NETPOL
Report into the policing of protest 2010/2011
# Contents

Introduction .................................................................................................................. 4

**Executive Summary** ............................................................................................... 5

Report Findings ............................................................................................................. 7

The use of pre-emptive intervention ....................................................................... 7

Royal Wedding ............................................................................................................. 7

Pre-emptive arrests ..................................................................................................... 8

Squat raids ..................................................................................................................... 10

June 30th 2011 ............................................................................................................. 11

Stop and Search .......................................................................................................... 13

June 30th 2011 (cont) ................................................................................................. 13

Deterrence .................................................................................................................... 16

Section 46 of the Children Act 1989 ............................................................................ 16

Warning letters .......................................................................................................... 17

The control of movement ........................................................................................... 20

The use of s12 and s14 conditions ............................................................................. 20

'Scene Management Barrier System' ......................................................................... 21

9th November 2011 Student Demonstration ............................................................ 22

Kettles .......................................................................................................................... 25

UkUncut Lambeth Bridge ............................................................................................. 26

Manchester Student March ......................................................................................... 27
Introduction

This report covers a period of significant protest activity from October 2010 to December 2011. During this time mass student protests in London grabbed the headlines, and lawyers grappled with the legality of holding school age children within a kettle for hours in freezing conditions. But many other protests took place in London and around the country, many of them raising additional concerns about the proportionality of protest policing.

Netpol is a network of community-based and protest groups concerned with the monitoring of policing from a grassroots perspective. Netpol volunteers, along with those of Netpol partners Green and Black Cross and the Legal Defence and Monitoring Group, have directly monitored the policing of demonstrations across the country, both large and small.

This report details and examines policing strategies used in the context of political protest over the fourteen month period from October 2010 to December 2011. The data used in this report has been obtained from a variety of sources, including the reports of legal observers and police monitors, eye-witness testimony and published accounts.

In all the case studies highlighted in this report, the relevant police forces have defended their strategies as proportionate and necessary to prevent criminality or disorder. In some cases legal challenge has been instigated, either by way of judicial review of civil action, and we await the findings of these hearings with interest.
Executive Summary

The key findings of this report have been grouped into three areas: The use of pre-emptive interventions, the control of movement, and the gathering of data or intelligence. We consider that taken as a whole, the powers and strategies utilised by the police have allowed them to exercise an excessive and disproportionate level of control over protest assemblies and processions.

Pre-emptive police operations

The use of pre-emptive arrests is one of the most disturbing aspects of the policing of protest during the period covered by this report. The mere possibility of disruption to the royal wedding triggered the arrest of groups of prospective protesters who had committed no criminal acts. Ten people holding placards were arrested while heading to a republican party, and a group of people dressed up to attend a ‘zombie wedding’ were apprehended while drinking coffee in Starbucks. A further man was arrested simply for being a ‘known anarchist’.

Netpol also have concerns over the intrusive levels of stop and search used on the anti-austerity demonstration of June 30th 2011, where people were also ‘pre-emptively’ arrested for ‘wearing black’ and ‘looking like an anarchist’.

The control of movement

The use of kettling has been a significant concern for many commentators. Netpol believes that detention for long periods of time within police kettles has placed vulnerable individuals at risk, has prevented people from moving away from scenes of violence and disorder, has caused excessive distress and anxiety, and has constituted an unnecessary and unjustified interference with individual liberty.

The use of kettles has not been confined to situations which present a risk of imminent violence. 50 people attempting a spontaneous march from a UkUncut demonstration were held for up to two hours on Lambeth Bridge, in a situation which in no way presented a risk of harm. Student protesters in Manchester were similarly kettled for
taking part in a demonstration which, while disobedient, was not violent. At a student demonstration on the 9th November 2011, conditions on the protest route were so strictly enforced, protesters felt that their entire procession had become a ‘moving kettle’.

Mass kettles were used to contain student demonstrators in London in November and December 2010. These were justified as being necessary to prevent disorder and violence, but it is not evident that kettling is an effective strategy for achieving this aim. The imposition of a kettle in Whitehall on the 24th December student demonstration appeared to be a catalyst of disorder, and serious injuries occurred in Parliament Square on the 10th December despite the use of kettling.

In some instances the police have carried out mass arrests of demonstrators contained in kettles using common law powers to prevent a breach of the peace. In such cases, Netpol is not satisfied that there was necessity or justification for such drastic sanction. We are also concerned that decisions to make large-scale arrests may be motivated, at least in part, by the opportunity to collect protester intelligence or to carry out a ‘fishing expedition’ to identify individuals wanted for specific offences.

We believe that the tactic of kettling has had the effect of stifling and discouraging protest, and that it should play no further part in the policing of demonstrations.

The Gathering of Data
Netpol has significant concerns regarding the gathering and use of protesters personal data. It has been well documented that Forward Intelligence Teams (FIT) compile detailed and personal data on their subjects, including appearance, clothing and associates. Becoming a target of a Forward Intelligence Team does not require any involvement in criminal activity, merely a prominent or frequent involvement in political protest¹.

Of primary concern is the increased use of powers to require protesters to provide their name and address under legislation designed to deal with anti-social behaviour². We believe that this power is frequently misused to obtain intelligence about individuals who have done nothing unlawful. Protest should not be equated with anti-social behaviour, and the use of such powers on political demonstrations should end.

² Section 50 of the Police Reform Act (PRA) 2002
Report Findings

The use of pre-emptive intervention

In the period covered by this report, there has been a significant level of pre-emptive police intervention in political protest. Pre-emptive intervention is here defined as police intervention that is aimed at preventing some form of action or activity, rather than responding to actual criminality. The police possess various statutory and common law powers to take pre-emptive action where it is necessary to prevent violence or a breach of the peace. Such policing operations can, however, have a significant impact on political protest and the individuals taking part in it.

Over the period of this report we have observed a variety of pre-emptive operations. These have ranged from the issuing warning letters about the consequences of getting involved in disorder on the student demonstration of 9th November 2011, to the arrest of potential protesters on the day of the royal wedding.

The case studies given below display a remarkable willingness of the police to make pre-emptive arrests, and to raid homes and social centres, on the basis of rather limited evidence. As a result of a perceived need to prevent any disruption to the royal wedding, the police carried out the arrest of ten people on their way to a republican party and a small group of people dressed as Zombies who were detained while drinking coffee in Starbucks. At the same time, another man was arrested, simply because he was a 'known anarchist'.

The pre-emptive arrests carried out at the time of the royal wedding are subject to judicial review, the outcome of which we do not know at the time of writing this report. Police actions such as these constitute a serious threat to civil rights and individual freedoms, and are fundamentally unacceptable. These are arbitrary arrests, carried out without evidence of any intent to commit criminal acts, purely on the discretion of the Metropolitan Police.

Royal Wedding

The Metropolitan Police were firmly focused, in the days and weeks leading up to the royal wedding, on the prevention of any disruption to the event.

Assistant commissioner Lynne Owens, Head of Public

“It is very difficult to build an intelligence picture, but we cannot rule out pre-emptive action”

- Metropolitan Police spokesman
Order at Scotland Yard, said: “If anyone comes to London on the day of the royal wedding intending to commit criminal acts, we will act quickly, robustly and decisively so that it is a safe and happy environment for everyone else, who wishes to be here and celebrate.”

The Guardian reported: “Should evidence emerge that groups are planning to commit criminal acts, pre-emptive action will be taken, a Scotland Yard spokesman said. This could range from breaking up a squat where individuals are gathered, under breach of the peace legislation, or moving in to break up and arrest individuals if evidence suggests they are conspiring to commit criminal acts...It is very difficult to build an intelligence picture, but we cannot rule out pre-emptive action”.

The Metropolitan police also told the Guardian that they were using “spotters” to identify those within the so-called “black bloc” of anarchists intent on causing trouble.

**Pre-emptive arrests**

Many of the arrests made, however, were based not on evidence of the intention “to commit criminal acts”, but on evidence of the intention to take part in political protest.

The Charing Cross ten had been stopped by British Transport Police who noticed republican placards that were being carried in a bag. Having been stopped, searched and asked for their details, they were then arrested and taken to a nearby police station where they were held for several hours.

A member of the group filmed their experiences. The video shows the British Transport Police officer comment that, “the Met have been going ’round, rounding up people for the royal wedding, to make sure there’s no problems.”

One of the Charing Cross Ten wrote of his experiences: “After having been searched by the BTP, we were told we could not leave because an officer from the Met “wanted to talk to us.” Within a few minutes, about twenty Territorial Support Group (TSG)
officers had arrived and surrounded us in possibly the world’s smallest kettle. After another few minutes, I was grabbed by a TSG officer who informed me that because we were in possession of “climbing gear” we were to be arrested to prevent a breach of the peace.

“The BBC and the Guardian have both faithfully repeated the climbing gear claim as fact. There was none. There was nothing that anyone could reasonable have mistaken for climbing gear. There seems to have been no attempt by these media outlets to ascertain the accuracy of that police claim.

“We were cuffed and held until a hired coach arrived. We were not at any point charged with any offence, nor was any indication given that we would be charged with any offence. A senior officer, giving some background to one of the desk officers who were doing the paperwork, explained that we were “anti-royaltists” who had been planning to “commit a protest” near the wedding.”

Hannah Eiseman-Renyard had dressed as a zombie to participate in and report from what she expected to be a protest picnic, with a ‘Zombie Wedding’ theme. She has published a full account of what happened to her.8

“My friend Chris Farnell runs a zombie blog, and had heard there would be an event involving zombies for the Royal Wedding. As Chris lives in Norwich and I live in London, he asked if I would go along to take pictures and report for him. I had heard that Queer Resistance were some of the organizers and that there would be a gay zombie wedding as part of the celebration. I wasn’t sure on any of the finer details, but it sounded like fun.”

To enter the spirit of things, Hannah put on her Zombie fancy dress. However, having arrived at the scene, she found that there was little going on, and it was ‘a damp squib of a story’. Feeling intimidated by the large numbers of police that had turned up, she and a few other ‘Zombies’ retired to a nearby Starbucks.

“At around 11:45 about three or four cops came into the Starbucks and asked us to come outside. We picked up our stuff and followed them out. They lined us up outside the window of Starbucks and informed us we were being stopped and searched.”

Having carried out a search, and having found nothing to indicate

“All the arresting officers (one per person) were cheery enough and amused by the situation – but the fact remained that we were being arrested for wearing fancy dress”

- Hannah Eiseman-Renyard
any intention to carry out criminal activity, the police officers proceeded to place them under arrest, “to prevent a breach of the peace”. They were handcuffed and placed in a police van for transportation to a police station.

