occur in the context of riots.

2.6.1 Legal Regulation of Riots

The legal regulation of riots in the context of social control is a challenging topic to cover due to much of the available literature focusing on protests and also the multitude of different definitions of what a riot entails leading to different framings of this topic. Due to these limitations I will discuss this topic in two contexts. The first being the criminalization and framing of protests as riots as an example of social control and the second being an overview of the impact of legal regulations on riots.

A concerning pattern documented across literature is the trend of the criminalization of individuals exercising their fundamental democratic right to protest and being met with a forceful government response (Deshman, 2013). Numerous essential rights and that we take for granted today were granted through years of public protests by generations before us. The act of protesting has been used as a tool by the underprivileged and marginalized to make lasting societal change (Deshman, 2013). Unfortunately this right to protest is one that is often violated by states and law enforcement through acts of repression and criminalization. These acts can be seen in the form of “mass arrests, unlawful detentions, illegal use of force the deployment of toxic chemicals against protesters and bystanders alike... the denial of

march permits, imposition of administrative hurdles and the persecution and prosecution of social leaders and protesters ” (Deshman, 2013) as well as surveillance used by State’s to convey its “omnipresence” (Loadenthal, 2020). These methods of criminalization and repression have led to social inequality being upheld through lawful means (Whyte, 2021). However, the lines between social protest and rioting are often blurred, resulting in the criminalization of protesters who are labelled as rioters and as a result are treated as such. This overlap leads to issues when establishing whether social control is being disproportionately exercised or the law is being rightfully enforced in the context of riots. To help us better separate the two, Waddington’s flashpoint theory model can be applied to rioting to better understand how social control has an impact specifically on riots. As discussed previously the flashpoints model offers an explanation as to why some events turn into chaotic situations whilst others remain peaceful (Waddington, 2010). This model is interlinked with proactive policing strategies and is implemented through tactics that “mediate the risk of riots occurring and deescalate riots when they occur.” (Waddington, 2010). This mediation can be argued to be a glorified version of the negotiation process in which protesters are pacified by agents of control who seek to categorize those who protest inequalities and State agendas as radical rioters. The flashpoint model is however effective in highlighting how the technologies of social control can incite a riot through their repressive nature.

2.6.2 The Negotiation of Protest and its Impact on Riots

The negotiation process as previously discussed as an element of proactive policing can also be regarded as a technology of social control. This process begins when movement organizers request permission to march or assemble in public places (Fernandez, 2005). After making this request, police rely on ongoing contact to learn as much as they can about the protest, which assists in maintaining order when the protest takes to the streets (Fernandez, 2005). Whilst there are advantages to this strategy for managing crowds and preserving public safety, it also forces protesters to negotiate their presence on the street and makes it easier for police to organise and oversee demonstrations, making protest tactics (like sit-ins, blockades, and traffic disruptions) less likely to happen (Fernandez, 2005). Fernandez describes the negotiation process as a “form of passive coercion” (Fernandez, 2005) by which the rules of the police officers are incorporated into how the movement operates. This in turn leads to a level of compliance by the movement organizers and results in less confrontational protest acts. (Fernandez, 2005). Where this level of compliance is rejected by the group the dynamic

between police officers and movement participants shifts and can often be pinpointed as the flashpoint of a riot often characterized by police use of force and a retaliation by protesters to the use of force. The negotiation phase signifies how the fight for social justice can be manipulated by agents of control to repress groups who refuse to engage in “normative, liberal, democratic politics.” (Loadenthal, 2020). This repression further demonstrates the importance of social movements and how this right must be upheld by those in power. When this repression is not accepted by protesters it is often then that violence occurs on both the side of the controller and the controlled.

2.6.2 Self-Monitoring and Riots

Self-monitoring is a feature of the human condition that is prevalent in day to day life. It takes form through self-regulation processes which help each of us uphold societal norms. It is when this self-monitoring is used as a bargaining chip by those who administer control that we see how self-monitoring can be used to establish social movements that are accepted by the State. Self-monitoring has been integrated into policing tactics as a means of mediating the risk of the occurrence of riots. According to Foucault’s theory on governmentality the State play a significant role in “shaping, guiding, and affecting the conduct of people.” (Fernandez, 2005) (Foucault, 1988). This is achieved through derogatively constructing those who participate in social movements as rioters and anarchists (Loadenthal, 2020) in an attempt to discredit the actions of the protesters and belittle them to acts of disruption. This narrative is further fuelled by media discourse that portrays those who partake in such protest as the “other” which perpetuates an us versus them mentality. As a result of this negative construction protesters must self-monitor through agreeing to limit demonstrations in order to avoid physical conflict with police, therefore becoming tolerable entities by the State.

2.6.3 The Effects of Social Control on Riots

Social control plays an instrumental part not only on the outbreak and escalation of riots as discussed, but also on how riots are framed in society. Its effects have a crucial impact on positive police legitimacy and the public’s perception of the State. As previously mentioned, the most prominent effect of social control on riots is criminalization (Fernandez, 2005). This term includes other processes such as repression and stigmatization and occurs when social movements are linked to criminality through the use of negative sanctions, criminal

prosecutions, media discourse as well as the expansion of the term “riot” to include social movements (Loadenthal, 2020). This process results in the framing of protesters as a threat to the State which has severe consequences for how movements are policed and “legitimizes punitive responses against them” (Ronco, 2023). What is apparent through much of the literature on social control and its effects is that it has dire consequences for social movements and the democratic right to protest. When considering these effects on riots there is an argument to be made as to whether social control may be beneficial to the outbreak and escalation of riots. Through processes of criminalization such as the governing of public spaces through negotiation, crowd control tactics and the threat of legal repercussions for those involved, the outbreak and escalation of riots is made more difficult. In this regard an argument can be made that social control has benefits when it comes to the prevention of rioting. On the contrary to this, as a result of repressive criminalization processes, tension can arise between the crowd and the police. This can result in a more punitive approach being taken as a result of compliance being rejected which can lead to violent escalation within the crowd. The effects of social control on riots can be further analysed by investigating the impacts of social control agents on violent crowds, a topic I shall now discuss.

2.7 The Advantages and Disadvantages of Proactive and Reactive Policing Strategies

As previously discussed the implementation of proactive and reactive policing strategies can have a crucial impact on the outcomes of a riot and are also valuable tool that can be used as a metric for measuring the ideal riot response implemented by states and their police forces. The understanding and correct implementation of policing strategies is crucial to the prevention and de-escalation of riots. The arguments made in this section in support of and against proactive and reactive policing strategies further emphasize the importance of my primary research question “*what are ideal state responses to rioting and how can they be achieved?*”. However, it is important to note that these arguments alone cannot answer this question, rather they allow us to critically analyse the current challenges facing riot policing and they highlight that there is no current golden standard of riot policing that states globally should strive towards. Furthermore their existence poses questions regarding whether social control has greater benefits than harms on the outbreak and escalation of riots and whether the reputation of police officers and their style of policing has an impact on outbreak of riots.

2.7.1 Proactive Policing

Proactive policing refers to the multitude of policing strategies that emphasizes prevention or reduction of crime through non-reactive measures such as flashpoint policing (Waddington, 2005) hot spot and predictive policing, stop and search measures and also community based policing measures (National Academies of Sciences, Engineering, and Medicine, 2018).

These measures are then implemented through the use of police initiative (National Academies of Sciences, Engineering, and Medicine, 2018). Proactive policing and its implementation as a method of crowd control and a remedy to rioting behaviour has been heavily argued in academic literature. Studies have shown that proactive policing has been successful in “suppressing violent, aggressive actions among the crowd... through the use of proactive tactics such as dialogue, negotiation, and the facilitation of lawful protests” (Song, 2019). A study conducted on riots in a Dutch neighbourhood in 2007 following the death of a local citizen after being shot by a police officer argued that a “combination of repressive measures and an emphasis on police community relations” prevented the riots from spreading further out of the neighbourhood (Klomp, 2011). This study emphasized that a long standing tradition of community policing (Klomp, 2011) and positive police-citizen relations combined with negotiation tactics proved valuable as a method of riot deescalation and highlighted how proactive policing techniques can be implemented positively as a means of riot control.

However, this study also highlighted how the successfullness of proactive policing tactics is heavily dependant on the type of crowd being policed as well as whether or not the police are viewed as legitimate by members of the crowd. Much of the available literarture on the effectiveness of this form of policing highlights that this strategy works best on non aggressive crowds and is most effective when used as a preventitive measure to the outbreak of a riot rather than when a riot has already begun in an area (National Academies of Sciences, Engineering, and Medicine, 2018). In the case of the 2011 England riots the police were perceived as an illegitimate force by rioters and their presence sparked further violent escalation (Joyce, 2012). This made proactive policing tactics impossible to be effectively implemented. Whilst this case further highlights the importance of positive police-citizen relations it also highlights the power of the police as conductors of social control.

