

Report on the policing of protest in London on 26th March 2011.

Network for Police Monitoring

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About Network for Police Monitoring

Network for Police Monitoring (Netpol) is an umbrella organisation made up of Aldermaston Women's Peace Camp, Campaign Against Criminalising Communities, Fitwatch, Green and Black Cross, Legal defence and Monitoring Group and Newham Monitoring Project.

The network exists to provide a means of sharing experience, making the best use of resources, and providing mutual support. Network members have also supported groups planning or organising protest events by providing training and resources for legal observers. We aim to increase the capacity for effectively monitoring policing across the country.

Overview

This report will investigate the policing of the TUC March for the Alternative, UKUncut, black bloc and the Trafalgar Square clearance on March 26th 2011. The 26th was called as a day of action by various different groups, and it is impossible to get a complete picture of policing on the day without evaluating policing tactics used against all the groups protesting.

Netpol do not make distinctions over which of these groups were “legitimate” protesters. As a network we exist to critique the police not protesters and their tactics.

The report is based on information provided by observers on the ground, including independent legal observers from Green and Black Cross and the Legal Defence and Monitoring Group. We have also drawn on witness testimonies, twitter feeds and evidence given by senior police officers.

Key Findings

- Excessive deployment of Forward Intelligence Teams (FIT) especially in relation to their filming of the TUC March for the Alternative.
- Kettling, still a prime priority of the police, was ineffective and, despite promises to the contrary, still being used indiscriminately.
- The 145 UKUncut arrests were motivated by intelligence driven policing on a group of people the police admitted they had little intelligence on. Only thirty of those arrested are still facing legal proceedings which appear arbitrary and based on evidence such as holding a placard or being in possession of leaflets.
- The police turned a party into a violent and dangerous public order situation at Trafalgar Square through overreacting to the initial threat of damage to the Olympic clock and through their reaction when faced with a hostile crowd.
- There was an unacceptable level of police violence, including baton and shield strikes against protesters offering no resistance. This was particularly evidenced in the roads around Piccadilly and during the kettle and clearance of Trafalgar Square.
- Between 30-50 people were unlawfully arrested for Breach of the Peace following the Trafalgar Square kettle. These intelligence motivated arrests were not included in the official totals of arrests for the day. Most people were dearrested once they had given their details, and been filmed by FIT officers.
- Whilst the Metropolitan police engaged in a pro-active public relations campaign before, during, and after event, this exercise was limited to justifying any use of force rather than providing information to or communication with protesters.
- The Metropolitan police Twitter account was inaccurate and misleading, especially in relation to advice given to protesters in Trafalgar Square which bore no relation to events happening on the ground.

Background information

Student protests:

The TUC March for the Alternative took place after several months of large student protests and occupations against the raise in tuition fees and the scrapping of the Education Maintenance Allowance. The first major demonstration took place on 10th November and led to the occupation of Millbank. Further protests took place on 24th November, 30th November and 9th December. Damage to governmental and/or damage to corporate property took place on all these protests, and the level of militancy on these protests was a clear precursor to the actions of the black bloc on 26th March.

Following the Millbank protests, the police adopted a more aggressive model of policing, returning to kettling as their preferred option. In particular, the police were criticised for their kettling of Whitehall on 24th November, where many people, many of whom were under 18, walked straight into a kettle and were kept in freezing conditions for over seven hours.¹ There was further criticism of the police for using mounted police to charge the crowd in Whitehall. Despite the police issuing a denial, video footage released, and witness testimonies published in the Guardian show the charge very clearly.²

These tactics of kettling and mounted charges were repeated at further protests. Kettles were enforced at Trafalgar Square on 30th November and in Parliament Square on 9th December where protesters on Victoria Street were charged by horses with one woman sustaining a broken collar bone.³ Indeed police violence seemed to be increased on 9th December with both the case of disabled activist Jody McIntyre who was dragged out of his wheelchair on two separate occasions⁴ and the case of student Alfie Meadows who had to undergo emergency brain surgery after suffering bleeding to the brain after being hit by a police baton.⁵

However, this use of kettling failed to reduce disorder, either at the scene of the kettle, with angry people fighting to get out of the police containment, or away from the main site of protest. Despite, or even because of the raised tensions caused by extensive kettling, protesters were still able to, for example on 9th December, break windows at the Treasury and Oxford Street, and have an altercation with Prince Charles' car.