Hannah notes: “All the arresting officers (one per person) were cheery enough and amused by the situation – but the fact remained that we were being arrested for wearing fancy dress”

Hannah was later released without charge, when the custody sergeant told her, ‘It [the royal wedding] is all over now’. “Our release was almost exactly the time that Kate and Wills got into a cab and left the final public celebrations”.

**Squat raids**

A series of raids on lawful residential squats, and squatted social centres (spaces used for political and community organising) took place in the 24 hours immediately preceding the royal wedding. One of the centres raided is known as ‘Grow Heathrow’ a community project that, according to one of the residents primarily ‘grows vegetables and fixes bikes’.

Statements made by the Metropolitan Police to the Guardian at the time claimed, “It’s business as usual. This is nothing to do with the royal wedding”. However, in legal proceedings Metropolitan Police Commander Bob Broadhurst has conceded that the “sole reason for the timing [of the raids]was the royal wedding”.

The buildings targeted include ‘Ratstar’, a series of squatted houses in Camberwell, the ‘Offmarket’ social centre in Hackney and a squat in Brighton, as well as ‘Grow Heathrow’. None of the raids were concerned with eviction proceedings, or resulted in squatters being removed from buildings. A reported 14 arrests were made, but in all the cases that we are aware of, none of these resulted in prosecution. No material was found that connected the residents of the squats to any criminal activity in relation to the royal wedding.

Joe Rake, of Grow Heathrow, made the following statement to ITN immediately after the eviction:
“Today about 7.15 am we were rudely awakened by about 40 police in full riot gear, dragged out of our beds and held in rooms not allowed to see what they were doing. About an hour later we were let out and everything had been upturned - they had searched everywhere and not found anything.

“I suspect this is another example of political policing. We have seen it over the last couple of months, undercover cops, and in the run up to the royal wedding, one day before the royal wedding, it has got to be another example of political policing.

“We grow vegetables and fix bikes here I’ve not heard anyone talk about the royal wedding for a couple of weeks – no-one is interested in it here, we just want to get on with our own project.”

June 30th 2011

Not all pre-emptive arrests have been in the context of the royal wedding. A series of pre-emptive arrests also took place at a trade union sponsored anti-cuts demonstration held in London on the 30th June 2011.

This was a trade union organised demonstration called in support of a public sector day of industrial action. Policing on the day appeared to be strongly focused on preventing any repeat of the ‘black block’ activity that had taken place on a previous trade union protest on March 26th, when corporate retail premises were attacked and damaged in central London.

The police carried out numerous stop and searches, apparently targeted at anyone looking as though they may be ‘black block’. As well as the stop and search operation, the police carried out a reported 26 arrests. Observers believed many of these were pre-emptive arrests, using police powers to arrest in order to prevent a breach of the peace. The Metropolitan police has, however, so far failed to provide us with a breakdown of the arrests that took place that day.

From information we have been given, we believe a significant proportion of the arrests were based entirely on appearance or clothing. One young person was arrested for wearing
black, and carrying what was deemed to be a change of clothes in her rucksack. In fact it was merely a jacket. The police maintained it indicated ‘an intent to carry out criminal activities’. Another arrestee was told he was arrested because he ‘looked like an anarchist’. A professional photographer photographed what he described as a young protester being detained and handcuffed for carrying with him a bright red water pistol.\textsuperscript{11}

The demonstration was not violent, and there does not appear to have been anything to indicate, at the time of the arrests, that it would become so. While it is accepted that criminal activities are committed by people who wear black and hide their faces, it is important to remember that not all young people who wear black, or who wear scarves or Keffiyehs, are criminal (see below). To the best of our knowledge, wearing black or ‘looking like an anarchist’ are not yet recognised criminal offences.

\begin{quote}
\textbf{To the best of our knowledge, wearing black or ‘looking like an anarchist’ are not yet recognised criminal offences.}
\end{quote}

\begin{itemize}
\item[3] \url{http://www.guardian.co.uk/uk/2011/apr/19/royal-wedding-police-arrests-crusades}
\item[4] ibid
\item[5] \url{http://www.youtube.com/watch?v=AAbQcEwgoGo}
\item[6] \url{http://www.youtube.com/watch?v=Ox-UJNpHAZY}
\item[7] \url{http://thegreatunrest.net/2011/04/30/%E2%80%9Ccommitting-a-protest%E2%80%9D-the-charing-cross-arrests/}
\item[8] \url{http://pageantryandprecrime.wordpress.com/2011/05/01/personal-account-royal-zombie-flashmob-arrests/}
\item[9] \url{http://www.guardian.co.uk/uk/2011/apr/28/police-raid-squats-royal-wedding}
\item[10] \url{http://pageantryandprecrime.wordpress.com/raids-on-squats/}
\item[11] \url{http://wire.jwarren.co.uk/protester-with-water-pistol-handcuffed-on-whi}
\end{itemize}
Stop and Search

June 30th 2011 (cont)
As well as arrests, the police carried out numerous stops and searches on the 30th June 2011, under blanket powers given to them by section 60 of the Criminal Justice and Public Order Act to search for weapons. From witness testimony these appeared to be predominantly aimed at young people. During stops and searches, individuals were surrounded by police officers, told to provide names and addresses and often filmed and photographed.

Kalbir Shukra (youth work lecturer) and Nisha (aged 14) blogged\textsuperscript{12} the following:
“The police were fishing for young people to pull out of the crowds. Some young men were targeted, snatched and taken to Charing Cross police station and others were taken from the crowd for a stop and search operation. Notably, the young people who were targeted happened to be wearing hoods, scarves or carrying rucksacks.
“Some were issued with tickets after a lengthy and seemingly unnecessary search that identified them and what they were carrying. They were sometimes allowed to leave after the police had taken the individual’s details for the record. We came across one young black man who told us this was his second stop and search that afternoon! Others were seized from crowds by specialist officers in soft baby blue caps carrying riot helmets on their belts.”

One protester related his personal experience to Netpol\textsuperscript{13}:
“I was stopped and searched three times within 45 minutes (and physically restrained whilst doing so despite no physical resistance from myself) and forced to pose for FIT photographs the first two times. The first time the police officer wrote on the stop and search slip that he [searched] me for an “obstructing attitude” (I was walking to the toilet).

Guardian reporter Helene Mullholland wrote\textsuperscript{14} that youths were being searched for wearing Keffiyehs (Arab or Kurdish scarves). She states that she “walked past five police officers stopping and searching two non-white 17-year-old sixth formers, Aamir Kadir and
Jean-Claude Goddard, in Lincoln’s Inn Fields to the dismay of onlookers.” Police told her they were stopped out of “empirical judgment” because “…people use keffiyehs to mask their identity.”

The police strategy provoked a great deal of anger, prompting an outpouring on Twitter of which this is a small selection;

The experience of these people on the 30th June 2011 demonstrates, we believe, the potential for section 60 provisions to be used inappropriately and excessively. Any blanket implementation of stop and search powers that allow the police to search a person according to their own subjective judgement, and without need for individual suspicion, is inevitably open to abuse.

Section 60 of the Criminal Justice and Public Order Act was originally introduced to be used in the context of football hooliganism and gang-related violence, although it is now commonly used at protests. It allows the police to search any person, without giving a reason, within any area subject to a s60 authorisation.

Under s60 an authorisation can be given where a senior officer reasonably believes;

- That incidents involving serious violence may take place in any
locality in his police area, and that it is expedient to give an
authorisation under this section to prevent their occurrence; or
- That people are carrying dangerous instruments or offensive
weapons in any locality within his police area without good
reason

There has been fierce criticism of the discriminatory use of section 60
stop and search by community campaign groups. Research
carried out by the London School of Economics (LSE) and the Open
Society Justice Initiative covering the twelve months to December
2011 showed that a black person 29.7 times more likely to be
stopped and searched in than a white person. That figure was 26.6
the previous year.

Dr Michael Shiner of the Stopwatch campaign stated, “The very
existence of section 60 should be critically reviewed and, if it is found
to be necessary, increased safeguards and strict criteria should be
put in place, including judicial authorisation, before the power can be
mobilised.”

The perception of discrimination in stop and search was also widely
credited with playing an aggravating role in the August 2011 riots,
and in fuelling anger generally against the police.

12 http://www.indefenceofyouthwork.org.uk/wordpress/?m=20110704
13 Feedback from protesters to Netpol, July 2011.
14 http://wlcentral.org/node/1963
15 Such as Newham Monitoring Project and Stopwatch.
16 http://www.guardian.co.uk/law/2012/jan/14/stop-search-racial-profiling-police
17 ibid
18 Including by the Guardian/LSE reading the riots study
http://www.guardian.co.uk/uk/2011/dec/06/stop-and-search
Deterrence

The police have implemented other measures that they claim are focused on deterring young people from criminal activity connected to political protest. Netpol have concerns however, that these measures are instead effectively deterred young people from engaging in political protest. Such measures have included the issuing of warning letters to students in advance of demonstrations, and the use of s46 of the Children Act.

Section 46 of the Children Act 1989

Netpol are concerned about the use on protest of legislation that was intended for a wholly different purpose. Section 46 of the Children Act, was not intended to be used in relation to protest or any public order scenario. The legislation gives police an emergency power to take children into police protection if they are ‘likely to suffer significant harm’ as a result of abuse of parental neglect. Yet this legislation was used by Leicestershire constabulary in 2010 to put in place an operation allowing them to take into police protection young people taking part in demonstrations in the city.

At that time Leicester was host to a rally by the right wing English Defence League (EDL), and counter demonstrations by Unite against Fascism (UAF). There was also expected to be a strong community presence on the streets and around Mosques, which were perceived as being under threat from EDL attack.

In advance of the demonstrations, a leaflet was published and widely distributed which told young people that Operation Stay Safe would be in place. This enabled police to remove any under eighteen year old from the demonstration who the police felt could be ‘at risk of harm’. The leaflet made it clear if any young person was picked up by the police, child and youth services would be involved, and the young person would only be released into the care of a parent or carer.

Operation Stay Safe is the name of a nationwide policing initiative to
remove under eighteen year olds from the streets if they are at risk of harm, primarily from drinking, smoking, drug taking or sexual exploitation. It relies on powers given to constables by s46 of the Children Act;

s46.— Removal and accommodation of children by police in cases of emergency.