The highly politicized nature of riots is also evident through the use of proactive policing. A long standing debate on the strategies implemented through the use of proactive policing considers the policing strategy to be a form of “social control” (Foster, 1999). Whilst the

prevention of riots is crucial to maintaining social order it is imperative to a democratic society that the right to protest is upheld and not limited by policing organizations (Foster, 1999). There is a repressive element to proactive policing that cannot be denied. Research has shown that where individuals felt police were violating their democratic rights including the right to protest, there was a greater outrage in the crowd and willingness to confront police, highlighting a direct link between repressive proactive policing techniques and violent escalation within the crowd (Reicher, 2004) (Reicher, 1999).

2.7.2 Reactive Policing

Reactive policing as previously discussed, was advocated for by earlier riot and crowd control theories and involves the use of excessive force and control, as well as zero tolerance policing tactics. Most of the available current literature on this form of policing denounces it to be harmful to police-citizen relations and an adverse way of preventing and deescalating riots. In a policy assessment of rioting in England, France, the USA, and Tunisia it was found that the “heavy and unrestrained presence of police” (Klein, 2012) greatly impacted the outbreak of riots. The analysis highlighted that as a result of reactive policing tactics and heavy police presence, the crowd turns to violence to reclaim order that was disrupted by agents of social control (Klein, 2012). This scenario was highlighted through four different examples in four different countries.

Opposing this analysis on the ineffectiveness of reactive policing is Waddington on his theories regarding the use of paramilitary policing to control and deescalate riots.

Waddington argued that through the use of “disciplined and concerted” (Waddington, 1987) paramilitary tactics such as plastic bullets, water cannons and CS smoke (Waddington, 1993) the use of force required to effectively restore and maintain order is reduced. This is due to the perception of paramilitary presence as a legitimate “monopolists of force” (Waddington, 1993) that are less likely to be challenged than community police officers who have a non-aggressive reputation to uphold. The use of community police officers to deal with violent crowds has proven unbeneficial in many riot scenarios, including the 2011 England riots. The disorganised approach taken as a result of lack of training can lead to an excessive use of force being used on the crowd and the police officers being viewed as illegitimate (Waddington, 1987). Waddington’s argument that a paramilitarism style of riot policing offers a disciplined and structured approach when dealing with riots that community police officers would not be able to adapt provides a different perspective to the much condemned

arguments regarding reactive policing. His theory views the use of paramilitary policing as the lesser of two evils when implemented as a method of deescalating and preventing riots. The idea that this style of policing allows for the use of controlled force at the risk of harming the reputation of the police, brings questions to the forefront regarding the discretion by which this force is used not only by paramilitary police but also community police officers and to what extent does this effect police legitimacy. This is a concept I shall now explore.

2.8 The Issue of Police Discretion in Policing Riots and its Impact on Police Legitimacy

The issue of police discretion is an important public concern with regards to all forms of policing. With riot policing however, police discretion can critically impact the outcomes of crowd violence. By definition discretion refers to “the degree of ease with which officers can get away from the crime without intervening” (Shi, 2005). When this discretion is used selectively it can have serious issues for positive police legitimacy and the outbreak and escalation of riots. This discretion is often supported by broad laws that allow for police officers to respond to whatever they perceive to be unlawful conduct. This can have dire impacts on the enactment of social movements when police officers can decide upon which actions constitute “reasonable suspicion of criminal activity” (Burke, 2016) and is an example of the social control process of legal regulation.

With regards to riots there are a multitude of factors that influence the application of police discretion (Verma, 1977). These include the setting of the riot, the relationship between the police and the people and the size of the crowd partaking in the riot (Verma, 1977). With different policing approaches to rioting comes different degrees of discretion also. For example, research has shown that a paramilitary style of policing riots often involves a lower degree of individual officer discretion due to disciplined and structured approach that aims at restoring and maintaining order through the use of controlled force. This contrasts greatly to proactive policing where police officers are granted a higher level of discretion in which they are trusted to use their best level of judgement in accordance with the law which ultimately results in proactive policing tactics being “less likely to be recorded, measured, analysed, or supervised by law enforcement organizations.” (Lum, 2020). Where there is no accountability to be held by police officers for the discretion by which they exert their power and where this power is used in excess, police legitimacy can be negatively impacted.

Police legitimacy is gained as a result of long-standing positive police-citizen relations and is fundamental to a democratic society. Research has highlighted that where the crowd nor the

police see each other as legitimate “violence is encouraged” (Waddington, 1987). This represents a cyclical issue facing riot policing; where there is forceful policing there is a negative perception of the police which damages police legitimacy and makes proactive policing strategies impossible to implement yet where forceful policing is implemented at the risk of destroying police legitimacy the occurrence and escalation of rioting is heavily reduced. So the question lies, what is most important to states in times of rioting; maintaining police legitimacy that is reliant upon positive police-citizen relations and requires a long term approach at the risk of infringing upon civilians rights to protest? Or short term physically effective riot control that compromises the relationship between the police and society. The former requires a strong emphasis to be put on improving and maintaining positive police-citizen relations especially in disadvantaged areas where confidence in police may be low and areas that may be more prone to violent outbreaks in order to build the foundations to which police can rely on proactive tactics such as negotiation rather than resort to physical enforcement to prevent and deescalate riots. The latter requires states to take a zero tolerance approach to rioting that instead relies on the physical force of a specific police unit to prevent and deescalate riots rather than relying on relations and perceptions of the police.

As discussed in this chapter, the ways in which states choose to govern and police riots determines a multitude of factors including police legitimacy, policing tactics and their outcomes and the extent to which democratic rights are upheld in times of dissent. In my next chapter I will further analyse how these factors contributed to the outbreak of riots in England and the United States with the aim of uncovering whether these jurisdictions successfully dealt with these riots in order to help me provide answers to my primary research question “*what are ideal state responses to rioting and how can they be achieved?*”.

Chapter 3: A Review of Riots in the Jurisdictions of the England and the United States

3.1 Introduction

The previous chapter explored three primary concepts: riot theory, the politicized nature of rioting and the policing of riots. In this chapter I hope to give context to these concepts through analyzing them with regards to two different examples of highly publicized riots in two different jurisdictions, England, and the United States. In doing so I aim to get closer to answering my research question “*what are ideal state responses to rioting and how can they be achieved?*” by assessing the performance of each jurisdiction in responding to riots. In this chapter I aim to highlight what states responses to rioting in reality look like. This will set the foundations for my following comparative chapter in which the answer to my research question will become most clear.

3.2 England – The 2011 England Riots

3.2.1 Introduction

The 2011 England riots is one of the most heavily documented riot cases within riot literature. The riots in question arose following the death of a young black man Mark Duggan by armed Metropolitan Police officers in the suburb of Tottenham. What first started out as public protests in the Tottenham area soon spiralled into a volatile riot which lasted five days and covered “66 local authority areas” (Bell, 2014) across England and “22 of London’s 32 boroughs” (Bell, 2014). The damage caused by the riots was substantial. Across the country between 13,000 and 15,000 people actively participated in the riots and 5,112 crimes were committed including burglaries, incidents of violence, arson and criminal damage offences (The Riots Communities and Victims Panel, 2012). Amongst these incidents were five fatalities and injuries sustained to over 300 police officers with overall estimated capital loss being close to half a billion pound from law enforcement expenditures, clean-up operations, property damages and financial and tourism losses (Quirk, 2015). The riots brought a multitude of issues to government and media attention including the much criticized police response which was characterised by a high level of “unpreparedness” as well as the relationship between the police and the community, the use of social media as a tool to incite and escalate the violence, the “situational dynamics” (Jefferson, 2015) of the riots which highlighted so called “riot hotspots” (Jefferson, 2015) and the need for a new level of

punitiveness when dealing with riot situations through the criminal justice system (Bell, 2014). My aim for the analysis of this riot is to first provide an understanding of the riot through a theoretical lens in order to demonstrate how theory can be applied to a real life example of a riot in order to help contextualize it. Secondly, I aim to provide understandings on how this riot was handled through analysing the policing response, the criminal justice and the policy response and the lasting impact of the riots on England's jurisdiction in order to conclude on the successfulness of the state's response.