1 Inside the Whitehall kettle, Laurie Pennie, New Statesman, 25 November 2010

2 Student protests: video shows mounted police charging London crowd, Adam Gabbatt and Paul Lewis, 26 November 2010

3 Watch: police on horses charge students again, Sunny Hundal, Liberal Conspiracy, 9th December 2010

4 Shocking footage of police tipping disabled man out of wheelchair during student protests causes outrage, Daily Mail, 14 December 2010

5 London student 'struck by truncheon' has brain injury, BBC London News, 10 December 2010.

Intelligence gathering has been a primary focus on all protests, with extensive use of FIT, especially in the release of detained people from kettles during which they have been forced to have pictures taken. This was taken even further on 30th November where 139 people were arrested for breach of the peace after being released from the kettle in Trafalgar Square, many of whom were subsequently dearrested after being filmed and giving their details.

UKUncut

UKUncut was formed in October 2010 and has been one of the fastest growing direct action movements in the UK, making extensive use of social networking sites, in particularly Twitter. Actions have taken place across the country from Scotland to Cornwall. The growth and popularity of UKUncut has caught the police by surprise, and they have struggled to adapt to this new movement and new technologies, with the president of Association of Chief Police Officers, Sir Hugh Orde, stating social networking had created a “whole new dimension to public order.”⁶

Increasingly, UKUncut have been targeted by intelligence gatherers, and in London, undercover officers have been reported to have monitored protests.⁷ The Metropolitan police have also been criticised for use of violence at UKUncut protests, especially after protesters were sprayed with CS gas at a protest outside Boots on 30th January 2011, leading staff at the store taking protesters inside for treatment.⁸ However, police tactics at hundreds of previous UKUncut protests around the country have been markedly different to those on 26th March with very few arrests.

In the run up to March 26th, UKUncut put out a call to 'Occupy for the Alternative', stating they would be marching as a bloc on the TUC march before occupying banks, shops and a secret location in the afternoon. The police also made it clear they would take a 'robust' approach to any protests deviating from the march, and in a police briefing given to the Tactical Support Group (TSG) on the morning of the 26th, it was made clear that “there is a line in the sand around criminal trespass” and “we won't stand by and watch them do it.”⁹

6 Police could use more extreme tactics, Sir Hugh Orde warns, Amelia Hill, The Guardian, 27 January 2011

7 UKUncut protesters spied upon by undercover police, Paul Lewis, Adam Gabbatt, Matthew Taylor, Simon Jeffrey, 3 December 2010

8 Police use CS spray on protesters, Matthew Taylor and Jonathan Paige, The Guardian, 30 January 2011

9 March for the Alternative – behind police lines – video, Cameron Robertson, The Guardian, 28th March 2011

Trafalgar Square

Trafalgar Square has been a previous flashpoint on the student protests with a kettle and breach of peace arrests on 30th November 2010. In the run up to 26th March, there were calls to occupy both Hyde Park and Trafalgar Square, with specific calls to occupy Trafalgar Square for 24 hours and to 'turn Trafalgar Square into Tahrir Square' widely publicised.¹⁰ Assistant Commissioner Lynne Owens also specifically referenced Trafalgar Square in evidence to the Joint Committee on Human Rights on 1st March 2011 where she stated there would be a 'robust' reaction to any attempts to occupy the square.

Furthermore, Trafalgar Square has always been an historic centre for protests. For example, in 2009 Climate Camp occupied the square for the duration of the Copenhagen summit with no policing problems, and it has been a traditional starting and finishing point for demonstrations for generations.

Public Relations

Following bad publicity, particularly post G20 and Kingsnorth Climate Camp, the police have been on a PR offensive to improve their public image. This was evident in the pre and post event briefings and staged media events. On 26th March for the first time there was a specific command role for media work with Commander Bob Broadhurst as spokesperson.

The media access was not limited to press conferences and statements, but also extended to allowing The Guardian to follow a TSG unit. In all the pre event briefings, AC Lynne Owens stressed the march would be a 'family friendly peaceful protest' with a 'speedy' and 'robust' approach to any violence.¹¹

This PR offensive was also evident in the decision to work with Liberty to provide legal observers for the day, holding a joint press conference with both the TUC and Liberty and allowing Liberty access to their control room.