(1) Where a constable has reasonable cause to believe that a child would otherwise be likely to suffer significant harm, he may—

(a) remove the child to suitable accommodation and keep him there; or

(b) take such steps as are reasonable to ensure that the child’s removal from any hospital, or other place, in which he is then being accommodated is prevented.

2) For the purposes of this Act, a child with respect to whom a constable has exercised his powers under this section is referred to as having been taken into police protection.

Unsurprisingly, this caused great anxiety among some young people. The leaflet gave the impression that, by attending a lawful demonstration, young people may be placing themselves ‘at risk of harm’. Some young people simply interpreted the use of Operation Staysafe as a veiled threat that they would be picked up by the police if seen out at all.

The police and local authority also set up two ‘holding centres’ at community or youth centres to function as a ‘place of safety’ for young people who were picked up by the police. In the event, these were not used\(^20\). But the effect of the implementation of Operation Staysafe was likely to have had a significant deterrent effect on sixteen and seventeen year olds who may have considered joining in with the demonstrations.

Leicester constabulary was criticised by Netpol in a published report\(^21\), for deterring people from taking part in counter demonstrations against the EDL. Operation Staysafe was a part of an overall package of measures that appeared designed to reduce attendance at the demonstrations by local people, and persuade them to ‘stay at home’. This policing strategy has been strongly criticised by Netpol as a disproportionate interference in the right to freedom of assembly and expression\(^22\).

Netpol are concerned to note that the provision has since been used again by Leicestershire constabulary, in relation to another EDL demonstration taking place on the 4th February 2012. Netpol has also received anecdotal accounts of other isolated incidents in which young people on demonstrations have been threatened by the use of the Children Act.

**Warning letters**

The Metropolitan Police issued a number of ‘warning letters to
protesters in advance of the student protest on November 9th 2011.

Student protesters who had been subject to arrest on previous occasions – even where this did not result in prosecution or charge – were personally sent warning letters from Met Commander Simon Pountain. They stated; “The Metropolitan Police Service is responsible for policing the protest organised by National Campaign Against Fees and Cuts. In the interest of public safety we are working hard with event organizers, partner agencies, utilising all available intelligence, to reduce opportunities for crime and disorder to be committed.

“It is in the public and your own interest that you do not involve yourself in any type of criminal or anti-social behaviour. We have a responsibility to deliver a safe protest which protects residents, tourists, commuters, protesters and the wider community. Should you do so we will at the earliest opportunity arrest and place you before the court. A criminal conviction could impact on employment and educational opportunities, your ability to travel and applications for insurance cover.

“If you are near an outbreak of violence move away and create distance between yourself and those taking part. Do not stand and watch as it may not be safe to do so.”

The emphasis on criminality and disorder was interpreted by student groups and commentators as an attempt to intimidate and deter student protesters from taking part in lawful protest.

Essex sixth form student Tyler Perkin, who had charges dropped in relation to a peaceful UK Uncut protest at the Fortnum and Mason store in March, told the Guardian he was horrified he was still on a
police database.
“It’s a disgusting attempt to try and scare us off from protesting,” he said. “It’s also disgusting that we are all been kept on some database even though we haven’t been charged … even though my case has been dropped they’re still using it against us.”

The police announced prior to the protest that plastic bullets would be available to police if they were required to keep order. Although this did not indicate any alteration of standard police procedure, the timing of the announcement prompted further allegations that the police were deliberately deterring people from taking part in the protest.

On the day of the protest the police also carried out stop and searches of coaches containing students heading to the protest. Those on the coaches complained that Forward Intelligence Teams (FIT) took detailed video of every person during the lengthy search process. This too was seen as an attempt to intimidate and deter young people from engaging in political protest, and as a collective punishment for the disorder that had previously occurred.

19 Children Act powers were used again more recently by Leicester constabulary, during a further EDL demonstration in February 2012.

20 Counter demonstrations against the EDL were completely peaceful presenting no risk of harm. There was however some outbreaks of violence between the EDL and the police which resulted in some serious injuries and a number of arrests. However, no young person demonstrating with the EDL was taken to a place of safety either.


23 http://www.guardian.co.uk/world/2011/nov/08/met-accused-scare-protesters-letter


The control of movement

The police possess a package of measures and strategies that can be used to contain and control political protest. They are able to deploy these whenever they take the view that a particular protest is likely to result in serious violence or disruption to the community, or where there is an imminent threat of violence or harm.

In practice this is a low threshold and the police are able to justify the use of conditions and controls on protests that may not, in reality, present a significant threat of disorder. Some measure of disruption is an inevitable part of protest, and should be tolerated. As laid out by the HMIC\textsuperscript{26}, the police have a duty to:
\begin{enumerate}
\item Refrain from preventing, hindering or applying restrictions upon the right to peaceful assembly (negative duty) and
\item Take reasonable measures to protect peaceful processions and assemblies (positive duty).
\end{enumerate}

This applies even where the conduct of the demonstrators ‘may annoy or give offence to persons opposed to the ideas or claims a particular procession is promoting’, or where ‘there is a risk of a public procession or assembly resulting in disorder by developments outside the control of those organising or participating in it’. Interference must only occur where there is ‘compelling and demonstrable information or intelligence that those organising or participating in the protest will use, advocate or incite violence’.

We believe that in some cases the police are too quick to assert control over the route, location, or duration of a protest, and make use of the draconian power of kettling when there is no necessity or justification to do so.

The use of s12 and s14 conditions

The Public Order Act 1986 allows police to impose conditions on protests that are intended to intimidate others, or which they reasonably believe will result in ‘serious public disorder, serious damage to property, or serious disruption to the life of the
Section 12 of the Public Order Act allows conditions to be imposed on processions, most commonly conditions restricting the route and timing of a march. Section 14 of the Act allows police to impose conditions on static rallies, usually the location and duration of any gathering.

The use of these conditions is a less draconian measure than the use of a kettle, as (theoretically at least) it allows people who do not wish to continue with the protest to leave. It does, however, impose significant limitations on protest.

The case studies below raise particular issues regarding the methods police have used to enforce s12 and s14. These relate to the use of the intimidating ‘Scene Management Barrier System’ and the use of force to impose conditions on protests which had not involved violence or disorder.

‘Scene Management Barrier System’

The ‘Scene Management Barrier System’ (SMBS) has become a common sight at protests around the country. It has been used most frequently to keep apart two contentious groups, such as at demonstrations by the right-wing English Defence League (EDL), or to keep apart opposing groups of football fans.

However, during 2010-2011 it has also been used to enforce section 12 conditions on the route of an uncontested march. The structures used are intimidating, as one would expect from barriers that were designed to deal with serious civil contingencies, and we consider that it is an excessive measure to take in order to control lawful political protest.

The SMBS is an eight foot solid steel barrier of unyielding construction, originally designed for use during chemical, biological, radiological and nuclear (CBRN) incidents. The developer, Cobham Surveillance, describe it as, “A lockable rear door enables rapid access of police in full CBRN or public order PPE [personal protective equipment]. Polycarbonate viewing portals with privacy shutters allow monitoring of crowd activities and assessment of intent, while the roof provides some hard cover protection from a hostile crowd.”

Examples of its use include a TUC sponsored Right to Work demonstration in Manchester in 2010, where it was used to ensure that demonstrators did not pass too close to the location of the Conservative Party Conference. It was used for the first time in London on 30 November 2011 to keep an anti-cuts march, organised...
by the South East Region TUC (SERTUC), to the designated route and protest area. This prompted a large article with pictures in the Daily Mail, headed 'Met unveil revolutionary police barrier'.

The deployment of such highly militarised equipment suggests a threat level more in keeping with an armed attack than a TUC march for jobs. It does not appear to us to be appropriate equipment for enforcing conditions on a trade union march. Journalist Dan Hancox blogged about its use on the 30th November:

"After the TUC march peacefully dispersed on the Victoria Embankment, I tracked back towards Trafalgar Square – there at the edge of the steel cordon, two uniformed officers were acting like bouncers, admitting tourists and office workers into the square in single file; admitting everyone, in fact, except the four women aged around 35-55 in front of me, carrying modest union-issue placards about teachers’ pensions. The cops were clear about the policy: if you discard your placard at the entrance to the square, you can come in. ‘That’s ridiculous’, the women objected. ‘We’re trying to prevent any potential protest from re-forming in the square, the cops explained. The women objected a bit more, and eventually, shaking their heads as tourists filed past us, they dropped their placards at the gate, and walked in as well.’

9th November 2011 Student Demonstration

Previous national demonstrations had resulted in disorder and violence, with several protesters suffering serious injury. On this occasion, the police emphasised from the beginning that they would take all possible measures to keep control of this demonstration. Section 12 conditions on the route of the march were strictly enforced from the beginning. The procession was so closely surrounded by lines of police it prompted a number of protesters to complain that the experience was more akin to being held in a ‘moving kettle’ than taking part in a march, and that the lack of space and freedom of movement was claustrophobic and unpleasant. Rikkiindymedia described it as an ‘uber-kettle’:

“police set up an uber-kettle for the students in london today, about 4 miles long and one street wide, allowing them to walk from one end of it to the other.”
The route of the march was enforced with barriers, horses, police vans and rows of police officers. An attempted break-out to set up an Occupy-style camp protest in Trafalgar square was swiftly dealt with as police officers surrounded then arrested and dragged away the would-be occupiers.

The conditions imposed also appear to have prevented a group of UNITE electricians, who had been demonstrating in the city, joining the student march. Instead they themselves were kettled\textsuperscript{32} and held for up to an hour. This raised tensions in the student march as the demonstrators began a chant of ‘Let the sparks go’ and for a time the march halted.

As the demonstration terminated in Moorgate in the mid-afternoon, there had been minor scuffles but no serious incidents. The organisers had planned to hold a rally with music at the end of the march. Using their powers under section 14 of the Public Order Act, the police distributed notices stating that the rally could last no longer than two hours, after which time the protest must disperse.

At the end of that time the mobile sound system was turned off and the crowd dissipated until only a small number remained. Despite this, the police continued to implement a very heavy handed enforcement of section 14 conditions that entailed, perversely, measures that prevented people from leaving the area. A group of around 40 people were detained by police having failed to leave the area. A protester who was caught up in this police operation told us they were placed under arrest and held for about 45 mins before being taken to a nearby train station where they were dispersed.

“We were told at 17:25 that we (approx. 40 people) must disperse our location by 17:30 else we’d be breaking the law under section 12 of the Public Order Act. I made a real attempt to ‘disperse’ with about five friends, two of whom were successful and a further two were successful JUST and I was not fast enough, as the police made a line to hold the people that has failed to disperse. It was a tough thing to do (disperse) because on the majority of the main streets there were rows of police and barriers blocking the roads. The officers saw my friends were just paces ahead of me but I had to stay. I found this frustrating, everywhere I tried to go I felt blocked in.