3.2.2 Riot Theory and Typologies Applied to the 2011 England Riots

The application of riot theory and riot typologies to real life examples of violent disorder is beneficial to providing a sense of analytical order to phenomena that are inherently unordered. The 2011 England riots can be identified as an "expressive" (Schneider, 1993) riot, evident through the manner in which participants used the event of Mark Duggan's death to let out pent up emotions and attitudes and how the riot gradually escalated from a peaceful protest into a full scale riot. As discussed in my previous chapter, across academic literature multiple theoretical perspectives on rioting have emerged that are beneficial to understanding the reasons why riots occur. Whilst answering why riots occur is not my primary research question, having a basic understanding of this is beneficial particularly to adopting adequate policing responses. With this being said, I believe a good place to start when implementing theory to this riot is through the use of Waddington's flashpoint model. As previously discussed, the flashpoint model highlights a multitude of determinants that lead to disorder, many of which were evident in the England riots. Most predominantly in this case was the interactional and contextual level determinants which played significant roles in the outbreak and escalation of the riots (Newburn, 2016). The interactional level in this case focuses primarily on the dynamics between the police and the individuals involved in the rioting and the contextual level refers to the history of bad relations between the two groups. Interviews conducted on participants of the England riots suggest that a key driver for the riot and its escalation over the five-day period was fueled by an "anti-police sentiment" (Drury, 2020) driven by racial profiling and the over-use of stop and search powers and was based on a history of discrimination and alienation felt by the participants (The Guardian and London School of Economics, 2011) The claims in these findings were further supported by surveys from the Metropolitan Police that found that individuals living in the areas that were the worst affected by the riots had lower confidence in the police prior to and following the riots

(Hohl, 2013). These findings recognize interactional and contextual factors as determinants of the 2011 England riots. The flashpoint model can also be beneficial in analyzing the de-escalation of the riots and recognizing possible catalysts for rioting. Prior to the England 2011 riots, England had seen similar riots over the decades. Between the 1980's to 2011 multiple large scales riots had occurred, all of which were in areas that had high levels of “poverty, deprivation and isolation” (Newburn, 2015) in common. By taking into account this contextual factor as well as the evidence highlighting the lack of confidence in the police in the area, preparation strategies can be implemented. In the case of the 2011 England riots “community safety” (Newburn, 2016) strategies (e.g. crowd control tactics such as barriers) were used to disperse crowds in areas previously affected by civil disorder were implemented on the basis of contextual determinants being recognized. This was also the case with the interactional determinants that were recognized and utilized to provide negotiation strategies between influential community members and police officers to discuss how policing tactics could be best implemented to control the crowd and avoid any further escalation (Newburn, 2016).

The implementation of the flashpoints model to contextualize the 2011 England riots is ultimately beneficial due to its role in pinpointing areas in which policy reform is needed so that future disorder is prevented or mitigated (Newburn, 2018), a topic that I will later discuss.

3.2.3 Media Portrayal of the 2011 England Riots

The role of social media as well as the portrayal of the riots by news media has been heavily criticized for helping to incite and escalate the riots. A report published by the Riots Communities and Victims Panel criticized social media and televised coverage of the riots for its role in spreading the rioting due to “images of police watching people causing damage and looting at will” (The Riots Communities and Victims Panel, 2012) being circulated which portrayed the police as incompetent and outnumbered. The Home Affairs Select Committee supported the findings of this report stating that the perception that the police had lost control of the streets portrayed on television and social media platforms was the “single most important reason for the spread of the disorder” (The Riots Communities and Victims Panel, 2012).

The ability of social media in particular to be used as a tool to incite and escalate disorder has caused great concern. The advancement of technology since the 2011 England riots has been

of great help to police forces globally, however in the case of the police's response to the 2011 England riots the use of social media to successfully incite and escalate disorder highlights another way in which law enforcement were unprepared, a topic I shall now discuss.

3.2.4 Policing Response

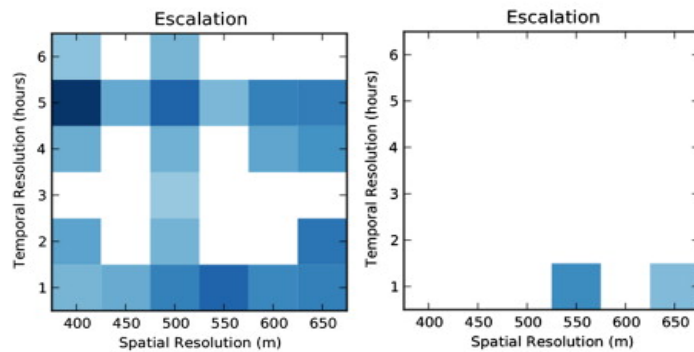
The 2011 England riots sparked much public, political and academic debate on the adequacy of the policing service in dealing with violent crowds. The policing response to the rioting was initially "passive" (Bell, 2014) in nature with officers being heavily outnumbered from the offset. The lack of police officers deployed in the first three days led to high levels of violent escalation amongst the crowd. It was only on the fourth day of rioting that the police response shifted to a more punitive approach and the number of officers deployed increased from 3480 officers initially to 16,000 officers on the last day of rioting (Bell, 2014). As discussed in the previous section, much of the literature and studies done on the 2011 England riots have pointed towards the negative perceptions of the police and relations between the police and the public as being one of the leading contributors to the emergence and escalation of the riots. This raises questions as to what policing strategies contributed to this escalation and tension between the police and the community, as well as what strategies failed to immediately stop the riots and what strategies were implemented in the final two days that were most effective in ending the riots. Answering these questions is crucial to understanding what policing strategies are most effective in dealing with rioting scenarios.

Research has shown that the initial response taken by police was composed of elements of a proactive approach. The initial approach used was proactive in nature due to its emphasis on prevention and containment. The approach included tactics such as crowd dispersal strategies, hot spot policing strategies through recognizing and cutting off public access to "potential trouble spots" (HMIC, 2011), investigative strategies dedicated to identifying individuals through the use of CCTV and community engagement strategies to help with the identification of those partaking in rioting activities such as looting and arson and ultimately perform arrests (HMIC, 2011). Whilst these strategies may have proved effective in theory and in less violent scenarios, due to the factors which I will now discuss these tactics failed to stop the rioting quickly and effectively for a multitude of reasons. Firstly, the police were perceived as illegitimate from the very beginning. The outbreaks of rioting were fueled by an anti-police sentiment that had been a long-standing issue in the community but escalated

further following the death of a young man at the hands of a Tottenham police officer. The tension between the community and the police combined with the issue that the police were heavily outnumbered, portrayed the police as an illegitimate force and allowed for participants of the riot to use the occasion to demonstrate their hostility towards the police. In an analysis conducted on interviews with participants of the riot, it was found that participants were “empowered” (Drury, 2020) by the “vulnerability” (Drury, 2020) of police officers. This study also revealed that the majority of participants interviewed considered their anti-police attitudes to be their reasoning for joining in on the riot, with participants who stated this considering themselves as part of a “collective” (Drury, 2020) who view police officers as the common enemy guilty of discrimination and misusing their power (Drury, 2020). This study is one of many done on the negative police perception of those involved in the England riots and further emphasises the importance of police legitimacy in riot scenarios. A second factor as to why the proactive approach to policing the England riots was ineffective, can be referred back to the aims of the approach. The “proactive” (HMIC, 2011) approach initially taken by police has been widely proven to be best used as a preventative measure that is most effective when used as a crowd control measure and not as a de-escalation method in rioting scenarios. During the time at which this approach was being taken the acts of looting and arson were already taking place across the city (Quinn, 2011) making any form of preventative measure impossible to implement with the number of police officers deployed. Statistics have shown that in the first three days of rioting police were outnumbered at times by a ratio of 4:1 (HMIC, 2011). This statistic puts into perspective how difficult any form of crowd control would have been to implement. In order to reap the benefits of a proactive policing approach such as negotiation abilities, crime prevention and the maintaining of social order, work on police-citizen relationships as well as extensive police resource preparation and police training is crucial.

A final reason as to why the proactive approach was unsuccessful during the England riots was due to the pattern and speed at which the riots spread across the country. In a study conducted examining the “space-time patterns of disorder” (Baudains, 2013) observed during the riots, four patterns of diffusion (i.e. independent causes of rioting) were outlined, “containment, escalation, flashpoints and relocation” (Baudains, 2013). This study found that in the first three days of rioting when police officers adapted a proactive approach, the riots spread through means of escalation (disorder which continues in affected areas and also spreads to nearby areas) containment (disorder which reoccurs in a particular affected area) and flashpoints (disorder which appears out of nowhere), all at a rate that was much higher

than expected (Baudains, 2013). However, when a more reactive approach was taken due to an increase in police officers and police resources in the final two days, there was a significant decrease in riot diffusion as shown in the graph below (Baudains, 2013). This study further supports the theory that proactive policing is often ineffective during instances where levels of riot diffusion are significant.



The arguments above pertaining to the use of proactive policing in riot situations have emphasized research mentioned previously that suggests that whilst there is much to be favored about a proactive approach to riot prevention, the conditions in which this approach is best used are not always present and therefore careful consideration of factors such as police-citizen relationships, police legitimacy, geographical location, police resources available and the type of crowd being policed should all be taken into account before performing a proactive policing response on a volatile riot situation.