The Metropolitan police have been criticised in the past for their failure to communicate with protesters, and tried to provide assurances before 26th March that their communications strategy had improved, stating they would provide leaflets and Twitter updates for those attending the protests.

¹⁰ Anti-cuts campaigners plan to turn Trafalgar Square into Tahrir Square, Matthew Taylor, The Guardian, 22 March 2011

¹¹ TUC march and rally press conference (transcript), New Scotland Yard, 22 March 2011

The policing operations on the day

TUC March for the Alternative

Whilst the TUC march passed largely without incident, this is not surprising. Most A-B marches pass without incident. The TUC organise annual Mayday marches and these have passed without incident for over ten years, including times when there was a stronger anarchist response to Mayday protest.

Given this history, we are concerned about the use of Forward Intelligence Teams (FIT) to monitor and film those on the TUC protest. One TUC steward recounts FIT being present at the Embankment from 9am and filming the front of the demonstration. Another observer who saw FIT filming on Whitehall stated they “were clearly taking photos as the main march was passing through. There was no trouble and no indication that any trouble was likely.”

Black bloc

The black bloc was highly mobile and evaded police kettling which was authorised on several occasions.¹² We agree with the findings of the Liberty report that this failure to kettle the black bloc calls into question the effectiveness of breach of the peace containment given the people it is designed to contain can move faster than the orders transferred to officers on the ground, although it should be stressed we do not accept kettling as a legitimate tactic on any protest.

There has been a refusal by the police to recognise separate groups of protesters, especially in statements given to the media. This obfuscation was helpful to the police in terms of trying to claim effectiveness of their policing operation, especially in relation to arrest numbers, but does little to encourage and enact proportionate policing.

UKUncut

The UKUncut occupation at Fortnum and Masons led to 145 arrests and charges for aggravated trespass, forming the bulk of the 201 arrests made on the day. The occupation did not cause damage, protesters tidied up after themselves, and were promised they could leave by a Chief Inspector Claire Clark once the more volatile situation outside had calmed down. She further stated they were “non violent” and “sensible”.¹³ Evidence has subsequently come to light showing she knew the protesters were going to be arrested and deliberately lied to them.¹⁴

12 Liberty’s report on legal observing at the TUC March for the Alternative, March 2011

13 Cuts protesters claim police tricked them into mass arrest, Shiv Malik, The Guardian, 28 March 2011
Fortnum and Mason protest: CPS drops charges against 109 UK Uncut activists, Shiv Malik, The Guardian, 18th July 2011

However, all those remaining were arrested. Whilst in custody all clothes were taken and mobile phones seized. Most protesters were held between 20-23 hours and were released in unfamiliar places in paper suits charged with aggravated trespass and with bail conditions not to enter Central London on the date of the royal wedding and Mayday.¹⁵ One 15 year old girl was so anxious she threw up on herself after eating and the police failed to give her replacement clothes. Upon leaving she was asked to confirm that the Met would not be held responsible for her suicide.¹⁶

AC Lynne Owens suggested to the Home Affairs Select Committee on 29th April that the arrests had been intelligence motivated stating “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.”

Subsequently, charges have been withdrawn against all but thirty of the protesters. Prosecutors are claiming those still facing charges are the organisers, however the decision to proceed seems arbitrary, based on factors such as people holding placards or leaflets, rather than substantial evidence.¹⁷

Piccadilly

A separate incident developed outside Fortnum and Masons with both police and protesters trying to gain access to the shop. The police eventually forced those present into Piccadilly Circus where there was a stand-off between police and protesters. There were several incidents when protesters felt they were about to be kettled, but no kettle was formed.

However, there is no doubt that at times the police acted violently, especially once it had started to get dark, clearing roads, and using baton and shield strikes against people who had their hands in the air. It was very unclear what the aims of the policing operation around Piccadilly hoped to achieve with constantly moving police lines confusing and angering both protesters and the general public.

Trafalgar Square

After the demonstrations, people gathered in Trafalgar Square. The situation was calm, with people having a party, and according to Guardian journalist Matthew Taylor at 9:01pm on the Guardian live

15 Cuts protest: Now I'm a political prisoner, Imogen Perry, The Guardian, 29 March 2011

16 Peaceful occupation and arrest – guest blog post on www.latentexistence.me.uk by @magiczebras

Met police are accused of pursuing a ‘vindictive’ case against UK Uncut tax protesters, Mark Townsend, The Observer, 24 July 2011

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."

