



‘Britain Is Not Innocent’

A Netpol report on the policing of Black Lives Matter protests in Britain’s towns and cities in 2020

THE NETWORK FOR POLICE MONITORING

A report by the Network for Police Monitoring (Netpol) based on protesters' and legal observers' testimony about the policing of Black Lives Matter protests in Britain in 2020.

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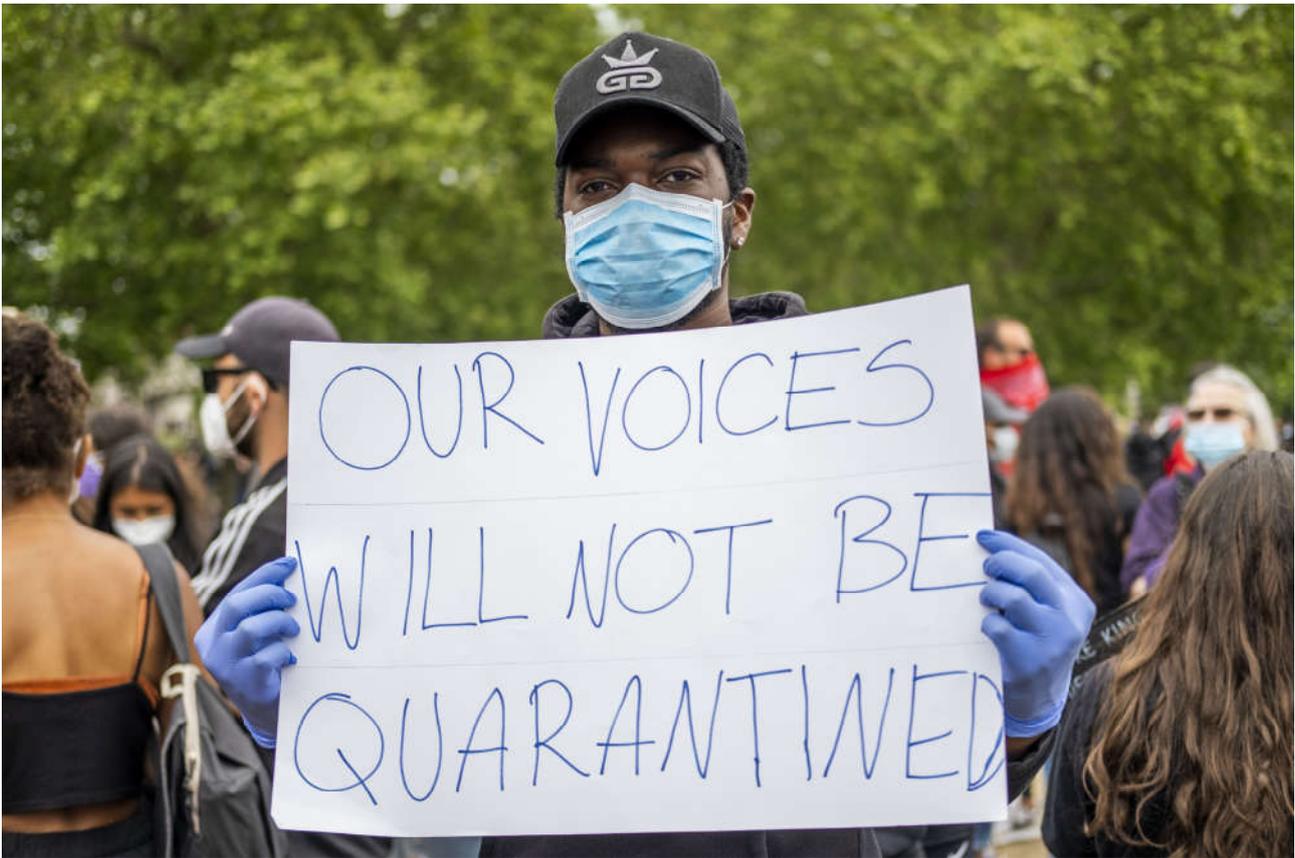


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Executive Summary

While Britain has a long history of black and anti-racist protest, the Black Lives Matter demonstrations in the summer of 2020 were the largest of such protests in British history.

For Netpol, concerns about the policing of the protests arose from the racially discriminatory manner in which the lockdown regulations were imposed, widespread use of Section 60 searches (see below) during lockdown and the wider context of institutional racism in policing. It is with this in mind that we question the extent to which the policing of the demonstrations was motivated by concern for public safety (including spread of coronavirus).