On the contrary to the above arguments, it is important to recognize the policing tactics that were implemented in the final two days of the 2011 England riots that resulted in the ceasing of the disorder. As stated above, the final two days consisted of a more “reactive” (HMIC, 2011) approach, primarily due to the deployment of a further 12,000 officers compared to the first day of disorder (Bell, 2014) and as a result of this had a deterrent effect. This approach consisted primarily of targeted arrests and vehicle tactics used to “take back ground” (HMIC, 2011) as well as the use of equipment such as shields, batons, and police dogs all of which were in low supply during the first three days of rioting (HMIC, 2011). The use of reactive policing tactics in effectively ending the five-day long riots that took over boroughs across England supports academic arguments that the portrayal of police officers as entities of force creates the idea that the police are a cohort that cannot be challenged.

To conclude, whilst the policing response to the 2011 England riots faced much criticism, it provides us with fruitful insights into how policing can be altered to effectively prevent and stop rioting when it occurs. Developing, preparing, and implementing evidence-based crime strategies is imperative to avoiding the occurrence and escalation of rioting. These strategies

should be based upon either a proactive or reactive policing approach which is supported by a commitment from law enforcement to properly train officers to apply this approach in times of disorder. If a proactive approach is to be taken, then steps to build and maintain police legitimacy and positive police-citizen relations needs to be prioritized in order to be able to rely on tactics such as negotiation and crowd control, should disorder arise. If a reactive policing approach is to be taken, then structured and detailed training of police officers on the use of riot gear, the use of force and application of the law in a fair manner is imperative to ensuring that the use of reactive techniques are implemented to fulfil their purpose of preventing or ending riots as quickly and efficiently as possible. By committing to a crime strategy that is supported by law and recommended by policy, the risk of disorder occurring is minimized.

3.2.5 Criminal Justice and Policy Response

The role of the criminal justice system in dealing with the 2011 England riots, is another area that has come under much debate with some praising it for its quick and harsh response to those arrested whilst others condemning it for not being a part of the solution to address issues that the riots stemmed from. The punitive political rhetoric that permeated the media translated directly into practice through harsh sentencing from the criminal justice system and disciplinary policies implemented in the aftermath of the riots (Lamble, 2013). Research has shown that as a result of these harsh sentences that were given to those involved, a deterrence effect was caused which greatly helped with the de-escalation of the riots (Bell, 2014). Arrest levels were high, especially in the final two days and of those arrested and charged 82% had their court appearance the same week of the riot (Bell, 2014), highlighting the swiftness and commitment of the criminal justice system to this punitive approach. Within one year of the riots approximately one third of all individuals involved in the rioting had been “cautioned, charged or summonsed to court” (Bell, 2014) (Samuelson, 2021). It is important to note that at the time the England riots took place, there was no sentencing guidelines available to courts within the English criminal justice system regarding riot offences specifically (Bell, 2014) which resulted in cases being dealt with in more serious courts (e.g. the crown courts) (Cooper, 2012). In a study conducted on the deterrent effects of the 2011 England riots, it was found that there was a “significant drop in riot crimes across England in the six months after the riots” (Bell, 2014). The findings of this study and research that praised the mentioned deterrence effect were contradicted by reports that criticized the “overzealous”

response of the criminal justice system that questioned the apparent “political interference” (Lamble, 2013) with the judiciary’s punitiveness. Similar to the immediate response of the criminal justice system was the subsequent policy response to the 2011 England riots. The policy response that emerged was also punitive in nature and aimed at restoring “decent traditional values and ways of behaving.” (Cooper, 2012) with an emphasis on reforming “punitive welfare and criminal justice sanctions” (Cooper, 2012) as well as managerial hierarchies and responses to “situational crime” (Cooper, 2012). As a result of these criminal justice and policy reforms those involved in the rioting were punished with “disproportionate sentencing” (Cooper, 2012), loss of social benefits and even “eviction notices to tenants in social housing” (Lamble, 2013). These punishments highlight a trend of penalization towards individuals of a lower socio-economic class and fail to address the deep-rooted underlying causes of the England riots. By taking this punitive reformatory approach rather than addressing the issues of equality, the long standing negative perceptions of the police, the criminal justice system and the State are continued and diminished further. When individuals feel they are unable to trust these figures, the foundations on which democracy stands are challenged, further highlighting arguments made regarding the importance of police legitimacy at every stage in ensuring rioting behaviour is prevented.

3.2.6 The Current Policing and Criminal Justice Response to Rioting in the United Kingdom

Thirteen years on from the 2011 England riots the punitive turn that overtook policing and criminal justice responses to disorder has firmly remained and has subsequently morphed into a mechanism of social control. Under the European Convention of Human Rights sits articles 10 and 11 which protect an individual’s right to peaceful protest (Nickolls, 2023). However, under United Kingdom legislation the State has the power to disregard these rights under the pretense of preserving public order and “protecting public safety and the rights and freedoms of others” (Nickolls, 2023). Along with this are multiple other injunctions and acts such as the Public Order Act 1986, the Public Order Act 2023 and the Police, Crime, Sentencing and the Courts Act 2022 as well as a multitude of criminal offences that “restrict protests by placing conditions on them” (Nickolls, 2023) and legalize features of protesting such as obstructing transport, interfering with infrastructure and “locking-on” (Nickolls, 2023). These acts increase the powers of the police and the criminal justice system in preventing and persecuting those engaging in “disruptive protest tactics” (Nickolls, 2023). It is clear from the

enactment of these criminal offences and legislative frameworks that the primary response taken to ensuring that the 2011 England riots do not reoccur is to heavily implement the legal regulation and negotiation of protest technologies of social control to any form of protest. As previously discussed, implementing these technologies results in repression and the criminalization of protest which leads to social inequality being upheld through lawful means (Whyte, 2021). Following the England 2011 riots a choice was made to strengthen the means of social control rather than target resources at combatting the underlying issues of the 2011 riots. In doing so the State ultimately chose to strengthen and reinforce its own control at the expense of further victimizing those who are worst affected by the inequalities perpetuated by the State.

3.2.7 Success in Responding to the 2011 England Riots

This discussion on the 2011 England riots has included analyses of determinants of the riots, the policing response and policing strategies taken and the criminal justice and policy response to the riots. I believe from the arguments made and the evidence provided it is fair to state that the overall State response to these riots was overall punitive in nature and in being so lacked much acknowledgement for the reasonings behind the disorder that occurred. This lack of acknowledgement provides us with a useful insight into the health of democracy and the level of social control within the jurisdiction of England which has been fundamental in ensuring a lack of rioting in recent years but perpetuates a cycle of social inequality.

When considering whether or not the State response to the England 2011 riots is ideal it is important to refer back to what is meant by “ideal”. As previously discussed, the best possible response to rioting both from a policing and criminal justice standpoint ensures that police legitimacy and the right to protest is maintained whilst the prospect of riot outbreaks and riot escalation remains low. From arguments made in this analysis it is clear to see that the State response to the 2011 England riots was not ideal due to a lack of police legitimacy and the manner in which the riots escalated. Recommendations that could have been considered following the riots could include, firstly a nationwide training program for police officers aimed at training officers in crowd management strategies, negotiation tactics and the use of riot gear. Secondly, an investigation into the root causes of the rioting aimed at uncovering the grievances at the heart of the disorder in order to implement strategies in communities worst affected by the disorder. Finally, a greater emphasis put on the building of police-community relations supported by evidence-based strategies in order to increase police

legitimacy in areas where confidence in police is low ultimately helping the prevention of riots. I will discuss later in my dissertation how the ideal state response can be met by jurisdictions where I hope to give guidelines for a framework based on research gathered from both England and the United States and their responses to rioting.

3.3 United States – The 2021 Capitol Riots

3.3.1 Introduction

The phenomenon that was the 2021 Capitol riot has permeated riot and crowd theoretical discourse since its occurrence on January 6th four years ago. The attack on the Capitol building in Washington D.C first began as a protest of the vote-counting ceremony following the 2020 U.S. presidential election in which Donald Trump lost the presidential election to Joe Biden (Duigan, 2024). The riot was made up of Trump supporters (referred to as the “mob” (Duigan, 2024)) who aimed to keep Trump in office by preventing a session of Congress from tallying the Electoral College ballots and formally announcing the election of Joe Biden as the next U.S president (Duigan, 2024). The mob were fuelled by claims from Trump who promoted and spread false information about the legitimacy of the election on various social media platforms and in his speech given at the rally on January 6th. Following Trump’s speech over “2000 rioters” (Maguire, 2022) stormed the Capitol in an organized attack with the intention of preventing the execution of the vote counting process in an attempt to keep Donald Trump in office. This attempt resulted in five deaths, multiple police officers injured, 675 arrests (Jacobs, 2022) and had a lasting impact on American policing, voting, policy and politics in the United States. The Capitol riot has been referred to as an attempt to “upend American democracy” (Williams, 2021) and has highlighted some of America’s most concerning issues including far right extremism, the police legitimacy crisis the politicization of the criminal justice system, and the expanding reign of social control on democracy.

