

Netpol

Report on the policing of the
English Defence League and
Counter Protests in Leicester
on 4th February 2012.



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Report Authors

Netpol has produced this report based on information gathered by legal observers and community-based volunteers. 14 legal observers were deployed on the day to monitor both EDL and UAF demonstrations, as well as other spontaneous gatherings that formed to oppose the presence of the English Defence League.

Legal observers were trained by Netpol, and were deployed with the active support of the Highfields Centre, and The Race Equality Centre (TREC) in Leicester. Many of them also took photos and video footage (links) present in this report. Community based volunteers also continued to collect information and witness testimony in the days and weeks after the EDL demonstration.

The report authors would like to thank all of those who have made this report possible, particularly the legal observers who were out monitoring the policing of the demonstrations from 8 o'clock in the morning to 8 o'clock at night in freezing conditions and at times in heavy snow. A special thanks also to those at Highfields Centre who helped collect and collate information on the day, and who provided much appreciated food and drink at the end of the day to cold and tired legal observers.

Summary of findings

Leicester City Council, in association with Leicester Constabulary, undertook a wide ranging programme to dissuade local people from engaging with or taking part in lawful marches and assemblies on 4th February. We consider that the actions of the council and police constituted an unacceptable interference in the organisation of lawful protest activity. We also believe that the use of public money to do this raises serious questions in relation to the right to freedom of assembly and expression.



The use of Operation Staysafe, which is an implementation of police powers under the Children Act, raises particular concerns. Under this legislation, the police have powers to remove a young person to 'a place of safety' if they believe that young person is at risk of harm.

Operation Staysafe leaflets, distributed to all households of school age children in Leicester, made it clear that any young person attending the demonstrations on the 4th February may be picked up by the police. They would then be held for their own protection, to be released into the care of a parent or guardian.

The leaflets also advised young people that the police would be stopping and searching people for weapons, and gave information relating to the possible impact of a criminal

record. They gave a strong impression to that attendance at this event could result in some form of police or criminal record.

On the day in question Operation Staysafe was not actually used, and no young person was taken to the designated place of safety. However, we have concerns that Operation Staysafe was intentionally used as a form of 'scare tactic', a strategy which we consider highly questionable if not unlawful.

This report raises further concerns in relation to the policing strategy that was adopted on the day of the demonstration. The decision to adopt a strategy that appeared to allow freedom of movement for the EDL, while restricting the movement of Black/Asian and Muslim communities, was in our view flawed. This strategy was widely perceived as discriminatory, and may have caused long term damage to community cohesion.

Legal observers reported that the police allowed supporters of the English Defence League relative freedom to move around the city centre. They were not prevented from leaving their rally site, and their movements were not restricted once the demonstrations were over.



In contrast, young Muslim men congregating in or around the city centre were dealt with robustly and with significant force. There

were a number of injuries reported, including one man who sustained bite injuries from a police dog as police dispersed Muslim youths gathering in a nearby park.



The police also used the controversial technique of 'kettling' when, later in the afternoon, a group of black and Muslim youths had congregated in the city centre. The police then used a public order tactic known as a 'moving kettle' to forcefully escort them from the city centre to the Highfields area.

Statistics obtained from police stop and searches carried out on the day further support concerns about discrimination in policing. While the number of searches carried out was not excessive, police records show that ALL of those stopped searched were of Asian ethnic origin.

One police officer, having been involved in the stop of a vehicle driven by an Asian man, was overheard to comment that they were 'just looking for white people to beat up'. We do not have access to the full details of the incident, however given the absence of any arrest either at the time or subsequently, this comment appears to be inflammatory and discriminatory.

The actions of the police created a strong sense of resentment, as young people felt they were being excluded from their own city while the anti-Islamic EDL were free to come

and go as they pleased. The police were perceived as imposing a form of 'lockdown' as they effectively designated the entire city centre as a 'no-go zone' for Muslim youth. The strong police presence on the edges of Muslim areas, the focus of stop and search on Asian men and the significant use of force against Muslim youth did much to reinforce this message.

The police have stated that they considered their policing operation of 2012 to have been a successful one. That is true in that there were no arrests, nor any significant disorder. There were, however, serious injuries sustained by young Muslim men through police use of force, and a further deterioration in what was an already poor relationship between sections of black / Asian and Muslim youth and the police.