“Everybody, including police officers, was calm and polite. The police were clear and concise with exactly what was happening, why we were there. We were arrested and then kettled for about 45 minutes in one place, then eventually kettled on foot to Farringdon station. At the station we were told that we’d be de-arrested, that we must stay
out of central London until Thursday, and that if we were to be found in central London before that time we’d be arrested and taken to the [police] station.”

An eye-witness published the following account of the congestion and inconvenience to commuters caused by the police actions: “The contained students, about 20 unlucky ones, were only conspicuous because of being kettled by ridiculous numbers of police.

Then they were marched through the busy Farringdon St, blocking the rush hour traffic and causing unprecedented congestion at Farringdon tube station. Commuters had to be redirected from the main station entrance and some were heard enquiring whether it was safe to use the tube, obviously worried this was about a terrorist attack. Then slowly, in the full view of the perplexed commuters, most of whom had probably never witnessed anything like it, the protesters were photographed one by one inside the station, before being sent away on a train, with a 24-hour ban.”

Given the disorder that occurred at previous demonstrations, it was understandable that the police should exercise caution. However, we feel that level of control the police imposed over this and adjoining demonstrations (such as that of the Electricians union) was in excess of what was necessary or reasonable.

---

26 Adapting to Protest – Nurturing the Model of British Policing 2010


28 http://dan-hancox.blogspot.co.uk/2011/12/kettling-20-olympic-state-of-exception.html

29 See section on kettles, below.

30 http://london.indymedia.org/videos/10956

31 http://london.indymedia.org/articles/10936

Kettles
Of all the methods open to the police to control the movement of protesters, the use of the tactic of kettling, known by the police as ‘containment’, is the most draconian. Kettles may be accompanied by extreme and coercive police enforcement, such as riot police equipped with shields and batons.

Kettling may be used pre-emptively, where necessary to prevent an imminent ‘breach of the peace’, thus can be implemented even when no disturbances have yet occurred. Over the period covered by this report, this tactic has been used frequently, if not routinely, to control protest gatherings.

Kettling has been considered by the courts in a number of cases, which have largely favoured the police position. The most recent decision is that of the European Court of Human Rights in the case of Austin. The ECHR judgement indicates that kettles could be lawful where “they are rendered unavoidable as a result of circumstances beyond the control of the authorities and are necessary to avert a real risk of serious injury or damage and are kept to the minimum required for that purpose.”

The court also stated that “measures of crowd control should not be used by the national authorities directly or indirectly to stifle or discourage protest, given the fundamental importance of freedom of expression and assembly in all democratic societies.”

We do not consider that the kettling is used only where unavoidable or as a last resort. Not do we consider that kettling is, in any case, an effective measure against violence and disorder. The tactic failed to prevent disorder on student and anti-cuts demonstrations taking place in 2010/2011, and there may be a case to be made in at least some of these instances that the use of kettles precipitated or directly caused disorder that subsequently took place.

It is not possible to test the assertions of the police that more serious violence would have occurred had kettles not been put in place on the 24th November and the 30th December, nor whether other approaches such as the use of dispersal measures would have been more effective in reducing the potential for violence. However, it is
clear that the tactic of kettling did not prevent violence and disorder from taking place.

On the 24th November, according to reports given by the police, trouble started after the kettle was formed, either despite or because of its imposition. In addition, significant acts of damage, to a police van and to street furniture, occurred in the midst of the kettle, some of which may have placed others within the kettle at risk of harm and injury. It is perhaps notable that there was no immediate police action in response to this damage, other than to film and collect evidence.

On the 10th December, significant violence occurred despite cordons and an intermittent kettle in Parliament square. There were injuries on both sides, but by far the most serious injuries were sustained by student protesters, including Alfie Meadows who had to undergo emergency surgery after he was hit by a police baton.

The accounts provided below also demonstrate the use of kettles in situations where there is no significant or imminent risk of serious disorder or damage. Far from being a tactic used in extreme situations, kettling has become largely a routine response. As well as 50 people holding an impromptu march across Lambeth Bridge, and Manchester students going on a spontaneous but peaceful procession through Manchester City Centre, kettling has been used to contain a mere 35 anti-arms demonstrators in Brighton, and a group of UNITE trade union members in London who attempted to join a student march.

The use of kettling, we maintain, has placed vulnerable individuals at risk, has prevented people from moving away from scenes of violence and disorder, has caused excessive distress and anxiety, and has constituted an unnecessary and unjustified interference with individual liberty. We believe that the tactic has indeed ‘stifled and discouraged protest, and that it should play no further part in the policing of demonstrations.
UKUncut Lambeth Bridge
In October 2011, the campaign group UkUncut occupied Westminster Bridge in an act of protest that was entirely peaceful, and had been organised with the prior knowledge of the police. However, as this came to an end, about 50-100 people came to the conclusion that they wished to march to Parliament Square, and started out in that direction in a spontaneous procession.

Accounts from participants included the following:
“I was on the Block The Bridge protest and a few of us felt more radical than the main fairly liberal, static protest so we organised a different route to Parliament Square, we got a following of approximately 100 but at the end of Lambeth Bridge, about 50 of us were kettled.”

“about 50-100 people marched to Lambeth bridge. When we got there the north end was closed off by police vans so we spread out across the road to wait and see what would happen. We were told we were free to leave via the south end, but then suddenly lots of police came up from the south end and one of them shouted “cordon”. They formed a circle around us, and herded us off the road and onto the pavement. When we realised the kettle was forming some people tried to leave via the south end, and I saw three people being grabbed and shoved by the police.”

The group were then held for up to two hours, and were each individually questioned and photographed before release. There was nothing in this case to suggest that a strategy ‘of last resort’ was necessary to prevent serious violence or disorder. Although the march was spontaneous and unauthorised, there was nothing to suggest it would become violence. If the concern of the police was to prevent protest taking place at Parliament, they could have adopted alternative measures such as the use of police cordons to prevent the march proceeding in a specific direction.

A spontaneously occurring march is not in itself unlawful. The protesters in this instance had committed no offence, yet were detained for a significant period of time.

Manchester Student March
Similar kettling strategies were used by Greater Manchester Police to deal with a ‘breakaway’ student march in Manchester. An estimated
thousand protesters took to the streets in a spontaneous, and therefore unauthorised, march at the end of an NUS organised protest and rally. Once again this was a lively and in some senses ‘disobedient’ march.

According to the Financial Times, “Some entered the Arndale centre shopping mall shouting “Pay your taxes” outside Top Man and Vodafone, companies which have been targeted in the past for perceived tax avoidance, before they were dispersed.” But there was no violence, and the numbers contained were relatively small. Given the circumstances the use of kettling appears, once again, to be a long way from a strategy ‘of last resort’.

One of the demonstrators told us, “Eventually, part way through a speech, around 1000 broke away and headed into town. Evidence gatherers and motorbike mounted cops initially scrambled simply to keep up. Before long however, police made a few dodgy arrests and several attempts to kettle the group.”

Another, who said that he ‘saw no violence taking place whatsoever’, blogged the way in which the march was first kettled; “As we walk past the Whitworth Art Gallery, a group of protesters approaches Barclays bank, and the march grinds to a halt. Suddenly – without any warning – we’re surrounded on all sides by around a hundred officers. In a flash, three hundred of us find ourselves trapped inside a police containment area (otherwise known as a kettle), similar to the kind used in the London student protests.”

This was one of a series of containments police put in place on the day, most of which were short-lived. However, as numbers were whittled down, police finally contained a group of around a hundred students, holding them for around an hour. They were dispersed, once again, after police made individual demands for names and addresses.

24th November 2010 – The Whitehall Kettle

In the aftermath of the attack on Conservative HQ at Millbank that occurred during the student demonstration of 10th November 2010, it was perhaps inevitable that the police would ‘crack down’ on student protests. The response from the police that materialised, however, shocked even veteran commentators.

The student demonstration took place in central London on 24th November 2010 included significant numbers of school age children who were protesting about the proposed cuts to the Education Maintenance Allowance (EMA). Despite this, the police imposed a full kettle as the march passed down Whitehall, containing around 3000 demonstrators. Their justification for this was as follows: “Containment of large group to take place in Whitehall between
Parliament Square and Trafalgar Square (flexible). Rationale: this group have become more and more violent and unruly throughout the day. Their actions have been violent (bottles and other debris thrown) as well as overheard conversations that they intend to attack Cowley Street (LibDem HQ)”.

This version of events is disputed by eye-witnesses. Legal observers present throughout the march reported that the police had carried out isolated stop and searches, and had enforced the removal of some face masks. There had also been some running as parts of the march took an alternative route around Aldwych, before police lines were placed to stop them. They report no incidences of violence, and made no mention of any disorder.

The situation appeared to change completely after the kettle was imposed in Whitehall. One of those kettled told us:
“I didn’t see any trouble until we ended up kettled in Whitehall. Then people started to throw placard sticks things at police. The police somehow left a riot van inside the kettle, and did nothing for ages while people smashed it up. Eventually, they moved police lines forward, and people just backed off, so they could get the van out. After that, people started lighting fires to keep warm, burning anything that was there, like plastic bollards. They set one of the bus stops on fire. The police did nothing to stop all this. They were happy just to watch and film it on camera”.

Evidence presented by the police in the subsequent judicial review demonstrates a significant and sudden rise in tensions corresponding to the point at which the kettle was formed. The court was told the kettle was complete at 1.02pm. From 1.03pm, “missiles were being thrown; a smoke canister was let off; a determined attack took place on an unoccupied police carrier inadvertently left in the containment zone and fireworks were let off.”

Many witnesses and commentators were concerned that keeping young people penned into this sort of environment put them at
serious risk. It was also severely cold, and many of the young people were not appropriately dressed. The police maintained they had done everything possible to allow ‘vulnerable’ young people, particularly those in school uniform, to leave.

Legal observers from Green and Black Cross first noted that people were being released at 5.15pm, over four hours from the start of the kettle. One observer noted:

“On Parliament Square end. Police letting people out in 1s or 2s from group who want to leave. Not getting searched or taking details. Police are still looking for those who are responsible for smashing the van and are picking people out who are allowed to go, mainly young women.”

However reports from two separate legal observers suggested that under sixteen year olds were still being released some hours later.