The structure and aim of this analysis of the 2021 Capitol riot will follow a similar analysis to my review of the 2011 England riots. I will firstly provide an understanding of the riot through a theoretical lens using both the flashpoints model as well as applying crowd control theory to this riot in order to help contextualize both the riot itself and the participants involved. Secondly, I aim to provide understandings on how this riot was dealt with through analysing the policing response, the criminal justice and the policy response and the lasting impact of the riots on the United States’ jurisdiction in order to conclude on the successfulness of the state’s response to disorder and how this response aligned with an ideal response to rioting.

3.3.2 Riot Theory and Typologies Applied to the 2021 Capitol Riot

The 2021 Capitol riot differs from the 2011 England riots both in definition, type, theory, and response. Across literature, legislation, and media the Capitol riot has taken on a term not often used in riot literature. The term “insurrection” has garnered much attention since being ascribed to the Capitol riot and has led to much debate. By definition the term refers to a “violent uprising against an authority or government” (Allan, 2022). Whilst the term “riot” and the term “insurrection” are not interchangeable they are both applicable to the Capitol riot. As previously discussed having a clear definition for the term “riot” is crucial to responding appropriately to disorder. With this being said I will examine this concept further in my comparison between different definitions of the term “riot” in England and the U.S.

With regards to the typology in this case, this riot can be ascribed to the “instrumental” (Schneider, 1993) riot typology which refers to planned and structured riots that have an impactful purpose based on a common belief (Schneider, 1993). Following an investigation into the Capitol riot it was found that plans to storm the Capitol had been made almost three weeks in advance of the riot actually happening (Committee of the Whole House on the State of the Union, 2022). Following tweets made by Trump, supporters of the former president felt as though he “summoned” them and that “the President’s announcement was a call to arms.” (Committee of the Whole House on the State of the Union, 2022). This call resulted in extremists, conspiracy theorists and far right militia movements organizing approaches to storm the capitol, using encrypted messages to communicate the plan of attack and storing weaponry in close proximity to the Capitol building (Committee of the Whole House on the State of the Union, 2022). The “impactful purpose” (Schneider, 1993) at the heart of these efforts was to forcefully prevent the execution of the vote counting process therefore preventing Biden winning the presidential election and was based on the belief that Donald Trump had been robbed by the Democratic party of his rightful presidency and that the process had been rigged as stated by Trump (Qiu, 2023). It is clear from these details that the “instrumental” (Schneider, 1993) typology can be identified in the Capitol riots.

As previously discussed the flashpoints theory highlighted a multitude of determinants in the case of the 2011 England riots. Whilst the flashpoint theory can be and will be applied to this case, crowd theory was also evident during the Capitol riot. In order to provide a theoretical analysis of the Capitol riots similar to my analysis of the England riots I will firstly focus on

the presence of Le Bon's crowd theory as well as Waddington's flashpoint theory and the determinants that were evident in the case of the Capitol riot.

Le Bon's crowd theory argued that crowds are created through the "disappearance of a conscious personality (identity) and a similarity in feelings and thoughts" (Granström, 2009). His theory comprises of multiple elements that were evident in the mob that stormed the Capitol in 2021 such as "social influence processes, emotional contagion...loss of self-awareness, intellectual functioning, decision making, and leadership" (Kenworthy, 2022). The social influence processes were evident through the influence of Trump's "call for arms" (Committee of the Whole House on the State of the Union, 2022) prompting supporters from all over the United States to flock to Washington on January 6th as well as the through the behaviour of others in the crowd which were then imitated by others and further fuelled the mob mentality (Kenworthy, 2022). The emotional contagion process was clear on January 6th through the manner in which the emotional state of the mob was influenced by the emotional state of their leader, Trump which echoed not only emotions of comradeship but also anger (Kenworthy, 2022). When these processes along with a lack of "self-awareness, intellectual functioning, decision making, and leadership" (Kenworthy, 2022) are backed by a strong political belief as is the case with Capitol riot, it allows for the opportunity for disorder to arise. The mob that was responsible for the disorder caused on January 6th at the Capitol building were prone to manipulation by multiple sources including online discourse, encouragement by other participants of the riot and most influentially Trump himself who lied to his supporters regarding the legitimacy of the 2021 presidential election. This manipulation lead to an "incapacity to reason" (Borch, 2013) (Drury, 2017) which combined with Le Bon's mechanisms of the crowd resulted in a mob that overran law enforcement and were armed with weaponry and misinformation on the condition of American democracy. An element of Le Bon's crowd theory that misaligns with what we know of the mob that descended upon the Capitol building is its argument that the crowd is often made up by individuals from lower socio economic backgrounds who are "impulsive and thoughtless" in nature (Newburn, 2021). Instead surveillance footage from the riot reveals a different type of crowd involved in the insurrection, one that is made up of "middle-aged, upper class and conservative" (Jacobs, 2022) individuals including CEO's, college professors and former State representatives (Jacobs, 2022).

Le Bon's crowd theory is pivotal in understanding the rationale of the crowd in the case of the Capitol riots. However, as discussed previously and as highlighted in its argument on the types of individuals who may form the crowd, it lacks consideration of the presence of

external societal and political factors. In order to bridge this gap in the theory I will now discuss Waddington's flashpoint model and the determinants that led to the 2021 Capitol insurrection. In this case the determinants I will be focusing on are the political/ideological determinants and the cultural determinants. The most obvious and dominant determinant responsible for the Capitol riot were the political/ideological factors at play. The political significance of the Capitol riots is a vast topic that expands far beyond the parameters of this dissertation. With this in mind I will attempt to discuss this political nature solely with the aim of highlighting how it influenced the policing, criminal justice and State responses. Firstly however, I will give a brief overview of its role as a determinant of the Capitol riot. This determinant refers to the "the way in which key ideological institutions – political parties, media, police and judiciary for example – react to culturally or politically dissenting groups in the community and its environs." (Newburn, 2016) (Waddington, 2005). The mob that violently descended upon the Capitol building can be classed as a "politically dissenting group" (Newburn, 2016) (Waddington, 2005). In an attempt to "Stop the Steal" (Jacobs, 2022) the group reacted to calls from their leader Trump as well as from "key ideological institutions" (Newburn, 2016) (Waddington, 2005) including elite leaders and politicians who supported election conspiracy theories as well as mainstream media sources who promoted "misinformation and fake news" (Jacobs, 2022) which further fuelled these theories that ultimately led to the insurrection. The political/ideological determinant played a significant role in the outbreak of the Capitol riot and stemmed from discourse that argued the legitimacy of the 2020 election. This discourse was fuelled by far-right leaders which then permeated the media and led to the rise of harmful conspiracy theories that were promoted by elite politicians further validating the legitimacy of the claims. The encouragement of the Trump administration and pro-Trump media resulted in a collective who felt a responsibility to defend their leader and their country from the corruption of a rigged election which ultimately resulted in the historical event that was the Capitol insurrection.

The next determinant that I will be investigating with regard to the Capitol riots is the cultural determinant. This determinant refers to "the ways in which different social groups understand the social world and their place in it." (Newburn, 2016) (Waddington, 2005) as well as how these social groups define "the rules informing their behaviour in particular situations" (Cobbina, 2020). This determinant recognizes how "contrasting ways of life, belief systems, and codes of conduct of the relevant parties" (Cobbina, 2020) can increase the opportunity for disorder to occur. In the case of the Capitol riot, research has shown that three main social groups made up the participants of the riot, all of which held similar views. They were,

domestic violence extremist (DVE) groups which made up the majority of the participants involved, organized groups with no association to DVE and individuals acting alone (Wang, 2022). These groups all held similar beliefs including a strong alignment with extremist and anti-government conspiracy theories as well as their loyalty to Trump. The extremist belief systems of these social groups has been argued to be one of the leading causes of the Capitol riots and therefore aligns with the cultural flashpoint determinant.

The political/ideological and the cultural factors discussed above provide answers as to what may have ignited and fuelled the Capitol riots. In order to answer my research question “*what are ideal state responses to rioting and how can they be achieved?*” it is important to recognize the determinants of the riot in order to better understand the response taken by the state which will ultimately assist me in concluding on the successfulness of the state in responding to the disorder.

3.3.3 Media Portrayal of the 2021 Capitol Riot

The changing media landscape in American news media has been heavily criticized for years now regarding its “political polarization” (Roscini, 2024) which has seen American society divided over conflicting political views. Academics have argued that the divisions between the Democratic and Republican party have grown over time as “people’s social identities have slowly become intertwined with their political identities.” (Roscini, 2024) and that this division has been heavily driven by the American media landscape due to the spreading of misinformation to their viewers (Roscini, 2024). This “political polarization” (Roscini, 2024) was highly evident through the coverage of the Capitol riot and how the riot was framed by the media. Left wing media channels blamed Donald Trump for his role in inciting the riot in an attempt to “overthrow the democratic government” (Ostafiński, 2022) and have used words such as “terrorism” when describing the attack (Brown, 2021). This portrayal differs substantially to the coverage of right-wing media who were significantly less likely to use the word “insurrection” in their coverage of the Capitol riot (Yang, 2022). Instead, they used words such as “attack, incursion, protest, or riot.” (Yang, 2022). Right wing media have also been heavily criticized due to undermining the impact of the riot, classing it as “legitimate political discourse” (Yang, 2022).