In writing this report we are aware that there have been calls for an independent investigation into the policing of the demonstrations on 4th February. We would support this call.

Background

The demonstration held by the English Defence League in 2012 was the second time that such a protest had been held in the city.

In 2010 the EDL had held a static rally in Leicester, as their proposed march had been prohibited by the Home Secretary acting on the request of the City Council and the police. They were permitted to assemble at several city centre pubs which were designated as muster points by Leicestershire constabulary. As the ban on processions prevented them marching to their rally point, they were then transferred in buses. It was during this transfer that serious disorder occurred.

The Netpol report on the policing of the EDL demonstration in Leicester in 2010 stated,

“Significant disorder occurred during the process of moving EDL supporters from the pubs to the rally site. Pub windows were smashed, and on arrival at the rally site several busloads of EDL supporters attempted to break out of the designated protest area. There was a serious confrontation with police, who deployed riot shields and batons along with dogs and horses. Flares and missiles were thrown and one police officer sustained a broken leg. At least two EDL demonstrators were treated for head injuries.”

Later, EDL supporters also made a concerted attempt to reach the nearby Muslim area of Highfields and St Matthews, attacking a fast food outlet where a number of young Muslim people were eating. They were contained by police before reaching Highfields and St Matthews, where hundreds of people had gathered to protect their communities and Mosques from a widely anticipated EDL attack.

The English Defence League (EDL) has a history of holding demonstrations in towns and cities across the UK, some of which have included serious violence. According to home office figures there have been a minimum of 174 arrests in connection with EDL demonstrations.

Demonstrations organised by Unite Against Fascism (UAF) have never involved serious violence, but have involved arrests for obstructing the highway and minor public order offences.

Key findings

Community engagement

Operation Staysafe

As in 2010, the police and council engaged on an expensive and extensive programme to persuade people to ‘stay at home’. Once again this included the use of ‘Operation Staysafe’. 17,000 leaflets on the use of Operation Staysafe were delivered directly to the parents of secondary age children, with a further 3000 distributed via service points and staff/partners at a cost of around £8,000.

The leaflets were headed “What you need to know about demonstrations in Leicester on 4th February”. They did not distinguish between protests being organised by the EDL, or the counter demonstrations organised by Unite against Fascism. They were however widely distributed amongst the Muslim communities. The leaflets contained the following message;

“Operation Stay Safe will be running on 4th February 2012. This means that if the police see you and think that you may come to some harm, they can take you to a place of safety. You may be spoken to by someone from children and young people’s care services and will only be released into the care of your parent or carer.”

Operation Stay Safe made use of powers granted to the police by Section 46 of the Children Act 1998. This allows the police to take into police protection children who are at risk of ‘significant harm’ due to a lack of parental care or control. The provisions are meant to apply in situations where children are putting themselves in positions where they could be exploited or abused.

The leaflet went on to state;

“There may be people who will try to get you involved in the event on 4th February. They are doing this for themselves, not you.”

The leaflet made no reference to the rights of people to lawfully demonstrate in Leicester, or to go about their personal business in the city. The leaflet also suggested that people mobilising for demonstrations, including those mobilising to protest against the presence of the EDL may have underhand motives. It does not appear to us appropriate for the police or local authority to be passing comment in such circumstances on the motivations of those organising or promoting lawful political activity.

The leaflets stated that the police would be conducting stop and search operations and emphasised the possibility of violence and the consequences of criminal behaviour. In our view the leaflets contained an explicit suggestion there would be adverse consequences – whether that was being stopped and searched, or being taken to a ‘place of safety’ – even for those who were intent on protesting lawfully.



In the event, places of safety were not used, and we are not aware that any young person was removed from the demonstration under Operation Staysafe. Nevertheless, we feel that the operation had significant effect in deterring young people from joining in the protests, and voicing their opinions. Given the strong engagement by police with the

Muslim community in the run up to this event, we also feel there was a disproportionate emphasis on dissuading particularly the Muslim community from expressing their opposition to the EDL. This, we feel, is a significant interference with human rights and suggests a discriminatory approach.

Distraction activities and community engagement

A range of initiatives were put in place to dissuade young people from attending the demonstrations, including the allocation of funds to youth and community centres to provide 'distraction activities'. The success or otherwise of these activities has not been evaluated, and it is uncertain whether they were effective in diverting people from protest activity. The provision of distraction activities did, however, add weight and visibility to the general appeal to young people to 'stay away'.