“19.40: Tried to leave kettle earlier. Was denied. Knows of a person with a sprained ankle who was also denied. Mostly U-16s going. Some people have definitely been let out. Possibly around 1000 left.”

“20:00: Still inside kettle. U-16 girls mostly who are leaving. Sweeping people out towards Trafalgar Square.”

Rather than prevent violence, the evidence suggests that this kettle precipitated it. Frustrated and angry young people pushed through police lines and threw missiles. Contained for many hours, in freezing temperatures, and with little else to do, they attacked a police van, and then set light to street furniture. Within the midst of this, were unaccompanied children, who were clearly placed at risk by the containment. Throughout it all, the police took no action, preferring simply to ‘gather evidence’ through the deployment of Evidence Gathering Teams (EGT) armed with stills and video cameras.

In our view it was fortunate that no-one was seriously injured or hurt. The consequences of the police action could have been much worse. However, large numbers of young people were undoubtedly distressed and upset by their experience, and many may have been deterred from taking part in future events. One eyewitness described to us one young woman, who was in floods of tears, saying to her boyfriend, “I want to go home. Why won’t they let us go home? I don’t even know what I’m doing here. I’m never going on a protest again.”

9th December 2010 – Parliament Square

December 9th saw the most serious violence of any student demonstration. Clashes took place with police in Parliament Square, missiles were thrown and the Treasury damaged. Later that evening the royal car containing the Prince of Wales and Duchess of Cornwall was attacked.
Serious injuries were sustained by protesters, including Alfie Meadows who was forced to undergo surgery for a head wound sustained from a police baton and a reported total of 43 demonstrators were taken to hospital.

There were numerous complaints of police violence towards protesters in Parliament Square. Jody McIntyre, a journalist and writer, was thrown by police from his wheelchair. There were also reports of police using their batons indiscriminately.

The BBC published an interview with Rachel Bergan from Barnsley, who was 17-years-old. According to Rachel, after begging in tears to be let out, she and her friends got through one police line but were then halted by another.

“We were traumatised at this point. We were crying. We’d been hit by police for just wanting to go home. We were begging to, please, just let us go home. They showed no mercy whatsoever […] I managed to break away. [When the police came at us again] I was pushed into a ditch by a police officer and when I tried to get out of the ditch he pushed me back in. I turned around to see a group of my friends on the floor getting beaten by police officers.”

Undeniably, there were attacks by protesters on police lines, and specifically against Forward Intelligence Teams. Missiles, including paint and smoke bombs were thrown from around 1.45pm, with sporadic scuffles then breaking out.

However the most serious violence occurred around 3.15pm when police horses charged into the crowds to stop students pushing through police lines at the Millbank exit from Parliament Square. The police horses caused crush and panic, and there was significant use of police batons. Further episodes of violence continued throughout the afternoon, although these were sporadic. A further sustained police charge, using batons and horses to clear the area around the Treasury took place between 17.50 and 18.15.
Kettling throughout the demonstration was intermittent, and there was considerable confusion amongst protesters as to whether or not it was possible to leave. According to Legal Observers, significant numbers of people were released from the kettle from around 18:20, and a number of observers reported that peaceful queues were building up of people waiting to leave. Release was slow due to the police filming each individual as they left.

However, an hour later things had changed. People were no longer being allowed to leave from the release points, but were instead directed to leave from Westminster Bridge.

However, instead of being released, protesters were then held on the bridge in a tight kettle. Some protesters complained that the crush was such, they had difficulty breathing. Police explained the delay as being because they were waiting for enough officers to carry out a ‘safe release’. Some protesters were held, in bitterly cold conditions, for several hours. The kettle was reported to have been completely dispersed by 23:20.

**December 9th 2010 - Westminster Bridge Kettle**

The final kettle on 9th December at Westminster Bridge was particularly unpleasant for those contained within it. The following is one fairly representative account we have received from the kettle:

“I with many others were kettled first in Parliament Square, then we were marched onto Westminster Bridge going away from Parliament. The police at the back must have squeezed the crowd as much as they could, because as I was going onto the bridge it was impossible not to trip or catch the heels of people in front. We were held for hours with no explanation. At times we tried to force our way through the police lines at the front. For a period I was at the front shouting “this is not a riot”, I had my arms held above me, the wisdom being that the Police wouldn’t strike you with a baton if your arms were up.

“Instead, I was kicked repeatedly on the shins by police officers, they would not stop kicking. I had to move back into the crowd because I was in agony. The officers kicking me had a look of absolute glee on their faces. I was intimidated, patronised, assaulted, and detained as a punitive form of punishment. I was cold, hungry, tired, bored, frustrated and angry. I have lost all respect for the police. They are vicious antagonistic thugs.”

Many others have given similar reports as to the use of force by
police against those held on Westminster bridge, and of their anxiety at being held in such a crush for up to four hours. It was also bitterly cold and those held had no access to toilet facilities, food or water.

In this case the objectives for the use of the kettle were not clear. People were being permitted to leave even after scuffles and attacks on police had taken place in Parliament Square. Further controlled release was permitted even after the more serious outbreaks of violence. Yet around a thousand demonstrators continued to be contained, in crushed, cold and uncomfortable conditions, apparently while awaiting a 'safe release'.

Police have justified the long use of the kettle as being necessary on the basis that further disturbances had broken out in Oxford and Regent Street. This does not, however, in our view justify holding young people for such a long time in such brutal conditions.

33 http://www.defendtherighttoprotest.org/we-are-all-alfie-meadows-day-of-action/. Alfie Meadows subsequently stood trial for violent disorder, but the jury failed to reach a verdict. At the time of publication he faces a second trial.

34 See Control of Movement 9th November above.

35 Castle v Comr of Police of the Metropolis [2011]EWHC 2317 (admin)

36 Ibid

37 http://www.defendtherighttoprotest.org/justice-for-alfie-meadows-stop-criminalising-protest/

38 According to evidence given by Simon Hardy from the National Campaign against fees and cuts to the Joint Committee on Human Rights

39 http://www.guardian.co.uk/uk/2010/dec/14/student-protests-video-protester-wheelchair

40 http://news.bbc.co.uk/local/sheffield/hi/people_and_places/newsid_9276000/9276699.stm
Mass arrests

Within the period covered by this report, there have been a number of instances in which the police have not released all of those held within a kettle, but have instead made large numbers of arrests, usually making use of their powers to halt or prevent a breach of the peace. The threshold for such arrests is low - there is no need for the police to have evidence or even suspicion than an individual has committed a criminal offence.

Netpol have concerns that the strategy of using mass arrest to end protest is motivated, at least in part, by the desire to gather intelligence. Virtually every arrestee provides a name, address and photograph, information that is clearly of intelligence value. Large scale arrests for breach of the peace also provide an opportunity for the police to ‘fish’ for individuals wanted for criminal offences.

The tactic has meant that individuals who have done nothing unlawful have been subject to arrest and detention, sometimes with the use of substantial levels of force. Mass arrests can be a form of collective punishment, where people are arrested despite having no association or control over others who may have committed unlawful acts. Netpol do not consider that this is a proportionate or acceptable approach to the policing of protest.

26th March 2011 - Trafalgar Square

A very large TUC sponsored demonstration took place on the 26th March which passed largely without difficulty. There was however, a ‘black block’ that left the march and attacked commercial property in central London. Although police made efforts to contain the ‘block’, the congestion and disruption caused by the TUC march itself impeded the swift transportation of officers, and prevented them from implementing a kettle. The ‘block’ evaded police lines, and eventually re-mingled with the TUC procession.

Later in the day, a separate group attempted to hold a protest occupation of Trafalgar Square. Many of those involved were young people, they had brought a sound system and were dancing. At around 9pm Guardian journalist Matthew Taylor described the situation on the Guardian live blog, “500-1000 protesters are gathering around fires and dancing and listening to music. The traffic is moving freely and the police seem happy with the situation.”

Less than two hours later, things were very different. Police in riot gear had moved into the crowd in large numbers, apparently to make arrests. Police statements issued to the press indicated that they believed attempts had been made by some in the crowd to damage the Olympic Clock. Facing some resistance from the crowd, the police then decided to implement a full kettle.
At 10:45pm journalist Laurie Penny was tweeting from Trafalgar Square “huge fights breaking out in Trafalgar between police and protesters.” “Police hemmed in on the steps of the square battering protesters. This was a party!” followed by “Just saw a police officer use a baton on a crying unarmed 19 year old girl” at 11:04pm. A later tweet at 23:04 stated “Hand on heart, I saw both sides kicking off today. But this is totally disproportionate. It was just kids having a party.”

A teacher who was one of the people held in the kettle described the force used by the police as “excessive”. She stated “When they closed the kettle and moved in on us, they pushed and shoved people, even when we were being compliant and stepping back and a number of people were hit with batons and shields even as they were co-operating.”

Another protester held in the kettle told us she had been hit on the head by a falling barrier. She had attempted to go to the police for help, but instead of assistance had received further blows from police shields.

“During my ‘containment’ the officers watched a safety barrier land on my head but refused to let me leave or get me a medic. Other officers also smacked me around the head with shields twice after I’d explained about the barrier. I was clipped with shields several times, including in the face, and also pushed to the ground.

“My behaviour, like most of the people stuck in that kettle, was in no way violent. There was no riot before the police descended on the Square, and the only violence I witnessed came from them, and it made me sick to my very core. We were treated like animals. My son, who was 6 that week, had to celebrate his birthday with a mother so concussed and bruised that I could hardly string a sensible sentence together.”

Others told a similar story. The following account was from a protester who had been held for three hours in the kettle. He was then arrested, filmed, told to provide a name and address, and was then placed in a police van. He and his friends never reached a police station. They were subsequently de-arrested and released at various locations around London. No charges were ever brought. “They charged the square without clear provocation before the kettle formed, hitting people with the flats of shield, even wielding a fence at me. I was struck in the upper arm by a baton, it hurt for a few days but no lasting harm, could have been a good deal worse. At the end, when they were clearing the square, there was a slot of shoving on the police’s part, I recall one young woman getting hit in the face, and I was dragged off the plinth.”
"I was with two friends at the time. The three of us were all arrested for 'a breach of the peace.' (They didn’t use the term ‘to prevent.’) We were split up, the two girls being driven to Elephant and Castle and myself to Westminster Bridge southside where I was dumped out of the van and 'unarrested' (something I suspect was a ploy to get details.) I was particularly concerned that the police had chosen to leave two young females (17 and 18) in the middle of Elephant and Castle at around 1.30am- not the safest of places for anyone!"