The discrepancies in the portrayal of the U.S Capitol riot between different media channels highlight a “major ideological and political divide in the American media.” (Ostafiński, 2022). This divide is especially concerning when it has the power to distort the definition of a

riot and is even more concerning when this divide seeps into how disorder is responded to which I shall now discuss.

3.3.4 Policing Response

The January 6th insurrection shed an unforgiving light on some of America's most serious issues. This included outlining the shortcomings of The United States Capitol Police (USCP) (one of the most important specialized police forces in the country) which indicated a much bigger issue facing disorder policing in America that academics, activists, and reformers have been warning of for years (Johnson, 2022). The increase in "hate crimes and domestic terrorism" (Johnson, 2022) in recent years, as well as the rise of white supremacy and the far-right movement and their controversial agendas has been an issue that has been argued to be mostly overlooked by law enforcement. This was evident through the tame policing approach taken to the Capitol riot. Evidence from the insurrection shows a policing approach that was arguably passive in nature and involved officers posing for pictures with rioters and enabling rioters to trespass (Grobe, 2022). What is evident from this approach is the failure of the USCP to fulfil their core duty which is to protect Congress and the Capitol building.

In order to understand what policing strategies were most effective in resolving the disorder that occurred on January 6th, it is important to identify the strategies that were used. In saying this, it must be noted that evidence from January 6th and arguments made in the wake of the insurrection shows that the response taken by the USCP was weak and lacked the force needed to cease the disorder (Johnson, 2022). Unlike in the 2011 England riots where both a proactive and reactive approach was taken to the disorder, in the case of the Capitol riot the approach taken by the USCP does not necessarily fit either typology. Evidence from the insurrection has shown how the USCP enabled hundreds of rioters to trespass into the Capitol building by withholding a forceful approach despite the violent tactics deployed by participants of the mob which included the use of their own "crowd-control weapons" (Grobe, 2022). As a result of this lack of force and the USCP's unwillingness to deploy forceful tactics including arrests, many individuals avoided detainment on January 6th which resulted in local and federal investigators searching social media platforms to identify participants (Stahl, 2021). A common argument amongst much of the literature on the topic considered the law enforcement to be complicit in the Capitol riots in many ways such as the lack of warranted force. Academics have argued that this lack of force was a result of racial bias and "sympathy towards the ideologies of extremism." (Johnson, 2022) which was made

possible by the extent of discretion available to the officers. The Capitol riot itself was rooted in antidemocratic, racist and white-supremacist ideologies which were shared by many police officers entrusted with the responsibility of protecting the Capitol building. In an analysis conducted on the participants of the Capitol riot it was found that 20% of the individuals involved had previously served in the military and a large portion of the mob were both active and retired police officers (Anderson, 2021). This statistic emphasises arguments on the importance of building and maintaining perceptions of the police. When those who are given a duty to serve and protect engage in conduct that threatens the pillars of democracy it puts the reputation of the police at risk. As discussed previously evidence suggests that a key way of improving police perception is through a proactive policing approach. Statistics such as these further support the implementation of this approach in times of social unrest.

The response taken by USCP to the Capitol riots was heavily influenced by white extremism ideologies and racial bias which ultimately led to a weak show of force and resulted in a need for reinforcements from multiple federal agencies. The approach taken by the reinforcements such as the National Guard which operated as a “militia” (Goldenziel, 2022) followed a reactive approach which ultimately put an end to the disorder after over five hours of rioting (Lonsdorf, 2024). As discussed previously, research conducted on the use of paramilitary policing to control and deescalate riots has proven the approach to be successful in allowing for the use of force to be utilized in a disciplined manner (Waddington, 1987). However, in using this approach police legitimacy is forfeited. In the case of the Capitol riots the tendency of the police involved to respond to the disorder sympathetically based on their own ideologies “contributes to the police legitimacy crisis in the United States.” (Maguire, 2022). By implementing an approach that allows for the possibility of bias policing not only is police legitimacy put at risk but also the democratic values on which the country stands. Following the Capitol riots the U.S Senate published a report examining the riot and the policing response taken to the disorder. In reviewing the insurrection the U.S Senate declared in their report that the key issues faced by the USCP on January 6th were a “lack of riot control training and equipment, the absence of a comprehensive response plan at an organizational level, negligence of riot control equipment management and issues with the analysis and distribution of information about the risks.” (Lee, 2023) (U.S Senate, 2021). The recommendations for improvement put forward by the Senate focused solely on further implementing a reactive based approach to disorder and included recommendations such as “establishing a permanent Civil Disturbance Unit, reinforcing both basic and advanced riot control training, and preparing a holistic response and police force deployment plan.” (Lee,

2023) (U.S Senate, 2021). The report has faced criticism for its reinforcement of reactive policing tactics, however some of its recommendations do correlate with arguments previously made in this dissertation. As discussed previously the use of specialized riot squads who are properly trained and well equipped to control and deescalate riots can prove effective. The effectiveness of this approach was evident in the final days of the 2011 England riots. This reactive approach however forfeits the ability to negotiate and deescalate riots from the very beginning. A key issue faced by the USCP mentioned in the report was the “analysis and distribution of information about the risks” (Lee, 2023) (U.S Senate, 2021). The importance of information and communication regarding risk is pivotal to coordinating an effective policing response be it reactive or proactive whilst ensuring public safety. Regardless of the approach taken to deescalate disorder it is paramount that communication between police officers and law enforcement agencies is maintained. Whilst the U.S Senate report does provide recommendations that are evidence based, the recommendations given still stem “from the perspective of power” (Lee, 2023). By focusing on the element of power, changes suggested to improve the future of disorder policing will not be able to reap the benefits of a proactive approach and instead the issues of police legitimacy, police discretion and police bias go unaddressed and are instead further enabled. Tackling these issues however does not start with the reforming of disorder policing. The reformation of the American criminal justice system as a whole has been a global discussion amongst academics, politicians, activists and reformers for decades now. The system on which American policing stands on is one that has been heavily criticized for its racial bias’, which has been evident from years of disproportionate sentencing, racial profiling, police violence towards people of colour and high incarceration rates of ethnic minorities. These critiques have once again been brought to the forefront as of recent due to the global attention garnered as a result of the Black Lives Matter movement. The policing of the Capitol protest not only outlines the shortcomings of the USCP but it also highlights long standing arguments on the discrepancies of policing in America.

3.3.5 Criminal Justice and Policy Response

In the aftermath of the Capitol riot arguments regarding the correct course of justice for participants of the riot, the correct legal response for future disorder and the value of the country's Riot Acts has been brought into question and permeated academic discourse on the insurrection. Currently in the U.S there are a number of different legislative acts and statutes pertaining to rioting across the 47 of the 50 States (International Centre for Not-For-Profit Law, 2024). These include the Anti-Riot Act, the Civil Disorder Statute, The National Firearms Act, the Gun Control Act, and various other statutes proscribing arson, explosives, and unlawful conduct with regard to federal property (Congressional Research Service, 2020). Whilst the majority of these legislative pieces could have been applied to the Capitol riot, very few of them actually were. The Anti-Riot Act which upon its foundation in 1968 (Zalman, 1975) was created for situations precisely like the Capitol riot. The Act prosecutes those who travel within or use a facility used for interstate commerce with the intention of engaging in one of four activities (Congressional Research Service, 2020). These activities include "(1) inciting a riot, (2) organizing, promoting, encouraging, or participating in, or carrying on a riot, (3) committing any act of violence in furtherance of a riot, or (4) aiding or abetting any person in such activities." (Congressional Research Service, 2020). From what we know about the Capitol riot, each of the over 2000 participants (Maguire, 2022) involved took part in at least one of these activities, however out of the 1230 individuals that have been charged for their involvement (Kunzelman, 2024) none of the defendants have been charged with Federal Riot Act charges (Marcus, 2023). Instead defendants have been charged under the Civil Disorder Statute and other federal statutes including charges for crimes such as "Violent Entry and Disorderly Conduct in a Capitol Building, Obstruction of Justice/Congress" (Marcus, 2023) and various weapon and misdemeanour charges (Marcus, 2023). These charges brought significantly less punitive consequences for those prosecuted, with most sentences resulting in community service, fines and probation (Zorthian, 2023). The median prison sentence for those convicted has been 60 days with the maximum sentence for involvement being handed out to members of some of the far-right extremist groups who were given sentences of up to 22 years (Said, 2023).