The police and city council made efforts to engage directly with the Young Peoples Council (YPC) in Leicester. The YPC then issued an official statement stating;

"We would like to urge young people to stay away from the city centre, and instead young people can access various youth activities across the city that are being provided."

Volunteers from the Young Peoples Council and Young Advisors were also engaged in promoting the messages from the police and city council through social media. These volunteers were told they "must re-post/retweet LCC or police messages" and were issued with instructions that they "do not engage in provoking dialogue with members of either side".

Consultation

At the same time, genuine consultation with young people in Leicester does not appear to

have been given similar resources and emphasis. Young people have complained to us that consultation meetings with young people were poorly advertised and poorly attended, and that they were unable to provide answers to their questions.

One young person told us;

"I attended the youth consultation held by the Police at the Highfields Centre. When I went to the meeting I saw only 3 or 4 young people. The majority of attendees were adults. The event was very poorly advertised around Highfields, St Matthews and Belgrave and this took away from the fact they wished to have a youth consultation as these 3 areas are known EDL targets."

"I was disappointed with the answers given by the police officer who delivered the consultation. I didn't feel that the consultation answered any questions that were important such as what would be the details of policing styles in the City Centre."

Restrictions on movement.

UAF demonstration

The movement of people of Asian appearance was restricted throughout the day. The Clock Tower area, which is a major shopping area, had become a contested area between EDL and UAF supporters. Police formed a loose cordon here, allowing shoppers to pass through, but restricting access to anyone they deemed to be a supporter of Unite Against Fascism (UAF). Legal observers reported to us that, in practice, this resulted in some black and Asian people being moved on or denied access to certain areas (even if they were there merely to shop) while white people were unimpeded.

Legal observers notes included the following entries; 'Let white woman through, stopped Asian couple going through the same way',

‘Stopped young Asian ppl and not white adults’, ‘2 photographers who were white not asked to move on, other black photographer asked to move.’

Conditions on assemblies and processions imposed under s12/s14 of the Public Order Act 1986 were used to contain and move on UAF demonstrators who collected at the Clock Tower. Twelve horses and a large police presence were used to escort the protesters to the authorised UAF rally point at King Street.

Restrictions placed on Muslim youth

Other restrictions on movement were put in place throughout the day as preventative public order measures. These focused almost entirely on the Muslim community, particularly youths.

While it is understandable that the police would wish to take action to prevent disorder, we consider that the actions taken to separate the Muslim population from the EDL were in many cases excessive, and may have been counter-productive. The police were perceived as imposing a form of ‘lockdown’ as they effectively designated the entire city centre as a ‘no-go zone’ for groups of young Muslims. The strong police presence on the edges of Muslim areas, the focus of stop and search on Asian men and the significant use of force against Muslim youth (see below) did much to reinforce this message. Taken together the police actions created a strong sense of resentment, as young people felt they were being excluded from their own city while the anti-Islamic EDL were free to come and go as they pleased. ¹

A large police presence was maintained on the boundaries of the city centre and the St

Matthews area. Somali and Asian youths congregating here in the early afternoon were held back by cordons as police attempted to prevent them from going into the city centre. A number of these youths appear to have then made their way to Abbey Park, where police used batons and dogs to move them on (see ‘Excessive Use of Force’ below).



Use of ‘kettling’

A large group made up mainly of Muslim men, who made their way into the city centre at around 3.45pm, were also apprehended by the police. These men were initially held in ‘tight containment’, a tactic which involves police lines physically pushing and holding a group within a very confined space. ² One of those caught in the kettle told us;

“The Police officers hemmed 20-30 of us in a very tight cordon by a shop front and they were eventually joined by another row of officers and mounted police. I was talking to young people to stay calm while at the same time suggesting to officers that they allow us to disperse in small groups and that kettling in such an aggressive way would not be helpful. I spoke to a ‘Community mediator’ that I knew and explained the situation to him but he was useless in doing anything productive and begs the question what their role was on the day. In the end we were told that we would be

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http://www.youtube.com/watch?NR=1&feature=endscreen&v=sxhGy5q_Lpo

2

<http://www.youtube.com/watch?v=0jyNN8ZDaWo&feature=plcp>

escorted out of the town centre so again I was in moving kettle. Officers behaved in an aggressive and violent way to a group of young white women who were with us and during this time young predominantly Muslim lads as they were passing were being thrown into the kettle.”



