

AVON AND SOMERSET CONSTABULARY

TACKLING THE USE OF FIREWORKS AS WEAPONS

OPERATION HERCULES



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THE PROBLEM

Historically, during the Bonfire Night period the community of St Pauls, Bristol has experienced escalating disorder involving gangs of masked youths using fireworks as lethal weapons. Whilst most communities have suffered from the low level misuse of fireworks, what marked out this disorder as unique within Great Britain was the type of firework used, namely the largest available to the public (designated Category 3) designed for large displays. Hundreds of these multi-barrelled, multi-shot fireworks designed to throw projectiles high into the air were fired handheld at short range directly at passers-by, police and fire fighters, as well as into residents' houses and cars.

ANALYSIS

From research across the country, interviews with residents, analysis of CCTV, liaison with the fireworks industry and wide consultation, three key issues were identified that allowed the problem to continue:

- REPUTATION – there was an established history of firework related disorder in St Pauls and everyone expected it to continue
- WEAPONS USED – the display fireworks used were legally and easily available but their explosive power posed a life-threatening risk
- INABILITY TO CONTROL – there were no police public order tactics or other approved control measures to safely control the use of fireworks being fired in this way

THE RESPONSE

Working closely with other statutory organisations and residents, the response tackled each of these issues identified:

- CHANGING PERCEPTIONS that disorder would be tolerated – action included a high profile media campaign, leafleting, schools' involvement program, open public meetings, community diversionary events and liaison with retailers
- REMOVING THE THREAT – lobbying at local and national levels for the introduction of legislation to remove such fireworks from the public domain
- KEEPING THE PEACE – establishing a multi-agency operation to deal effectively and rapidly with any offenders who may have been intent on acting unlawfully

ASSESSMENT

The primary assessment was that in 2003 for the first year in recent history the anticipated disorder failed to occur in any form or at any time. Supporting measures included massive public support (eg letters of thanks, personal comments); overwhelming positive media coverage (analysis of articles); the passing of the Fireworks Act 2003; joint visits to retailers including under age test purchase operations by Trading Standards; 16 arrests for a variety of offences; over £6,000 worth of fireworks seized; prosecutions pending for retailers selling to juveniles; multi-agency command structure established

BACKGROUND

In the years leading up to 2002, the Bonfire period in St Pauls, Bristol witnessed increasing levels of disorder involving gangs of youths fighting pitched battles in the streets using large display (Category 3) fireworks as handheld weapons. Police, fire fighters and public were targeted over several hours.

Many of the youths involved wore facemasks to disguise their identities and erected barricades across the road, throwing bricks and bottles at police as well as launching hundreds of fireworks. It was identified that vans toured the area, resupplying the youths with fresh stocks of fireworks and disorder continued for several hours, only being curtailed by the deployment of a large number of officers in full protective equipment.

SCANNING

In the aftermath of the disorder, police and partners started to try to identify how this situation had come about focussing on who was involved (ie the offenders), who was affected (ie the victims) and why it had happened in St Pauls as opposed to anywhere else (ie the location).

Research included consultation with forces across the country, including the Police Service of Northern Ireland, interviews with residents, analysis of CCTV, liaison with the fireworks industry and close involvement with Trading Standards. From this work, the following issues were identified:

- 1) OCCURRENCE - Whilst misuse of fireworks is commonplace across many communities, Bristol was unique in being the only known place on the UK mainland where these display fireworks have been used handheld as weapons
- 2) ENFORCEMENT TACTICS - There were no specific public order tactics available to police to deal with the threat posed by these fireworks and no known risk assessment was available that could demonstrate what the potential threat was
- 3) LEGISLATIVE POSITION - The only other area known to suffer the use of display fireworks as weapons was Northern Ireland where in May 2002 the law was changed to remove them from public access
- 4) INJURIES – Throughout Bristol in November 2002 there were only 11 reported firework related injuries, with 4 of those being caused by sparklers; as such it can be surmised that those involved in the disorder did not seek medical help for any injuries sustained
- 5) COMMUNITY CONCERN - The local community within St Pauls was extremely concerned as residents compared the situation to living in a war zone with a serious threat to personal safety and property. In particular, it was considered

amazing by those who had experience of the disorder in 2002 that no-one had been killed, as evidenced by the following letter published in the local paper:

“The ordinary people of St Pauls were left terrified when three gangs of masked drug dealers were allowed to run amok in the streets launching industrial size fireworks at each other and any other ‘targets’ including cars and innocent bystanders. Two hundred rioting men subjected the people of St Pauls to an intense firework battle from dusk until 4am. People were not safe in their own homes. People reported fireworks being fired through letterboxes and wheelie bins set on fire.”