Another witness, who was also never charged, told us how she too was arrested. Having been loaded into the van she was later ‘unarrested’ on Lambeth bridge;

"I can’t comment on how many people they arrested as I was one of the first batch to be arrested and driven away from the square. I would hazard a guess that about thirty or so of us remained on Nelsons Column by the end and I’m presuming they arrested all of us. People were removed forcibly by dragging their arms and legs. I got down unaided through fear that I was going to be badly injured if the police dragged me. I’m only 5ft 2 and really small build and the police were being exceptionally rough. They pinned us to the wall of the base of the column in single file and continued pushing and shoving people even when we complied. We had to leave one by one down a double column of police, being forced to stop in front of a FIT [Forward Intelligence Team] officer who filmed us head to toe. They then arrested us individually at the bottom of the column. I seem to be one of the few that wasn’t handcuffed."

"As far as I can make out from talking to people who got put in other vans, it was mostly an information gathering exercise to get details and pictures."

"I know that of the six or so people who were in the same van as me, a couple of us were let out at Lambeth Bridge whilst others were taken to the station for reasons other than the Breach of the peace/public order offences they were allegedly arresting us for. I was allowed the opportunity to speak to a legal observer once I got to the van, but those were the first observers I saw. As far as I can make out from talking to people who got put in other vans, it was mostly an information gathering exercise to get details and pictures by the end. I really don’t know how many were taken in and arrested. I was concerned that they were dropping us off in random places then left to walk through London alone at 2am, especially the women. My boyfriend was dropped off in Vauxhall with another girl and the police joked about them not getting mugged on the way home."

It has been hard to obtain specific figures on the number of people that were arrested and then released at various locations around London. The Metropolitan Police subsequently told us they had ‘no records’ of any breach of the peace arrests. In response to a
Freedom of Information request they finally revealed that the officer in charge of the containment in Trafalgar Square had subsequently left the force, and his command log, which should have explained and justified the decisions being taken, could not be located. In the absence of official records, we can only guess at the reasons why such an extraordinary tactic was used. It is possible that the tactic was used to ‘filter’ protesters, making general arrests to obtain details, so that those who were of further interest could be taken to the police station while others were forcefully dispersed. Whatever the motivation, this was an unjustifiably aggressive and confrontational policing operation.

Fortnum and Masons – 26th March 2011
Although the arrests at Fortnum and Masons were for aggravated trespass, rather than breach of the peace, the decision to arrest over a hundred peaceful protesters raises similar concerns. Protesters have suggested that the motivation to gather intelligence played a significant role in the police decision making process.

On 26th March 2011, as a mass TUC march was taking place in central London, over a hundred protesters walked into Fortnum and Masons to hold a UkUncut demonstration. They sat, chanted and held banners, but allowed the shop to operate, and customers to continue browsing. When the police arrived the campaigners were contained in the store, but were given assurances by a chief inspector that this was being done only out of concern for their safety as disturbances were taking place in the area. The protesters cooperated and were told they would not be arrested. When police allowed them to leave the store however, they were kettled, handcuffed and taken into custody.

138 protesters were arrested for aggravated trespass. All had their mobile phones seized for forensic analysis, as well as their clothes and other personal items. Of these, only 29 were prosecuted.

Protesters claimed that the police had tricked them into co-operating with a mass arrest, by assuring them that they were being led to a safe area for release. Their claims were substantiated by video footage taken by a legal observer who was accompanying the protest.

Some of those arrested have also suggested that the true motivation for the mass arrests was the opportunity to gather intelligence. There had been disorder taking place during the day, and the police were...
under pressure to demonstrate the effectiveness of their response. Assistant Commissioner Lynne Owens later stated, in relation to the policing operation of the 26th March, “We do need to improve the intelligence picture, but our ability to arrest over 200 people at the weekend gives us a very good starting point in terms of building that picture.”

138 of the 200 arrests made were those arrested for carrying out a peaceful occupation of Fortnum and Masons. It is not immediately apparent how this is an effective means of improving ‘the intelligence picture’ in relation to disorder. However, this does not appear to have prevented the police from carrying out forensic analysis of the protesters’ mobile phones.

Julie Porter, one of those arrested wrote the following open letter to the Metropolitan police:

"After taking part in the trade union organised march against the cuts on March 26th, I walked through the open doors of Fortnum and Mason and took part in a protest that one of your senior officers on the scene described as “sensible and non-violent”. After singing a song and listening to someone explain that the royal grocers is involved in a scam to avoid paying £10million tax a year, I spent most of the time sat on the floor waiting because your officers had closed the shop due to a disturbance outside. I and the other protestors inside the shop obeyed police requests to group in one area, and customers were left to browse freely – diners in the restaurant and café continued to enjoy their meals. I left as soon as police opened the doors, and on the assurance by the senior police officer that protestors would be allowed to leave freely. This was a lie: outside I was immediately and forcefully arrested by a police man twice my size (I’m a woman who weighs 8 ½ stone and I wasn’t resisting); I was held for 24 hours with very little food; charges were pressed without the presence of a solicitor or any evidence being declared; and I was sent home to the other side of London without my clothes, phone, shoes or coat, in an white, oversized men’s jogging suit, my remaining possessions in a clear plastic bag.”
30th November 2010
This student demonstration took place a week after the national 24th November protest at which thousands of students were held in a police kettle for up to six hours in Whitehall. This event was a smaller, regional gathering, and in an effort to avoid being kettled in sub-zero temperatures, the students had decided not to move en masse, but to disperse into a number of separate ‘blocks’ marching around the City and central London. Eventually, however, a reported 2000 arrived back at Trafalgar Square, some as a result of being contained in a police ‘moving kettle’.

Once demonstrators had assembled at Trafalgar Square, police prevented protesters leaving to the south east. They deployed police in riot gear to hold the line, while allowing individuals and small groups to disperse to the north. There were reports of some missiles being thrown, and some damage to property. Legal observers reported that a dispersal order may have been issued at around five o’clock. By six o’clock the police were using force to impose a kettle of the remaining 100 – 150 protesters and had begun to make arrests. Over a hundred arrests were made.

Protesters complained that they believed the kettle to be nothing more than an intelligence gathering exercise. An experienced Legal Observer reported from the scene form 18.30, when the kettle was already in place. His statement notes that people were being removed from the kettle one by one, and taken in front of a Forward Intelligence Team (FIT).

An reporter for indymedia, Rikkiindymedia posted the following eye-witness account:
“As each person was escorted out, they were placed in front of one of three forward intelligence teams, who interviewed them in front a bright light and video camera. They were told they were being arrested for breach of the peace, and that they therefore had to give their name and address. some were loaded into vans - others were, after giving all their details and being photographed and videoed from every angle, told they were now de-arrested and allowed to leave - many of these were under-18. This is a worrying mass addition to the police database of young people not guilty or suspected of any crime, but simply protesting about ideological and political education cuts”

Significant force had been used to enforce the kettle, resulting in injuries to at least two teenagers. One seventeen year old was present with his girlfriend and a friend who was being pushed into the kettle. He has described to use how his girlfriend had tried to grab her friends hand, to pull him back, as they needed to go home.

“my girlfriend reached out her hand for him and without provocation a police officer in the crowd lashed out at her, striking her directly in her face and knocking her unconscious. As I was behind my girlfriend at
this point I cant be sure if she was struck with a shield or baton, but I think it was a shield. After this point I was on the floor trying to look after her, she had been knocked clean out and when she came to she was screaming 'im blind, I cant see”

“While she was being examined the medic told her it was members of the crowd that knocked her unconscious and after I said it was police that attacked her I was told to shutup and threatened with arrest if I didn’t.”

Smash EDO Brighton 2010
The use of mass arrests to prevent a breach of the peace is not confined to London or the Metropolitan Police. In October 2010 around 150 anti-arms protesters carried out a protest at the EDO arms factory in Brighton. Police complained that the protesters did not use the ‘designated protest area’ they had allocated, and arrested all of the 35 protesters they had kept contained in a kettle for two hours.

Sussex police said that “Despite designating a highly visible site for protestors on the main road to the factory, many of [the protesters] have not used it... instead many have caused disruption by failing to comply with police directions running away through fields and woodland and causing a disruption to local people.”

There has been a history of confrontational protest at the EDO factory, but on this occasion the protest had passed without major incident. At the end of the protest the police allowed protesters to disperse, but as the crowd moved off in small groups, appeared to change their minds. Police implemented a cordon and contained a group of 35 protesters, without further explanation. They were all held at the side of the road for around two hours, during which time they were compliant and calm. They were then all arrested ‘to prevent a breach of the peace’ and taken to a local police station where they were held for several hours.

No explanation was made of the need for arrests and no allegations of criminality were made against any in the group. All were released without charge.
In the case of Fortnum and Masons, the arrests were made for the offence of aggravated trespass.

http://www.whatdotheyknow.com/request/containment_management_march_26#incoming-232612

(1) A person commits the offence of aggravated trespass if he trespasses on land and, in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land does there anything which is intended by him to have the effect—.
   a) of intimidating those persons or any of them so as to deter them or any of them from engaging in that activity,.
   b) of obstructing that activity, or.
   c) of disrupting that activity.

The footage by Green and Black Cross legal observers was published in the Guardian. http://www.guardian.co.uk/uk/2011/mar/28/cuts-protest-uk-uncut-fortnum?INTCMP=SRCH

http://www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/uc917-i/uc91701.htm

http://london.indymedia.org/articles/6259

Police Photography

Forward Intelligence Teams (FITs) continue to be a routine sight at demonstrations. Activist groups such as Fitwatch have argued that FITs use intrusive and intimidating methods, harass protesters, and misuse legislation to force protesters to provide details and allow their photographs to be taken. In their report following the policing of the G20 demonstrations, “Adapting to Protest”, the HMIC recognised these concerns and recommended that steps should be taken to clarify the role of forward intelligence teams, and the remit of evidence gatherers.

Some changes do appear to have been implemented. Camera teams have been reclassified as Evidence Gathering Teams, and photographers are now required to wear identifying numbers. However, we have on-going concerns regarding police evidence and intelligence gathering at protest.

Police cameramen frequently photograph or take video footage of individual protesters engaged in political protest. They also routinely film/photograph individuals who are detained for the purposes of a stop and search, or who are being released from a kettle. While there is generally no obligation on members of the public to co-operate with police photography, individuals who have already been detained by police seldom feel in a position to refuse.