Legal observers also documented people being thrown into the ‘kettle’ which grew significantly in size. One reported that police took ‘black and Asian men and women and shoved them into kettle’, another that police ‘funnelled in groups of Asian youth’.

Police then forcefully escorted the entire group from the city centre, finally allowing them to leave towards the Highfields area. When asked what he intended to do with the group his officers had contained, Supt Martyn Ball responded that he was ‘taking them home’.³

Similar restrictions do not appear to have been placed on the movements of EDL supporters. After the end of their demonstration, not all supporters of the EDL left in coaches, and a number made their way unimpeded to the city centre. It is unclear whether there was any subsequent disorder or violence as a result of the continued presence of the EDL, although they were

perceived as a serious threat by many people of Asian or Muslim appearance.

Excessive use of force.

City Centre

Despite the restrictions, a number of opponents to the EDL, including Muslim youths, gathered at the roadside while the EDL was passing through the city centre. There was some chanting of “Allahu Akbar” and anti EDL slogans. The police response was to aggressively ride horses into the crowd, and to draw batons. One young man who was caught up in this told us;

“I was on my own in town and then some other lads joined me as we just wanted to see the EDL march. Police pushed us back. I saw a guy with a balaclava run towards the Inland Revenue Offices down a narrow alley (on the Matalan side) and I followed him. Police came up to me and I volunteered to walk away and had my arms raised and said to them I didn’t want any trouble. They then started hitting me with batons. During this assault police did not communicate anything or say anything to me.”

The man has made a formal complaint to the police. He sustained severe bruising, but also told us that he has been suffering mental trauma as a result of the attack, including panic attacks and sleeping problems. He also reports that he has now ‘a lot of hatred and anger towards the police’.

In what may have been a separate incident, one legal observer reported, “I saw a young man standing in the middle of what looked to be a car park being hit by a policeman with a baton, and went towards him. Then suddenly I and a number of others, mainly Asian youths, were being pushed back by police horses. The horses were literally being ridden into people.”

³

<http://www.youtube.com/watch?v=ofBP1xoN8s8&feature=plcp>

There were no arrests made, and the police have made no allegations of violence or attempted violence. Given the circumstances, the level of force used, particularly the deployment of batons, appears excessive and unnecessary.



Abbey Park

A group of Muslim youths were confronted by police in Abbey Park. It appears they congregated there, having evaded police cordons at the edge of St Matthews. As police vans arrived, dog teams were deployed, and one man was left suffering dog bite injuries which required hospital treatment.

The incident was described by one eye-witness as follows;

“We’re running back, but this person, he was running back as well, he falls down, basically he is on his knees and the police let the dog bite him. After the dog bit him the police took it off, and again, for the second time the dog was going to bite him. And the police let that happen. They were saying ‘move, move’ to the dog, the dog wouldn’t listen; basically the dog wasn’t well trained. When the police was pulling the dog off, instead of putting his feet on the ground, he put his feet on that person. He was getting bitten by the dog, he was screaming and shouting and I could see the pain he was going through, the police officer put his feet onto that person to pull the dog off.”

Another told us,

“That is ridiculous, that is not acceptable. He was in a lot of pain, he was treated by the ambulance for an hour. When last year the EDL kicked off big time, did they use the dogs on them? No. Why not? Because they are only after Muslims, that’s why.”

Another man who was also in the park told us how he had nearly come to the same fate,

“I told him I would get out of the park. The person, the police was swearing at me really badly. Still I told him I would go. I could see the dog nearly biting my ankle. He moved the dog away, and was threatening the dog would bite me if I didn’t move. Still I was moving.”

The men concerned were predominantly young men, many in their teens. All told us they were trying to leave the park, as the police directed, when they were attacked.⁴

Stop and Search – s60 Criminal Justice and Public Order Act.

Leicestershire Constabulary recorded making only 15 stop and searches in relation to the EDL and counter demonstrations on 4th February. They have confirmed that all of these searches were of people classified as being of Asian appearance.

We are reassured by the relatively low number of stop and searches that took place, although have concerns that there may have been some under-reporting of stop and search, perhaps because of administrative difficulties caused by ‘mutual aid’ - the use of police officers from other regional forces. We are, however, highly concerned that ALL the recorded searches were of members of the Asian community.