Reports of excessive force, negation of the duty of care and racially discriminatory practices indicated the need for formal research and reporting into the policing of the BLM protests. This report draws its evidence from the eye-witness testimony of legal observers, protesters and arrestee support volunteers.

Key Areas of Concern: Excessive use of force and targeting of black protesters

The evidence collected from over 100 witnesses indicates a number of concerns with the policing of the BLM protests. Excessive use of force, including baton charges, horse charges, pepper spray and violent arrest were commonly reported and well-evidenced. These uses of force appear to be

unprovoked, and inconsistently attributed to lockdown regulations¹. Many witnesses report excessive use of force being disproportionately targeted at black and other racially minoritised protesters, reflecting wider patterns of institutional racism in policing.

Key Areas of Concern: Kettling

Kettling was a common tactic used by police, enclosing a large number of protests for hours into a confined space – without food, water or access to toilets - making social distancing impossible. Many of those enclosed in these kettles were under 18 and some were identified by legal observers as vulnerable. In a number of instances, both inside and outside kettles, police ignored or even mocked injured protesters. One of the most serious cases involved a young black woman trampled and knocked unconscious by a charging police horse.

Key Areas of Concern: Far-right violence and neglect

This failure of duty of care became more pronounced when the far right organised counter-demonstrations. At least two young people who were survivors of racist attacks from the far right were ignored and even criminalised by police. One young black boy was searched and moved on by officers after sustaining serious injuries including a stab wound to the face.

Conclusions: Excessive use of force at black-led protests generally and against black protesters in particular, in addition to neglect of survivors of racist violence suggests the policing of the BLM protests was institutionally racist.

We conclude that excessive use of force is disproportionately used at black-led protests, and against black protesters. The police routinely negate their duty of care, suggesting that non-police organisations (e.g. healthcare workers and community organisations) would be better suited to aiding the management of protest. A similarly hostile attitude and in some cases, use of force, was deployed against Legal Observers at the protests, despite their independent status – particularly against those who are black or another racialised minority. Social distancing and Covid regulations were applied at random.

The racially discriminatory manner in which they were applied generally (outside the protest context) and the discriminatory use of excessive force during the protest, suggests racism affected the manner in which police enforced lockdown regulations. In isolation, these concerns point to racially discriminatory behaviour. However, collectively, this evidence leaves little doubt that the policing of the BLM protests was institutionally racist. Vitally, this racism and intimidation is likely to have broader effects of anti-racism and protest in Britain eroding the legal and democratic rights enshrined in Article 11 of the European Convention of Human Rights.

¹ Lockdown regulations as they pertain to protest can be found here www.libertyhumanrights.org.uk/advice-information/can-i-attend-a-protest-during-the-coronavirus-lockdown



Black Lives Matter protest in London, 20 June 2020

Introduction

About Netpol

The Network for Police Monitoring (Netpol) is one of the only organisations working alongside front-line campaigning groups and movements to protect their freedom to protest. We bring together many of the Britain’s most experienced activists, lawyers and researchers to push against these attacks on our human rights to freedom of assembly and freedom of expression.

Since 2009, we have provided expert legal rights information and guidance, helping groups to understand changing legislation and police tactics so they are better prepared. We also enable lawyers to identify emerging patterns in public order policing. We have worked closely in particular with anti-fracking campaigners since 2014 to demand greater transparency and accountability from local forces about the way protests are policed.

The aim of this report

This is an independent report representing Netpol’s assessment of events based on a decade helping groups and lawyers to understand police tactics and emerging patterns in public order policing.

After months in which the most draconian legislation in years, in response to the global coronavirus pandemic, had effectively resulted in the suspension of demonstrations in Britain, the police were largely unprepared for multi-ethnic Black Lives Matter protests in towns and cities around the country.

From the beginning, Netpol received reports that demonstrators were experiencing police tactics that were disproportionate and unlawful. As the witness statements from this report demonstrate, it was young black people, the organisers of the first protests in May 2020, who were far more likely than their white counterparts to face arrest, excessive force and the use of stop and search powers during and after demonstrations. We also witnessed an increasingly stereotypical and racist portrayal of Black Lives Matter protests as violent from politicians, including Home Secretary Priti Patel describing the anti-racist activists as 'thugs and criminals'². The police were also quick to highlight the allegedly violent nature of the protests³ and they were joined by much of the press⁴, helping to justify the police tactics scrutinised in this report.