In a case brought by Campaign Against the Arms Trade (CAAT) employee, Andrew Wood the Metropolitan Police explained police photography in the following terms:

“A particularly useful tactic to combat crime and gather intelligence and evidence relating to street crime, anti-social behaviour and public order. It may be used to record identifiable details of subjects suspected of being involved in crime or anti-social behaviour [sic] behaviour such as facial features, visible distinctive marks eg tattoos, jewellery, clothing and associates.”

Large numbers of images are taken, however, and not all subjects of police photography are suspected of offences. Andrew Wood himself was photographed having attended a meeting on
behalf of CAAT, and after talking briefly to an individual known to the police. Police also made efforts to obtain his name and address.

The ruling in Wood obliged the police to destroy all images unless their retention for evidential and intelligence purposes is justified. We are concerned that there is still a lack of transparency in this process, and it is not clear how many images relating to protest are retained for intelligence purposes, how they are selected, and what use is made of them.

Netpol also have concerns over the amount of personal data, other than images, that is stored on the Metropolitan Police CRIMINT (criminal intelligence) and other comparable databases. Forward IntelligenceTeams compile often detailed and personal data on their subjects, including appearance, clothing and associates. Becoming a target of a Forward Intelligence Team does not require any involvement in criminal activity, merely a prominent or frequent involvement in political protest\(^51\).

It emerged in 2010 that John Catt\(^52\), an 85 year old peace activist, who turned up to protests to make sketches, had been placed on a ‘domestic extremism’ database. Personal details of Mr Catt, who has no criminal convictions, were kept on the database, including his appearance, movements and vehicle registration number.

As a result of all of this, protesters have become very wary of allowing the police to take their photographs or obtain their details. The police, however, have not appeared at all sensitive to privacy concerns. Throughout the period of time covered by this report the police have carried out intensive stop and search operations on protest, have strictly enforced restrictions on face coverings, and have routinely demanded the names and addresses of individuals contained in police kettles, sometimes under threat of arrest. We have seen an increased use in powers given to the police to obtain a name and address under section 50 of the Police Reform Act, which was intended to deal with anti-social behaviour. Through these strategies Netpol believes that well-established rights of protesters to withhold their personal details (as long as they have committed no offence) have been wilfully undermined.

**UkUncut Lambeth Bridge 2011**
The experiences of Ukuncut protesters held by police on Lambeth Bridge are indicative of this widely used tactic. As has been
described elsewhere in this report, a group of 50 people were kettled at Lambeth bridge, after a UKuncut ‘block the bridge’ demonstration. There had been no violence or disorder, and the group were contained after they attempted an unauthorised march to Parliament.

After being held for up to two hours, they were allowed to leave one by one, only after being questioned and photographed. Each individual was taken aside, and asked for their name and address. Some successfully asserted their right to decline the provision of personal information, while others reported they still felt as though they could not refuse. All, however, were required to pose for FIT photography.

The journalist Ryan Gallagher tweeted,

One protester told us; “we had to give them our details, but they accepted when denied. They asked questions about our choices then asked us to stand and be filmed.”

But another told us that they had given details because they didn’t feel able to refuse. Another stated; “we were allowed to leave one by one and requested to give our details but this was a long, intimidating process.”

**Section 50 Police Reform Act**

The increased misuse of section 50 of the Police Reform Act (PRA) 2002 on demonstrations is of particular concern. While police have no general powers to oblige protesters to provide personal details, this provision enables the police to require a person to provide a name and address if they have reasonable grounds to believe that a person is acting, or has been acting, in an anti-social manner. The legal definition of anti-social behaviour is equivalent that which would constitute an offence under section 5 of the Public Order Act 1986, that is behaviour that is likely to cause harassment, alarm or distress.

The police have existing powers to take the personal details of any individual that is suspected of committing an offence. However, the s50 PRA provision is being used as a blanket power to take the names and addresses of entire groups of people (see Panton Street kettle, below). It is also being used as a fall back provision, enabling the police to threaten the use of the power against any individual who declines to voluntarily provide their details. We believe that any use
of this power where there is not individual suspicion is unlawful, and that the generalised use of s50 PRA on protest is a serious threat to civil liberties.

This was recognised by the HMIC in their report ‘Adapting to Protest’\(^{55}\), who recommended that the Home Office should clarify the scope and application of this power. To the best of our knowledge this has not been done. In response to our requests for figures showing the frequency of use of this provision at protest, the Metropolitan police have said that they do not collate or collect this data\(^{56}\), so are unable to provide details of how many times s50 has been used during protest events.

**UKUncut – Panton Street Occupation**

On 30th November 2011 Ukuncut protesters staged an occupation of the mining company Xstrata. The company had been targeted because of the high earnings of their chief executive, Mick Davies. Up to 60 activists entered the building, some making it to the rooftop before being removed by police. Outside a group of around 200 supporters were held in a police kettle for several hours. Approximately twelve plain clothes police officers\(^{57}\) were also deployed within the kettle.

On leaving the kettle, each individual was searched, filmed and told to provide a name and address. In at least some cases, this was accompanied by a threat to arrest under section 50 of the Police Reform Act. One of those treated in this way was a woman who was present as a legal observer. She is now seeking a judicial review of the police behaviour. As well as demanding her details she was forced to pose for police filming, and made to turn around so that the police could film her from all angles.

The following extracts were taken from her notes:

16:32 :Constable Thomas said, ‘Under Public Order Act this is an illegal protest’. He said to crowd around them that EVERYONE must have their faces photographed if they want to leave, and their details taken ‘so that we know who’s here’.

17:38 :an LO [legal observer] poke with police member identified as ‘most senior’ (attempting to negotiate LOs out). We were denied this...
request under s50 Police Reform Act, on suspicion of antisocial behaviour of everyone in the area and they wanted all of our details.

17:46 I was individually escorted to a separate space entirely surrounded by police, as going left out of Panton Street. I was made to give my name, my dob [date of birth] and address, but they did not appear to radio-check me. The entire time I was being individually filmed. I asked him what police power they were using to do this and they did not answer but said ‘We will tell you after, now turn around’. I asked them if they are declining to answer me, they said ‘We will tell you after you are filmed’, then a lady police officer identifying herself as Constable Pike of Bromley said she would only talk to me after the cameras had finished. I was made to turn around and they filmed the back of my head. Then I faced them again. The woman said she was going to search me. I ask why she believed that I personally had committed antisocial behaviour? She said ‘Because you are here’.

Lewes Uncut

A former head teacher in Lewes, Sussex, also became a victim of the misuse of section 50 PRA after a Ukuncut style protest in the small town of Lewes, Sussex. Having done nothing unlawful, she asserted her rights not to provide her name and address to the police. As a result she was forcefully arrested and placed into a police van. She is now pursuing a civil case against Sussex police.

Along with around a dozen others, Adrienne took part in a local protest against what they saw as the corporatisation of the NHS, and the failure of companies such as Boots to contribute fairly through the tax system. They also thought they would like to mark the birthday of Tom Paine, a famous citizen of Lewes and author of the radical text the Rights of Man.

“We tried to be playful”, said Adrienne, a local retired head teacher. “We held a picnic. We got some poems and statements by Tom Paine, and got together some picnic rugs and tea and biscuits and spread them out in front of Boots. We wanted to be quite gentle about it.”

Less than a dozen protesters sat in front of the doorway of Boots, with a few others in support. Their aim was to raise awareness, not upset shoppers, so they did not prevent anyone entering the shop if they wished to. When the police arrived, they arrived in force, with twenty-nine officers attending, including an evidence gathering team. They approached those sitting on the floor and told them to move or face arrest.
Adrienne followed the direction of the police, got up and moved away. As she did so, she heard a police officer shout “take her details”. She was then stopped, and told that she had to provide her details. Feeling she had done nothing unlawful or unreasonable, she asserted her right not to have to provide her name and address to a police officer.

“They insisted, saying it was under some section or another. But I had been to climate camp the year before, and I knew from the training there what my rights were. So I said no, I don’t have to give you my details.”

“They then got my hand behind my back and pushed my head right down to waist level. They took me like this a distance of around twenty feet, in front of lots of people, and pushed me into the van. It was really humiliating and distressing. Some of those who were there were children who went to my school, and they were getting upset at what was happening to me. I became very tearful, and my arm was hurting too.”

Once she was in the van, Adrienne gave her details, and was then released. No charges were brought.

Netpol are highly concerned that the police are interpreting ‘anti-social behaviour’ as any behaviour which they dislike or disapprove of, rather than adhering to the legal definition of behaviour likely to cause harassment, alarm or distress. The use of this provision against an individual who had engaged in a peaceful, gentle protest is utterly unacceptable.

**Congolese demonstrations 14th December 2011.**
A series of demonstrations were held in London by Congolese supporters of opposition candidate Etienne Tshisekedi, as similar protests were held in Brussels and Toronto. Two large marches were held in December, both ending in rallies in Whitehall. On the 10th December a large number of arrests were made for obstruction of the highway and affray after police used force to disperse the assembled crowd.
On the 14th December, the Congolese community held another protest, this time deploying legal observers. The police once again enforced section 14 conditions and dispersed the crowd. Legal observers told us some people resisted the police line and were pushed and shoved by police officers, but there were no arrests and things remained calm. When a group of around 60-70 largely young Congolese protesters then congregated on Charing Cross Road, the police imposed a kettle.

Having held the protesters for approximately two hours, the police proceeded to release them one by one. As has become relatively normal in such circumstances, they were required to walk along a corridor of police officers, until they reached a police camera team. They were told they were being searched under “section 60”, referring to s60 of the Criminal Justice and Public Order Act which gives the police a blanket power to search people for weapons. It does not give police the right to demand details, but each of the Congolese protesters were told to stand in front of the cameras and provide a name and address.

A legal observer present told us that the police were insisting on people giving their details, and that they were prepared to use s50 PRA as a fall-back should anyone refuse. It was not made clear what grounds the police had for believing that each of those present had engaged in ‘anti-social activity’.

“The police said they were doing a section 60 search, so I tried to give the information to people that they didn’t have to give a name and address. A cop who was standing a metre or so to my left shouted out, “yes they do”. I asked if he meant they were using s50 powers and he said, ‘For those who refuse to give their details we will’. After that it was difficult to know what information to give. People kept asking, “do we have to give our names or not?” I tried to explain what s50 was, but don’t think many understood. They were mainly young kids without much understanding of the way the police or the legal system worked.

They searched a Congolese legal observer next to me, and they looked through her [legal observer]notebook and spent a long time going through her mobile phone. What weapons did they think they would find in her inbox? I found out later they asked some of the Congolese kids other questions too, like what was their immigration status. Have no idea what gave them grounds for doing that. It was blatant intelligence gathering.”
48 See for example, UkUncut Lambeth Bridge below.