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<http://www.youtube.com/watch?v=0WAdk8COPBc&feature=plcp>

Police have not specified under which power these 15 searches were made, but there was a s60 CJPOA authorisation in place, and legal observers reported witnessing a number of s60 stop and searches.

Section 60 of the Criminal Justice and Public Order Act allows the police to stop and search individuals without suspicion that they have done anything wrong. The provisions allow police to search for weapons, but do not provide a power under which to demand personal details such as name and address. S60 stop and searches should not be used as an excuse to carry out ID checks, however accounts from Legal Observers indicate that in some cases individuals were being detained after a search for this purpose.

One legal observer reported. "We came across a small group of Asian youths being stopped and searched. Nothing had been found during the search, and some of the group had been allowed to go. One man was still being detained as the police were awaiting a response on the radio to his ID check. When I questioned why he was still being detained, the officer allowed the youth to leave."

Legal observers also reported police making a stop and search of a vehicle that took place at Belgrave Gate at around 3.30pm. Having carried out a vehicle check, a police officer remarked within the hearing of legal observers that the driver and passengers "were just looking for a white person to beat up".

Power to remove face coverings.

Leicestershire constabulary also enforced the use of s60aa CJPOA, which allows police to demand the removal of face coverings where a s60 authorisation is in place. The police appear to have repeatedly used this power to require people to remove scarves, although it

was a bitterly cold day, with heavy snow later in the afternoon.



The use of this provision to remove scarves was recorded by legal observers, but only against black and Asian men. In one recorded case, a man was physically and aggressively pulled away from a small group of friends, then surrounded and detained by police officers until he removed his scarf.⁵

One demonstrator told us of his anger at seeing the police take no action against EDL protesters wearing masks, while he saw his friends constantly being told to remove their scarves. He also reported that the EDL were not subject to the same intensity of surveillance and police photography as they themselves had been.

Facilitation of the UAF and EDL demonstrations.

Unlike 2010, the EDL were permitted to march in Leicester. After some negotiation with the police, they were allocated a rally point at St Margaret's Way. The route of the march passed directly through the city centre, and controversially included the Clock Tower, a key point in the city centre, and one that had been previously associated with UAF protest.

⁵ http://www.youtube.com/watch?v=41gw-p_8db4&feature=plcp

Negotiation between demonstration organisers and the police was on-going on until the weekend before the 4th February. The final route was not announced until the 31st January, just four days before the planned protest.

The UAF had requested the Clock Tower as their rally point, as it had been in 2010. In the absence of an agreement, and with the need to promote the demonstration to their supporters, the UAF had started advertising the Clock Tower as their assembly point. The police decision to grant this area to the EDL came as a blow to the UAF, and gave the impression that the police had given preference to the wishes of the EDL. Many supporters of the UAF decided that they would in any case assemble at the Clock Tower, rather than at their imposed rally point at New Walk. It became a contented area and a potential flashpoint.

Both demonstrations were made subject to s12 and s14 provisions of the Public Order Act 1986. This allows for the police to impose conditions on both static rallies and processions where they may result in serious disorder, serious damage to property or serious disruption to the life of the community.

Chief Constable Simon Cole stated,

“I have made this decision having considered the history of previous events involving the EDL and Unite Against Fascism (and non-affiliated groups), a number of which have led to serious public disorder and serious damage to property, and on the more general basis that any event involving simultaneous marches involving several hundreds of people in a busy city centre environment is likely to cause serious disruption to the life of the community.”

S12/s14 conditions were used to enforce timings and routes of the marches, to ensure that the two demonstrations were kept apart. Both demonstrations complied with the conditions without issue. There was no variation of route, and no major confrontations between marchers and police.

Next steps/Way forward:

In order to address some of the issues raised in this report, we hope that the following may be useful first steps:

- An independent investigation into the policing of the demonstrations on 4th February .
- Leicestershire Constabulary and other forces in the country must now look at how both EDL and Counter demonstrations are policed and how this is perceived in all our communities.
- There is a clear need for independent community based legal observers and this independence must be respected by the police and authorities.
- There is a clear need to tackle the underlying anger and grievances that many Muslim/Black young people feel, and that were reinforced by the events of February the 4th.