The police initially moved into the square make an arrest after one man allegedly attempted damaging the Olympic Clock. The people in the vicinity of the man tried to defend him and the situation escalated. At 10:45pm journalist Laurie Penny reported "huge fights breaking out in Trafalgar between police and protesters." By 10:54pm, she was reporting "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."

There can be no doubt the police caused a dangerous situation at Trafalgar Square through overreacting both to the initial perceived threat to the Olympic Clock, and through their reaction when faced with a hostile crowd. Instead of retreating after their initial foray into the crowd, the response was to send more and more officers into the square with the result of escalating one small incident into an unnecessary and violent public order situation.

Police officers showed an unacceptable level of violence in dealing with protesters in Trafalgar Square. Whilst there were some who fought back when the police moved in, there were many who were sitting on the floor, making peace signs, who were kicked, hit and trampled by officers. One man who was trying to get to work was hit by officers and sustained a head injury.¹⁸

One woman described the force used by the police as "excessive, especially once we'd been kettled." She goes on to state "The ratio of police to protesters meant we were massively outnumbered and most people took a non violent stance to being kettled. 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."

There were several minors caught in the crowd, and despite promises of a containment manager¹⁹ to prioritise the vulnerable and innocent in a kettle, this did not happen. Minors, and other vulnerable people did not have the option of exiting the kettle, and there seems to have been no strategy, despite these promises from the Metropolitan police to assist those trapped. One mother, concerned about her teenage son tweeted to @CO11Metpolice at 11:57pm "why won't you let peaceful protesters leave Trafalgar Square? Officers are refusing to let young people out."

18 March 26 London protests – what really happened – strangesanum91 – YouTube video

19 Police prepare for more kettling at cuts protests, Polly Curtis, The Guardian, 1 March 2011

Somewhere between 30 and 50 people were arrested when they were released from the kettle on suspicion of breach of the peace. It is impossible to get exact figures on arrest numbers as these numbers were not included in the global totals released by the police, and many of those arrested were subsequently dearrested before reaching a police station. The figure of 30-50 is based on accounts from those arrested and legal observers who watched the slow release of the kettle.

Many of those arrested were those who were forcibly removed from Nelson's Column. One woman who was arrested stated what happened: "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 officer who filmed us head to toe. They then arrested us individually at the bottom of the column. I seemed to be one of the few that wasn't handcuffed."

Many of the people arrested were subsequently dearrested in random places, in what the arrestee describes as "an intelligence gathering exercise to get details and pictures." She also states she 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."

Public Relations

The Met has been praised for its increased public and media relations, and it has been cited this has been one of the lessons learned from previous protests. However, our findings indicate that this strategy is based on improving how the police are perceived in the media rather than improving communications and actions on the ground.

The Met have also been praised for using Twitter to communicate with protesters.²⁰ However, our findings from monitoring the situation on the ground and the @CO11Metpolice Twitter feed reveal that their information was sometimes inaccurate and misleading. For example, at 2pm, the Twitter feed stated "The rear of the march is now at Piccadilly" when in reality the rear of the march had still not left the Embankment. Whilst this was amended fifteen minutes later after journalists and activists tweeted corrections, this simple mistake did install a lack of faith in the accuracy of their communications.

However, it was the tweets later in the evening, during the incident at Trafalgar Square which cause more concern. These tweets were at best misleading, and at worst a deliberate ploy to improve the public image of the police despite what was being reported from the ground. Tweets asking people to remain calm, or speak to an officer if they required assistance did not reflect what was happening on the ground, especially considering the evidence of people who were trying to be complaint who were hit by officers.

Conclusions

Intelligence gathering

It is clear that the majority of the actions of the Metropolitan police on 26th March were focussed on intelligence gathering. This is evidenced in the filming of the TUC march, the majority of the arrests at Fortnum and Masons and the arrests not counted in the overall statistics for the day at Trafalgar Square.

The filming of participants of the TUC march is of particular concern. This was, in the words of AC Lynne Owens a 'family friendly' event, and it is not acceptable to have intelligence officers filming in these circumstances.