This response from the criminal justice system to the Capitol riot highlights a worrying similarity between the law and law enforcement's sympathetic approach towards far-right ideologists and extremists, an approach which is vastly different from the one taken towards

participants of Black Lives Matter movements and has been highly criticized by activists and advocates for further pushing the police bias rhetoric (Said, 2023).

With regards to the policy response taken to the Capitol riot the approach taken was punitive in nature and focused heavily on improving the USCP and its reinforcements (Walker, 2022) (U.S Senate, 2021) as well as reforming Section 230 of the Constitution which pertains to the use of internet platforms to share information (Morrison, 2021), and reforming voting laws such as the Electoral Count Act which defines how elections should be properly performed (Muller, 2022). In a report published by the Capitol Police Board following the failures of the USCP to protect Congress on January 6th, a multitude of reforms were recommended and subsequently developed. These reforms which had also been previously recommended in the 2021 U.S Senate Report on the Capitol riot focused on strengthening the powers of the USCP and included; improving the gathering, analysing and sharing of information between members of the USCP, increasing “command and control capabilities” (Walker, 2022) and upgrading of riot gear for all USCP officers which now includes “ballistic helmets, single and multi-shot 40 MM launchers and a response vehicle” (Walker, 2022) to name just a few of the 90 reforms implemented (Walker, 2022). Whilst the vast majority of the reforms that were developed focused heavily on the expansion of “power” (Lee, 2023) as previously discussed with regards to the policing response, it must also be added that there has been a sentiment from the USCP which has been echoed by the Department of Justice that the physical and mental wellbeing of police officers must be protected and therefore a list of reforms to help achieve this have been developed. This highlights the ability of the American criminal justice system to deploy holistic recommendations when it is deemed necessary. As discussed throughout this dissertation, when punitive responses are favoured over addressing the root causes of disorder the effects are catastrophic for police legitimacy, the perceptions of the police and the criminal justice system, the protection of the right to protest and the occurrence of rioting. The criminal justice and policy response taken to the Capitol riot corresponds with the policing response taken in the respect that both responses show a disregard for the root causes of the insurrection. In order to work towards evident based ideal responses to rioting significant reform is needed.

3.3.6 The Current Policing and Criminal Justice Response to Rioting in the United States

The effects of the Capitol riot are still evident in American society over three years later and will be for time to come. The shift in American policing, voting and politics following the insurrection has left the country in almost a state of suspense. From the arguments made above it is clear that the policing and criminal justice approach towards the Capitol riot was punitive in nature with an emphasis on expanding command and control powers. These arguments bring into question the future of protest in the United States and the impact of the Capitol riot on political repression. In the four years since the insurrection over 80 anti-protest bills have been passed across the country (Marcetic, 2022). These bills included sanctions prohibiting protestors from blocking traffic and unlawfully assembling, as well as requiring protestors to gain State permission based on protest locations and most worryingly expanding the definition of the word “riot” in several states (International Centre for Not-For-Profit Law, 2024). The enactment of these bills demonstrates a worrying shift towards the penalization of protest in the U.S through the legal regulation and negotiation of protest technologies on which these bills are focused. By implementing these technologies of social control, social inequality is further upheld through lawful means (Whyte, 2021). Following the 2021 Capitol riot the U.S made a choice to expand its means of power rather than targeting resources at combatting the underlying issues and systematic bias’s that allowed the Capitol riot to occur. In doing so the State ultimately chose to strengthen and reinforce its own control at the expense of forfeiting strategies to build confidence in the police and the criminal justice system.

3.3.7 Success in Responding to the 2021 Capitol Riot

This discussion on the 2021 Capitol riot has included analyses of determinants of the riot, the policing, criminal justice, and policy response taken to the riots, the role of the media on portraying the riot and a discussion on the aftermath of the riot.

When considering whether or not the State response to the 2021 Capitol riot was ideal it is important to take into consideration the elements that make up an ideal response to rioting. As previously discussed, the best possible response to rioting both from a policing and criminal justice standpoint ensures that police legitimacy and the right to protest is maintained whilst the prospect of riot outbreaks and riot escalation remains low through the implementation of an evidence-based approach from both a law enforcement and a criminal

justice system perspective. From arguments made in this analysis it is clear to see that the State response to the 2021 Capitol riot was not ideal due to the following reasons. Firstly, a lack of police legitimacy was evident through the absence of authority shown by the USCP as well as the heightened negative perceptions of the police in the aftermath of the riot. Research has shown that where levels of police legitimacy are low “violence is encouraged” (Waddington, 1987) and therefore makes proactive policing strategies impossible to implement. In order to achieve this legitimacy, there must be a commitment from police to protect public safety regardless of their own personal biases and political views. Research has shown that officers who have completed anti-bias training had fewer complaints of discrimination by community members than officers without such training (James, 2023). Whilst a multitude of reforms have been implemented to strengthening the force of the USCP it is equally as important to implement strategies that focus on improving confidence in police.

Secondly, following the Capitol riot multiple anti-protest laws were enacted across the U.S which criminalize the democratic right to protest (Lacy, 2021). Research has shown that where the right to protest is ignored and controlled through negative sanctions, criminal prosecutions, media discourse and the expansion of the term “riot” to include social movements (Loadenthal, 2020), processes of repression and stigmatization can occur. As a result of these processes the way in which protests are policed changes and ultimately impacts police legitimacy as well as negative perceptions of the State. In a time of deep uncertainty between civilians and the State in the U.S having clear legislative definitions of the term “riot” is paramount for upholding democracy and maintaining public safety. In order to ensure that the right to protest is upheld, developing and implementing a nationwide definition of the term riot is crucial.

Finally, what was clear from the responses taken to the Capitol riot was the lack of preparation from law enforcement and the criminal justice system to handle such large-scale disorder. The importance of having an evidence based organized and developed approach to rioting behaviour has been highlighted throughout this dissertation. Having evidence based police strategies and criminal justice policies in place for if and when riots do occur is paramount to effectively deescalating and dealing with aftermath of rioting. As is clear through the response taken to the Capitol riot, the American justice system favours a punitive, command and control response. Whilst undertaking proactive strategies has been proven to be beneficial to deescalating riots research suggests that if reactive based punitive responses are to be deployed in times of disorder it is crucial that they follow an organized and

developed approach that does not rely on police discretion in order to maintain police legitimacy.

To conclude, the approach taken by the U.S to the Capitol riot was unsuccessful in meeting the criteria necessary to create an ideal approach. As discussed above in order to meet this ideal standard and avail of its benefits a number of reforms are necessary. In my next section I will compare and contrast the responses taken by England to the 2011 riots and the U.S to the 2021 riots in order to highlight the similarities and differences between the two jurisdictions which will then lead me to my final concluding section where I will provide recommendations which are relevant to improving these systems.

Chapter 4: A Comparative Analysis on Responses to Rioting in the United Kingdom and the United States

4.1 Introduction

The previous chapter explored two different examples of highly publicized riots in two different jurisdictions, England and the United States and their respective responses to the riots. In this chapter I aim to compare these responses in order to answer my research question “*what are ideal state responses to rioting and how can they be achieved?*”. To do this I will use the parallel topical comparison methodological approach (Howard, 2000). This approach will allow me to compare and contrast two individual nations approaches to rioting by highlighting the similarities and differences between responses in order to conclude on both jurisdictions alignment with ideal riot responses.

4.2 Comparing and Contrasting the Definition of the Term “Riot” in England and the U.S.

The importance of having a clear and concise definition of the term “riot” has been discussed throughout this dissertation. The variation amongst the term “riot” has serious consequences for the policing of protest, the policing of riots and the subsequent criminal justice response. The definition of the term “riot” in England under the Public Order Act 2023 considers a riot to be when “12 or more people together threaten or use unlawful violence for a common purpose in such a way that the conduct of them all together is such as would cause a person of reasonable firmness at the scene to fear for their personal safety” (Lowerson, 2018). This Act also introduces a multitude of offences relating to locking on and causing “serious disruption” (Legislation.gov.uk , 2023) which has resulted in the expansion of police stop and search powers and criminalizes protesting by aligning the right to protest with the offence of rioting.

When comparing the England definition of rioting to the U.S definition of rioting there are both similarities and differences. The U.S definition of the term “riot” under the Anti-Riot Act considers a riot to be “a public disturbance involving violent acts, or certain threats of violence, by at least one individual who is part of an assemblage of three or more persons, where such acts or threats result in, or constitute a clear and present danger of, property damage or injury to another” (Congressional Research Service, 2020). This definition, similar to the definition of the term “riot” in England, supports the criminalization of protest. Through considering a “public disturbance” (Congressional Research Service, 2020) where

there is “danger of property damage” (Congressional Research Service, 2020) an act of rioting, the term riot is expanded to include social movements and protestors are subsequently framed as rioters which impacts how protests are policed. However, unlike the English definition of rioting which considers a riot to be made up of 12 people or more, the American definition is less concise on the number of participants required to be considered a riot. This lack of clarity results in the structure of a riot being subject to interpretation which can lead to issues regarding police discretion.