49 Wood v Commissioner of Police for the Metropolis [2010] 1 WLR 123

50 See The Protest Handbook – Tom Wainwright, Anna Morris, Katherine Craig and Owen Greenhall


52 http://www.guardian.co.uk/uk/2010/jun/25/peace-campaigner-classified-domestic-extremist

53 See the entry under Kettles for further information.

54 Police have very limited powers to demand an individual to provide a name and address if they have not committed an offence. In this case, they had no powers to oblige protesters to provide their details.

55 HMIC report: Adapting to Protest – Nurturing the British Model of Policing.

56 http://www.whatdotheyknow.com/request/use_of_section_50_police_reform#incoming-250679

Overview

Pre-emptive police operations
There has been a significant the use of pre-emptive arrests over the period covered by this report. Police have wide powers to arrest to prevent a breach of the peace, if they deem it necessary to prevent imminent harm. In the case of political protest, we believe that these powers are inevitably open to abuse.

Participants in an anti-cuts demonstration on 30th June 2011, where there was no credible imminent threat of violence or disorder, were arrested on the basis that they were wearing dark clothes, or carried with them a change of clothing in their rucksacks. Ten people holding republican placards were arrested on the day of the royal wedding, as were a group of people dressed up to attend a ‘zombie wedding’, and one man simply for being a ‘known anarchist’.

We consider that the police have placed people under arrest, and subjected them to detention in police cells, when they have committed no offence, merely as a result of their attendance at, or intended participation in, political protest or assembly. The police, we believe, have not restricted the use of these wide sweeping powers to the prevention of violence, but have used them when merely expedient to other policing objectives.

At the time of publication we await the findings of a judicial review of pre-emptive raids and arrests related to the royal wedding. We are deeply concerned that the police have adopted a policy of carrying out the pre-emptive arrest of protesters in order to disrupt or prevent lawful protest. Such a policy should not be repeated.

The use of section 60 stop and search
Section 60 of the Criminal Justice and Public Order Act was originally introduced to be used in the context of football hooliganism and gang-related violence, but its use at protest is now commonplace. It allows the police to search any person, without giving a reason and without any need for ‘reasonable suspicion’ of that individual, where a section 60 authorisation is in place.

Section 60 is frequently criticised as being disproportionately used against the black and Asian population. We believe that s60 is also inappropriately used at political protests to target particular social groups, such as young people, or to harass individuals who are known political activists or associated with particular groups. We believe that the experience of participants in the trade union demonstration of 30th June 2011 illustrates this, as young people were subject to repeated stop and searches, during which they were surrounded by police officers and told to provide a name and address, as well as being filmed or photographed.
We believe that section 60 stop and search powers are excessive and unnecessary, and should be abolished. Section 60 stop and search operations can be highly intrusive and disruptive to lawful protest, and allow an unacceptable level of discrimination on the basis of race and ethnicity, age and political association.

The use of Section 46 of the Children Act 1989
Legislation designed to protect children from abuse and neglect has been used in the context of political demonstrations, and we believe this is an especially worrying development. The legislation was used by Leicester Constabulary as part of the policing of an English Defence League rally and counter demonstration. A leaflet was published and widely distributed which told young people that, under powers given to the police by the Children Act, any under eighteen year old could be removed from the demonstration, if the police felt they could be ‘at risk of harm’. The leaflet made it clear if any young person was picked up by the police, child and youth services would be involved, and the young person would only be released into the care of a parent or carer.

Two holding centres had been set up to take charge of any young person coming into ‘police protection’, but in the event the powers were not used. Netpol nevertheless consider that the threat of police intervention, as well as the apparent anticipation of ‘harm’, would inevitably have deterred young people from participating in lawful demonstrations, and that the police actions were wholly inappropriate.

The use of the Children Act to deter or dissuade young people under the age of eighteen from involvement in lawful political activity is unacceptable and should not be repeated.

Warning letters
Netpol also have concerns over the use of warning letters issued to young people in advance of the student demonstration on 30th November 2011. The letters, issued by the Metropolitan police, warned the recipient not to “involve yourself in any type of criminal or anti-social behaviour” at the forthcoming demonstration. Letters were sent to any person previously arrested in student or anti-austerity protest, whether or not they were charged or prosecuted. The Metropolitan Police, as well as other forces, have a responsibility to ensure that their actions, words or behaviour do not have the effect of discouraging engagement in lawful protest activity, or of stifling dissent.

The control of movement
The police possess a package of measures and strategies that can be used to contain and control political protest. They are able to
deploy these whenever they take the view that a particular protest is likely to result in violence or serious disruption to the community, or where there is an imminent threat of harm to people or property. Low threshold

**Conditions on protest**

Increasingly militarised equipment has been used to enforce conditions imposed on protests under s12 and s14 of the Public Order Act 1986. The ‘Scene Management Barrier System’ (SMBS) is an eight foot solid steel barrier of unyielding construction, originally designed for use during chemical, biological, radiological and nuclear (CBRN) incidents.

It has been used widely at football matches, and to separate contentious demonstrations such as those by the English Defence League from counter demonstrations. It has also been used to enforce the route of non-contentious demonstrations such the TUC sponsored Right to Work demonstration in Manchester in 2010, where it was used to ensure that demonstrators did not pass too close to the location of the Conservative Party Conference, and the 30 November 2011 anti-cuts march in London. We believe that using such a level of force to ensure the route of a demonstration is excessive.

Tight controls were also enforced on the student demonstration of 9th November 2011 which, despite previous disorder at demonstrations, appeared excessive. The march started out as something akin to a ‘moving kettle’, crushed and claustrophobic, and barriers and police lines controlled the entire route. At the concluding rally, the police strictly enforced conditions on the duration of the rally, arresting, kettling, then ‘de-arresting’ and dispersing a small crowd of around 40 people who were slow to leave. We consider that such controls were excessive, and challenged the ability of students to organise and participate in a lawful protest procession and rally.

The police have a duty to prevent violence and disorder. However, we do not accept that this duty justifies a allowing the police a carte blanche for intervention and control.

**Kettles**

Of all the methods open to the police to control the movement of protesters, the use of the tactic of kettling, known by the police as ‘containment’, is the most draconian. Kettles are often accompanied by extreme and coercive police enforcement, such as riot police equipped with shields and batons, and for those held within them they are at best frustrating, at worst frightening. Kettling may be used pre-emptively, to prevent an imminent ‘breach of the peace’, thus it can be implemented even when no disturbances have yet occurred. Over the period covered by this report, this tactic has been used frequently, if not routinely, to control protest gatherings.
It is clear to us that kettling is often used as a first, not a last resort. We also question whether the use of kettling is, in any case, an effective measure against violence and disorder. The strategy has, in fact, failed to prevent disorder on numerous student and anti-cuts demonstrations taking place throughout the year. In at least some instances, there is a good case to be made that the use of kettles precipitated or directly caused the disorder that subsequently took place.

The use of kettling, we maintain, has placed vulnerable individuals at risk, has prevented people from moving away from scenes of violence and disorder, has caused excessive distress and anxiety, and has constituted an unnecessary and unjustified interference with individual liberty. It should play no further part in the policing of demonstrations.

**Mass Arrests**

Within the period covered by this report, there have been instances in which the police have not released all of those held within a kettle, but have instead made large numbers of arrests under powers to prevent a breach of the peace.

Powers to prevent a breach of the peace allow the police to make arrests when this is deemed necessary to prevent a further breach of the peace, without need for individual reasonable suspicion of criminality. The mass arrest of, in one case, up to one hundred people at a demonstration, without the need for such suspicion, is clearly cause for concern.

Such arrests can be seen as a form of collective punishment, involving the detention of protesters who have done nothing unlawful. The ability to make large numbers of arrests also provides police with a substantial intelligence gathering capability. Virtually every arrestee provides a name, address and photograph, information that is clearly of use to the police.

The threshold for making breach of the peace arrests is low, and there is potential for this wide-sweeping power to be misused. Netpol are concerned that decisions to make large-scale arrests may have been motivated, at least in part, by the opportunity to collect protester intelligence, or to carry out a ‘fishing expedition’ to identify individuals wanted for specific offences. While the police have the right to investigate criminal acts, this does not justify the arrest and detention of large numbers of innocent people.

**The Gathering of Data**

Forward Intelligence Teams (FITs) continue to be a routine sight at demonstrations. Activist groups such as Fitwatch have argued that FITs use intrusive and intimidating methods, harass protesters, and
misuse legislation to force protesters to provide details and allow their photographs to be taken.

Police frequently film and photograph individuals within a crowd. They also regularly insist on filming or photographing individuals who are detained for the purposes of a stop and search, or on release from a kettle. While there is generally no obligation on members of the public to co-operate with police photography, individuals who have already been detained by police seldom feel in a position to refuse.

Netpol has significant concerns regarding the gathering and use of protesters personal data. It has been well documented that Forward Intelligence Teams (FIT) compile detailed and personal data on their subjects, including appearance, clothing and associates. Becoming a target of a Forward Intelligence Team does not require any involvement in criminal activity, merely a prominent or frequent involvement in political protest\textsuperscript{61}.

It emerged in 2010 that John Catt\textsuperscript{62}, an 85 year old peace activist, who turned up to protests to make sketches, had been placed on a ‘domestic extremism’ database. Personal details of Mr Catt, who has no criminal convictions, were kept on the database, including his appearance, movements and vehicle registration number.

There is still insufficient transparency in relation to data gathering strategies and policies. Protesters should have a right to know what information may be held about them, how such information is processed and analysed, and the purpose to which such information is put.

**Section 50 Police Reform Act**

Of primary concern is the increasing use of Section 50 of the Police Reform Act (PRA) 2002. This provision enables the police to require a person to provide a name and address if they have reasonable grounds to believe that a person is acting, or has been acting, in an anti-social manner.

The use of this provision at protests is disturbing. Evidence suggests that it is being used as a ‘catch-all’ provision to allow the police to
gather the personal details of participants in protest, and it has been frequently used to take the details of all protesters held within a kettle, including legal observers.

In our view, the use of this power equates the participation in protest with anti-social behaviour. In practice this power is used to enable the police to obtain the personal details of individuals who have done nothing unlawful. As such it is a significant threat to individual liberty and civil rights, and its use on protest should not continue.

58 http://www.blowe.org.uk/2012/06/time-to-abolish-section-60-stop-and.html

59 Children Act powers were also used in a similar fashion more recently by Leicester constabulary, during a further EDL demonstration in February 2012.