The arrests and retention of phones of those arrested at Fortnum and Masons were primarily linked to intelligence gathering and had very little to do with gathering evidence about the alleged offences. Given the proliferation of smart phones, the police will be using this opportunity to uncover and track the social networks of those arrested. This level of data gathering cannot be acceptable against people described by a Chief Inspector as “sensible” and “non violent”.

Despite Her Majesty’s Chief Inspector of Constabulary (HMIC) recommending a “no surprises” approach to policing protest in their 2009 Adapting to Protest report²¹, there were no attempts to communicate with UKUncut or to get them to leave the building. The implications from this are that the police were more interested in gaining intelligence from arrests than facilitating protest.

Netpol condemns the use of intelligence gathering as a motive for mass arrests. Furthermore the retention by the police of mobile phones of all those arrested is entirely disproportionate to the offences alleged, and was clearly an exercise in gathering intelligence about a group they have previously admitted they know little about as many participants have no previous police record.²²

The 30-50 arrests at Trafalgar Square were also intelligence motivated; each arrestee was filmed from top to toe by intelligence officers and gave their personal details. The arrestees were complaint, and legality of these arrests is highly dubious. There was no imminent breach of the peace feared from those arrested which is clearly evidenced in the speed they were released.

²¹ Adapting to protest, HMIC, 2009

²² Police struggle to adapt to UK’s agile protest movement, Paul Lewis, The Guardian, 9 February 2011

We condemn the use of intelligence gathering as motivation for arrest, and believe this calls into question the legality of the arrests and the policing operation.

Kettling

Kettling has increasingly been shown as a flawed tactic,²³ and this was no exception on March 26th. Evidence from Liberty's observers in the control room show that, despite authorising kettles against the black bloc on numerous occasions, these were impossible to enact due to the fast mobile nature of the protest.

Aside from the obvious human rights implications of kettling, there is a fundamental policing problem in the failure to contain those whom the police want to restrict. On all the recent student protests, kettling has failed to prevent damage to property and has led to more anger against the police.

Despite pre-protest promises of containment only being used 'in extremis', and the appointment of a containment manager; an officer deployed to monitor CCTV and intelligence to ensure that those innocently caught up in kettles, those under 18 and vulnerable were dealt with promptly, this does not appear to have been enacted on the ground.

The kettle at Trafalgar Square was wholly and unnecessary, provocative with officers using violence to enforce the kettle, including baton and shield strikes, even when protesters were being compliant. There is no evidence of any action taken by the containment manager to ensure the speedy release of those injured, those under 18, or those who had nothing to do with the protest.

Kettling also should be viewed in relation to intelligence gathering as kettles are fertile ground for intelligence officers. The police certainly used the Trafalgar Square kettle as an opportunity for intelligence gathering, and given they must have known the reaction they would cause by wading into what was a party, questions have to be asked as to whether the situation was deliberately sparked so the police could use the ensuing containment for intelligence purposes.

²³ A High Court ruling on 14 April 2011 found the kettling of the Climate Camp at G20 in Bishopsgate was unlawful.

Public Relations

The Metropolitan police made a concerted effort to establish favourable media coverage pre and post event. It is unfortunate that Liberty, wittingly or unwittingly, helped increase the public standing of the police operation. Through co-operating with the overall policing operation and refusing to examine the various constitute parts of a day of action, their observations and report missed the biggest human rights abuses of the day, and gave the police a media coup in justifying their operation with AC Lynne Owens stating, “we welcome Liberty's overall conclusion that the policing was proportionate.”²⁴

It is also unfortunate that the media and public relations strategy was geared towards improving public opinion of the policing operation on and justifying any use of force rather than improving facilitation and communication on the ground. Indeed, the @CO11MetPolice twitter feed was at times inaccurate, at others meaningless with journalist feeds providing far better accurate information for those participating.

The Met are very aware that kettling has now become a controversial tactic, and are keen to avoid pictures of kettles appearing on the news. It is therefore interesting to note that the main kettle of the day took place once it was dark and most journalists had gone home. The police were then free to spin their violent protest story without too many immediate contradictions from those present at the same time as using a massive and intimidating force against protesters.

²⁴ MPS response to Liberty report, 18 April 2011