These definitions of the term “riot” in both jurisdictions gives us an insight into the strength of social control in these countries through the ability to manipulate protest as well as giving us an insight into the type of system both jurisdictions are in favour of. The importance of having a clear and concise definition of the term “riot” is paramount for upholding democracy and maintaining public safety. I will later discuss this issue with regards to framing this term to align with the values of an ideal response to rioting.

4.3 Comparing and Contrasting the Policing Strategies Implemented in the 2011 England Riots and the 2021 United States Capitol Riot.

The policing strategies implemented to remedy the rioting in England in 2011 and the Capitol building in the U.S in 2021 held similarities and differences. The arguments presented on the 2011 England riot demonstrate that the policing response taken to the rioting evolved from an attempted proactive approach into a forceful reactive approach that subsequently developed into a command-and-control model being implemented to remedy disorder which has remained today and has heavily affected the way in which protests are viewed and policed. Similar to the command-and-control tactics that were implemented in the final days of the 2011 England rioting, these tactics were also used by reinforcements to deescalate the Capitol riots in the U.S and were also heavily advocated for in policy reforms following the Capitol riots. The similarity of the methods used to deescalate riots between England and the U.S demonstrates an inclination towards implementing a reactive and punitive response to disorder between the two jurisdictions. The consequences of implementing this approach have been discussed throughout this dissertation and evidence provided has suggested that the use of this approach does not align with an ideal response to rioting. Through policy reforms and the criminal justice responses made in the wake of both riots it is clear that England and the U.S are committed to reactive responses to disorder. However, by shifting this focus and implementing the strategic incapacitation strategy rather than the command-and-control

strategy, elements of a reactive approach may still be implemented whilst ensuring that communication and cooperation between citizens and the police is still maintained. When considering the differences between the policing responses taken by the two jurisdictions to these cases of rioting, it must be noted that both the 2011 England riots and the 2021 Capitol riot were two different types of riot and therefore had differing flashpoints which resulted in a difference in how the police were perceived in each case. In the case of the “expressive” (Schneider, 1993) 2011 England riots the determinants that led to the disorder were the interactional and contextual determinants due to the riots being fueled by an anti-police sentiment. These determinants differ greatly to the political/ideological and cultural determinants that ignited the “instrumental” (Schneider, 1993) 2021 Capitol riot in which the police were initially not perceived as a threat and rather thought of as an ally to the cause in which the rioters were protesting. The perception of the police in both riots as an illegitimate force highlight a similarity between the two cases. This further supports arguments made throughout this dissertation stating the importance of building and maintain police legitimacy.

4.4 Comparing the Success in Responding to the 2011 England Riots to the Success in Responding to the 2021 Capitol Riot

The responses taken in the aftermath of the 2011 England riots and the 2021 Capitol riot give us an insight into the health of democracy, the effect of social control and the efficiency of the police and criminal justice system in dealing with disorder in each jurisdiction. As discussed previously, the response taken by England in the wake of the 2011 riots was overall punitive in nature and lacked acknowledgement for the reasoning’s behind the disorder with the policy response focusing on expanding police and legislative powers to prevent future disorder. This response bears great similarity to the response of the U.S to the 2021 Capitol riot where there was a heavy emphasis on strengthening police forces and implementing anti-protest laws across the country in an attempt to avoid the outbreak of large-scale disorder from reoccurring. The success of each state in responding to their respective riots show many similarities and no notable differences. The inability of both states to consider the determinants that resulted in the 2011 England riots and the 2021 U.S riots has consequentially been detrimental to implementing ideal responses to rioting.

Chapter 5: Conclusion and Recommendations

5.1 Conclusion

This dissertation achieved its primary aim of exploring what ideal responses to rioting are and how they can be achieved through analyzing and comparing two highly publicized examples of large-scale rioting and their subsequent state responses. An examination into the concepts on which riot theory is based identified an ideal response to rioting to be one that protects the right to protest, maintains police legitimacy and is based upon an evidence-based approach to rioting behavior from both a policing and criminal justice perspective. An analysis of the 2011 England riots and the 2021 Capitol riot in the United States included an application of riot theory and typology to real life cases of rioting which revealed the determinants of both examples of disorder and an examination into the media, policing, criminal justice and policy, response to the riots which revealed that both jurisdictions favored a command-and-control approach to disorder. This analysis concluded that the State responses to rioting in both of these jurisdictions failed to meet the necessary criteria to be considered an ideal response to rioting and instead highlighted how the responses taken by these jurisdictions has serious consequences for police legitimacy, the right to protest and public perception of the State. A parallel topical comparison between the responses of England and the U.S to large-scale disorder found there to be many similarities between the two cases and highlighted the eagerness of both jurisdictions to implement a reactive and punitive response to disorder which has been argued against throughout this dissertation.

In a time of deep uncertainty across the world where civil disorder is an ever-present threat, the importance of having productive responses to rioting are echoed. Currently across England far-right riots are sweeping the nation in the worst outbreak of rioting since 2011, further portraying the far-right movement as a rising threat. The political and social landscape in the United States is also facing great uncertainty due to the approaching 2024 presidential election leaving a mixture of hope and dread over what may come in the following months. These uncertainties highlight the importance of having strategies in place in order to aid in the prevention and de-escalation for if and when riots do occur. I will now summarize recommendations made regarding how these strategies may be achieved.

5.2 Recommendations

Based on the findings of this dissertation that have been supported by existing theories, it is clear that having ideal responses to rioting is crucial to the prevention and de-escalation of rioting. The analysis of the response to the 2011 England riots and the 2021 U.S Capitol riot provided in this dissertation demonstrated that neither of these jurisdictions implemented ideal responses to rioting. As discussed, the ideal response to rioting is one that protects the right to protest, maintains police legitimacy and is based upon an evidence-based approach to rioting behavior from both a policing and criminal justice perspective.

A key element in maintaining the right to protest is through ensuring that this right is protected by legislation. When the term “riot” is unclear and unconcise in legislation it threatens to infringe upon the right to protest. As discussed throughout this dissertation, having clear legislative definitions of the term “riot” is paramount for upholding democracy and maintaining public safety. In order to ensure the right to protest is upheld, developing and implementing a single, solitary definition of the term “riot” is crucial. As made evident through my comparison of the term in the English and American jurisdictions, both states have failed to provide a concise definition of the term “riot” which has had implications for the right to protest in these countries through the expansion of social control which results in a negative perception of the State and has serious consequences for how protests and protestors are treated and portrayed. As discussed previously, the word “riot” has multiple differing definitions throughout academia, however, by having a single legislative term that declares the actions and number of individuals involved to constitute a riot, clarity can be provided when policing and sentencing acts of rioting.

This dissertation has been supported by academic arguments advocating for the importance of police legitimacy at each stage of policing. Ensuring that the police are perceived as a legitimate force in times of disorder is crucial to the prevention and de-escalation of rioting. This can be achieved through building and maintaining positive police-citizen relations and implementing community based policing particularly in areas where police confidence is low and where the risk of disorder occurring is high. By implementing community policing initiatives and addressing interactional and contextual determinants that have been known to lead to rioting, police legitimacy can be built and proactive policing strategies can be relied upon and implemented when necessary.

This dissertation has provided evidence supported by studies on different policing strategies that have been proven to help prevent and deescalate rioting behavior from both a policing and criminal justice perspective. These evidence-based strategies include proactive strategies such as flashpoint policing and community-based policing initiatives and organized reactive strategies that do not rely on police discretion such as the use of paramilitary police. Whilst a proactive approach is favored in much of the literature available on rioting, regardless of the strategy used it is paramount that there are strategies in place for if and when disorder does occur. Having a developed and organized system in place from both a policing and criminal justice standpoint is crucial to effectively dealing with aftermath of rioting as well as ensuring that the approach taken to rioting is one that is supported by evidence-based policies. In order to ensure police are prepared for the outbreak of disorder it is crucial that police officers have been provided with adequate training and have been given the necessary tools to be able to carry out their role in preventing disorder and protecting the public. However, the sole responsibility does not lie on the police to be prepared for the outbreak of disorder, the criminal justice system must also be prepared through having policies developed and in place to support the work of the police.

This dissertation has provided a platform for which future research on the topic of achieving ideal responses to rioting could be examined. An examination of how the recommendations provided could be achieved in the context of the England and U.S jurisdictions would be beneficial to riot literature. Anchoring riot legislation and the policing of riots with the aim of striving towards ideal responses to rioting would ensure better access to justice for all and is paramount to a society in which human rights are protected and public safety is prioritised.

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