- 6) PURCHASE OF FIREWORKS – whilst restrictions existed over the sale of fireworks to juveniles it was apparent that these were ineffective in preventing youths from acquiring them
- 7) PERCEPTIONS – the disorder was shown as the main headline story on local TV news channels reinforcing negative perceptions of St Pauls and advertising the message widely that such incidents occurred
- 8) FIREARMS – information was received that the disorder was initially started as a cover for the criminal testing of illegally reactivated firearms
- 9) FINANCIAL ASSESSMENT – the cost of the disorder was considerable in terms of removing burnt out cars, street cleansing, the deployment of additional and specialist officers and damage to police vehicles; it was also estimated that retailers supplying the fireworks made in excess of £15,000 profit through selling the fireworks used

ANALYSIS

KEY ISSUES

In essence the problem was simple: that escalating firework related disorder occurred within St Pauls posing an extremely serious risk to personal safety, property and community well being. From the scanning, three key factors were identified as the root causes of the problem:

- 1) REPUTATION – there was now an established history of firework related disorder in St Pauls which had received widespread coverage in the media and everyone expected it to continue
- 2) WEAPONS USED – the display fireworks used were legally and easily available to adults but their explosive power and multi-shot nature posed specific lethal risks (see below); **it was their use that made the problem so unique as the threat was so high and there was no other precedent within England and Wales to provide guidance**
- 3) INABILITY TO CONTROL – it was apparent that previous attempts to prevent disorder (eg police action, community pressure) had failed to do so and once disorder started there were no public order tactics or other approved control measures available designed to counter the use of fireworks being fired in this way.

WEAPONS USED

Under the Fireworks Act 1997 fireworks are divided into four categories, with display fireworks (designated as Category or Cat 3) being the most powerful of the three categories available to the retail market. As such a number of specific safety issues associated with Cat 3 fireworks were identified:

- 1) RISK - They are so powerful that when used as weapons they pose a serious threat of personal injury or damage to property by impact (ie being hit by a dense, fast moving object), heat (ie pyrotechnics burn at incredible temperatures and cannot be realistically extinguished once lit) and explosion
- 2) AVAILABILITY - They are available virtually without restriction from a variety of shops over the counter, or via the internet, any day of the year; it was also apparent that existing provisions which specifically outlaw the sale to minors were not effective
- 3) POTENTIAL - They can be readily adapted into blast bombs (eg by addition of nuts/bolts as projectiles) or broken down to provide a ready supply of explosive material and detonators which is of particular concern during the current terrorist threat

In order to test out these risks, various fireworks were obtained and test fired, under the supervision of the Army Bomb Disposal Team, against existing police protective clothing and equipment.

RESPONSE

TACKLING THE REPUTATION - CHANGING PERCEPTIONS

This aspect of the strategy combined a number of specific activities aimed at convincing potential offenders not to be involved in any unlawful misuse of fireworks during the Bonfire Night period within Bristol. This included the following discreet activities:

- 1) MULTI-AGENCY VISITS TO RETAILERS – an enforcement team made up of police, fire and trading standards visited individual retailers selling fireworks across the city of Bristol to check safety standards and to encourage retailers to sign up to an agreement to sell responsibly (Operation Good Guy)
- 2) UNDER AGE TEST PURCHASE – young children (either 14 or 16 years of age) were employed to covertly enter retail outlets to attempt to test the procedures adopted by retailers
- 3) HIGH PROFILE MEDIA STRATEGY – in the weeks leading up to the Bonfire Night period, all local media carried stories illustrating the multi-agency action being taken to prevent any disorder; the Bristol Evening Post in particular championed the action taken. In addition, HTV News, BBC Points West and BBC Bristol carried bulletins that were equally positive aimed at deterring potential offenders
- 4) LEAFLETING – a leaflet was designed bearing the emblem of Bristol City Council, Avon Fire Service and the Constabulary entitled ‘Fireworks are explosives – Get Wise, Get Hurt – Or Worse!!!’ This was widely circulated across the area and conveyed the clear message that fireworks should not be used as weapons
- 5) SCHOOLS INVOLVEMENT – Each senior school with pupils drawn from the St Pauls and Easton areas was advised of the planning for the event; the Schools Involvement Officers in particular had responsibility for communicating the safety message to the key audience groups
- 6) WARD COUNCILLORS – Councillor Shirley Marshall, Ward Councillor for Ashley was involved in encouraging other Council Service Providers to focus their attention on dealing with the potential problems
- 7) NATIONAL CONTEXT – Contact was made at an early stage with the National ACPO Public Order Committee to highlight the specific issues encountered within Bristol in order to inform their understanding of the problems involved and to help other Forces to develop a tactical response

TACKLING THE WEAPONS USED – REMOVING THE THREAT

Due to the fact that Bristol was unique in facing the threat posed by the misuse of Category 3 fireworks, it was agreed from the outset that as partners the best opportunity for long-term success was to encourage a change in legislation which would take these weapons out of the hands of the general public. This was considered from two angles:

- Local bye-law within the boundaries of the City of Bristol, or
- National legislation

The former was the first course of action but whilst promoting this a Private Members Bill introduced by Bill Tynan MP won initial support within the House of Commons. This was designated the Fireworks (Amendment) Bill 2002 which had its first Reading on 12th December 2002 and was written to be the primary legislation which would then allow the Secretary of State to introduce whatever controls were considered necessary to deal with the problems of fireworks.

In order to ensure that Bristol-based Members of Parliament understood the context of the fireworks problems locally, each was visited in turn by Police and Trading Standards officers to explain the concerns in person.

As a result, during the debate on the Bill, on 28th February 2003 in the House of Commons Valerie Davey MP for Bristol West specifically raised the issue as follows:

“I offer my hon. Friend congratulations from my constituents and from the police in Bristol, who have experience of Category 3 large display fireworks being used as hand-held weapons. When the provisions are considered in detail, will he take into account experience in Bristol, and also in Northern Ireland, where the law was changed?”

This was followed by a detailed submission to the Home Office Anti-Social Behaviour Unit, No 10 Policy Unit and the Department of Trade and Industry. On 18th September 2003 this Bill was enacted which provides a real chance for a long-term solution.

TACKLING THE INABILITY TO CONTROL – KEEPING THE PEACE

This phase of the strategy was designed to ensure that an appropriate multi-agency operation was in place to deal effectively and rapidly with any offenders who may be intent on acting unlawfully during the designated period. Actions under this phase included:

- 1) COMMUNITY CONSULTATION – a number of public consultation meetings were held between the police and the local community where tactics were discussed in an open and forthright manner; to demonstrate this partnership working a leaflet was drawn up between St Pauls Resident’s Association and the police to explain the intention and the police powers involved. This not only reassured the community that an appropriate strategy was in place but demonstrated to anyone entering the area intent on offending that such behaviour was against the will of the community
- 2) DIVERSIONARY EVENTS – the local community stated their intention to hold a ‘Steam fair’ on the 4th & 5th in the centre of St Pauls, and partners worked together to support this action; unfortunately a few days before the event the fair notified organisers that they were no longer coming due to what they considered to be the risk so instead a Community Vigil was hastily rescheduled
- 3) EQUIPMENT TESTING – in order to identify the safest tactics for dealing with discharged fireworks, a demonstration was arranged whereby typical Category 3 fireworks were fired against targets to assess the risks posed by heat, impact, explosion and sensory perception. The findings from this test formed the basis

of a comprehensive risk assessment that underpinned the operational response and findings were shared with National Public Order Centre and other forces.

- 4) INTELLIGENCE GATHERING – the District Intelligence unit dedicated specific resources to gathering intelligence on any potential offenders or locations where fireworks were being sold unlawfully
- 5) HIGHLY VISIBLE POLICE PRESENCE – during each evening of the designated period, large numbers of officers were deployed across St Pauls engaged in either community reassurance patrols, stop/search posts or in a response mode. A Sec 60 Order was in force throughout the designated period as a preventative measure with a dedicated command structure in place throughout to co-ordinate action.
- 6) EMBEDDED REPORTERS – reporters from the news and TV media were invited to be involved in all the preparations and were deployed with officers to witness first hand the impact of police action.

ASSESSMENT

The primary assessment of the success of the operation was that the anticipated disorder did not occur at any time during 2003. Analysis of the agreed objectives is shown below:

PARTNERSHIP OBJECTIVE		ASSESSMENT
To lobby for legislative change at local and national level to ensure that Category 3 fireworks were only available to competent individuals	?	Our lobbying helped see The Fireworks Act 2003 receive Royal Assent in September which has given extra enforcement powers; we will continue to lobby over the issue of Category 3 controls
To prevent or detect the unlawful sale of fireworks to persons under the age of 18 or persons intent on using such fireworks illegally	✓	Test purchase operations were conducted with 14 and 16 year olds; letters of advice were issued where appropriate and prosecutions are pending
To provide an effective media strategy involving all agencies and community groups	✓	A high profile media campaign was implemented which was unanimously supportive of partnership action (see below)
To reassure members of the local community and reduce the fear of crime	✓	Officers on the street were often stopped by people thanking them; TV news bulletins carried interviews with residents amazed at the success; the police received a standing ovation at the public meeting in St Pauls the week after the operation as a sign of public support
To provide a proportionate and justifiable response to any incidents of public disorder or crime	✓	Officers from across the Force area, including public order and firearm specialists were involved in the operation; a total of 15 people were arrested and over £6,000 worth of fireworks were seized
To provide detailed guidance to all members of the partnership over the powers, both preventative and enforcement based, that exist within current legislation	✓	A full booklet outlining enforcement powers from a police, fire service and trading standards perspective was jointly drawn up and circulated to all involved
To undertake an evaluation of national police personal protective equipment against such weapons and compile suitable public order tactics to deal effectively with the threat	✓	A full test firing of Cat 3 fireworks was organised at a shooting range, conducted by qualified pyrotechnicians which formed the basis of a risk assessment for developing a tactical response
To establish alternative community based activities as a positive alternative to disorder and to reclaim the open spaces thereby denying offenders the opportunity for disorder	✓	Residents and police worked together on a community steam fair as an alternative attraction; unfortunately the organisers pulled out a few days before and a simple vigil was held to demonstrate that the community was united against disorder
To establish a multi-agency system of command and control for the designated period	✓	A silver control facility was established at Police HQ to manage the operation
To prevent problems in future years and assist other forces around the country in preventing similar occurrences	?	Whilst in 2003 there was no disorder in Bristol, other areas suffered badly; consequently enquiries have been received seeking our advice on effective solutions

ASSESSMENT MEASURES EXPANDED

MEDIA - NEWSPRINT

The media strategy has been a key element in all phases of the operation and the Evening Post has been particularly supportive throughout. The paper helped to champion the issue at both a local and national level with forthright headlines, articles and editorials. The News Editor provided the following assessment of his perception of partnership action:

"I just wanted to put on record how successful I believe police operations were in tackling the problems in the St Paul's area associated with November 5 last year."

The headlines that appeared in the Evening Post are testimony to the long term positive impact of Operation Hercules:

- FIREWORK LAW COULD LEAD TO SILENT NIGHTS (15th February)
- FIREWORKS FACE NEW CONTROLS – Crackdown clears another hurdle (16th June)
- CONCERN AT DELAY IN NEW FIREWORKS BILL (17th September)
- BAN FOR BIG BANGS (19th September)
- FIREWORKS COULD LAND YOU IN JAIL (7th October)
- SELL THESE AND YOU COULD BE JAILED FOR LIFE – Police use 1883 law in crackdown on dangerous bazooka-style fireworks (10th October)
- BANG OUT OF ORDER – We bought this £30 firework legally in a City shop. Now police are calling for tighter controls on sales (28th October)
- POLICE ACT TO STOP GANGS FIGHTING WITH FIREWORKS (31st October)
- QUIT NIGHT AS POLICE MOVE IN (5th November)
- POLICE PATROLS & VIGIL BRING FIREWORK PEACE (6th November)

MEDIA - TELEVISION

Both BBC Points West and HTV News covered the preventative campaign showing joint visits by police, trading standards and fire service officers to licensed premises. During the period of the enforcement phase both stations carried nightly reports focussing on different aspects of the operation and highlighting the positive support from the community.

MEDIA - RADIO

BBC Bristol carried a number of news and general interest articles, which included a live studio debate on the day that the Fireworks Act 2003 received Royal Assent.

SEIZURES

Fireworks were seized by police in response to intelligence or as a preventative measure including:

- 1) Male arrested following search of car which contained controlled drugs and boot full of fireworks (1st November)
- 2) Male arrested after being found to be selling fireworks from boot of his car; further searches discovered a cache of fireworks with an estimated street value of over £5,000 (3rd November)
- 3) Fireworks seized from a car after information was received that the owner had been selling fireworks to children (1st November)
- 4) Fireworks retrieved from juveniles who discarded them on arrival of police (7th November)
- 5) A quantity of fireworks was seized from individuals who were in direct possession of them during 5th and 6th November

ARRESTS

Officer involved in operation Hercules made a total of 15 arrests for a variety of offences including for offensive weapons, theft and drugs.

FINANCIAL CONSIDERATIONS

The whole of the response phase was underpinned by Best Value principles with sponsorship being sought at every opportunity and spread throughout the partnership. From a policing perspective, any expenditure had to be balanced against the cost in terms of community relations, post event investigation and staff welfare and safety. Each day during the operation staffing levels were monitored against deployments and officers were released from duty at the earliest safe opportunity; as a result after the initial 3 days of the operation when it was necessary to provide cover over an extended period to cover any eventualities, the only additional staff cost amounted to 12 hours of overtime spread over 6 full tours.

DEBRIEFING

Immediately after the end of the operation, a structured debrief was held at both the strategic and local level, with the service providers and within the community. Plans, tactics and results have been discussed in great detail as to their effectiveness in order to ensure that lessons are learned for the future and planning has started for 2004.

LONG TERM ASSESSMENT

In addition to success against the objective of preventing disorder in 2003, Operation Hercules has provided the potential for a number of long term results including:

- 1) FIREWORKS ISSUES - the multi-agency approach raised the specific problems of Category 3 fireworks being used as weapons on to the national political agenda; the partnership evidence was raised within the House of Commons and helped support the successful passage of the Fireworks Act 2003. Having made direct recommendations to the Home Office about what guidance to introduce within the powers of the Act we have been invited to sit on the National Working Party for implementation.
- 2) COMMUNITY REASSURANCE - the local community have seen first hand that long standing problems can be addressed and that change can be realised by everyone working together towards a common goal
- 3) SHARED LITERATURE – every booklet or letter produced within Operation Hercules was drawn up between partners; this not only promoted the partnership approach, but showed consistency and allowed everyone involved to understand other viewpoints. For example a joint leaflet was written by police and residents to explain police powers and the will of the community; a joint booklet was published to explain legislation from a trading standards, fire and police service standpoint; a similar collaboration produced a leaflet distributed across the City warning of the danger of fireworks.

ADDENDUM

On 4th February 2004, a public telephone box was destroyed by youths placing display fireworks strapped together inside and then igniting them. The major explosion blew the door across the road and glass shards covered the vicinity where children had been playing moments before. Within hours, the Operation Hercules management team was able to respond and a consistent message went out through the media from the Police, Local Authority and Fire Service. Having reiterated the fact that fireworks are explosives, and the risk of life imprisonment to those involved, there were no further incidents of fireworks being used in this manner.