The police have a legal duty to facilitate the public's right to protest. But this is not the first time that we have witnessed the "facilitation" of demonstrations turn quickly into tactics such as kettling, stop and search and the imposition of strict conditions on public assemblies: environmental campaigners experienced similar treatment in 2019, for example. As we warned at the time, "the approach to policing major protests in central London tends to indicate what campaigners can expect in the future".⁵

However, the coronavirus state of emergency has added a whole new dimension to protests, and this is likely to continue until 2022. Black Lives Matter protests this year may have been the first to lead to demands on the Home Secretary from police to suspend the right to protest.⁶ This public call on the Home Office to restrict freedom of protest went further than the Section 14 (Public Order Act 1986) which was imposed on London (and after a challenge, removed) in an attempt to curtail XR protests in 2019⁷.

² Andrew Sparrow and Matthew Weaver, 'Priti Patel condemns minority at Black Lives Matter protests as 'thugs and criminals' – as it happened' *The Guardian*, 8 June 2020 www.theguardian.com/politics/live/2020/jun/08/uk-coronavirus-johnson-says-anti-racist-protests-were-subverted-by-thuggery-live-news-covid19-updates

³ Martin Bentham, 'Met chief Cressida Dick condemns violence at Black Lives Matter protests saying guilty 'will be brought to justice'' *The Evening Standard*, 8 June 2020 www.standard.co.uk/news/london/dame-cressida-black-lives-matter-protest-comments-a4462481.html

⁴ For instance see Jordan Kelly-Linden and Mike Wright, 'Black Lives Matter: Protesters march on London as scuffles break out in Glasgow' *The Telegraph*, 20 June 2020 www.telegraph.co.uk/news/2020/06/20/black-lives-matter-protesters-march-london-scuffles-break-glasgow/, Ewan Somerville, 'London Black Lives Matter protests: Met Police make 41 arrests and 22 officers injured amid violent clashes over weekend' *The Evening Standard*, 8 June 2020 <https://www.standard.co.uk/news/crime/london-black-lives-matter-protests-churchill-metropolitan-police-a4462231.html> or <https://www.itv.com/news/2020-06-20/black-lives-matter-protests-london>

⁵ Network for Police Monitoring, 'Restricting the Rebellion', *NetPol*, 21 November 2019 <https://netpol.org/2019/11/21/restricting-the-rebellion/>

⁶ Charles Hymas, 'Protests should be banned under coronavirus laws, Metropolitan Police Federation chief says' *The Telegraph*, 14 June 2020 www.telegraph.co.uk/news/2020/06/14/ban-demonstrations-health-grounds-protect-officers-says-police

⁷ Network for Police Monitoring, 'Restricting the Rebellion', *NetPol*, 21 November 2019 <https://561.6fe.myftpupload.com/wp-content/uploads/2019/11/Restricting-Rebellion-Report-with-Full-Appendices.pdf>

Without underestimating the threat posed by the coronavirus pandemic, we question whether the motivating factor for wanting to shut down protests is genuinely about protecting public health – or whether it is a desire to marginalise and undermine the demands of people taking to the streets seeking fundamental change from powerful state institutions, including British policing. In short, we are concerned that the police were motivated by a desire to deny BLM campaigners the right to protest.

This is why Netpol has set out to compile all the information we could – to provide Black Lives Matter campaigners with a tool to continue to defend their right to protest.

Black Lives Matter in Britain

The Black Lives Matter (BLM) movement began in the USA in 2013, following the acquittal of civilian George Zimmerman for the killing of Trayvon Martin in Florida in February 2012 and the protests arising from that. There was a small demonstration in solidarity outside the US Embassy in London in April 2012.

Following the police killings of Michael Brown in Ferguson and Eric Garner in New York in 2014, larger demonstrations under the BLM banner took place in the UK, with mass street protests in major cities. A BLM direct action shutting down Westfield Shopping Centre in Shepherd's Bush, west London, in November 2014 led to 76 arrests⁸.

In 2016, BLM activists shut down roads and other transport infrastructure in Manchester, Birmingham, Nottingham and London protesting environmental racism, deportations and policing in Britain⁹; while a number of arrests were made, few of the activists were charged and none was found guilty of any offences.

Following the worldwide outrage of the police killing of George Floyd on 25 May 2020 in Minneapolis, BLM protests emerged in over 260 towns and cities across Britain. This included major multicultural centres where anti-racist protests were not uncommon, to small towns and villages which saw the first recorded anti-racist protests in their history. The first protest was on the weekend of 29 May and they continued daily, then weekly.

Different protest adopted different focuses or themes, but all centred on challenging racist policing and other forms of racism in Britain, as well as the US. Protests peaked in mid-June, with over 200,000 people taking to the streets¹⁰. The protests received constant media coverage, with

⁸ Haroon Siddique and Dominic Smith, '76 people arrested in Eric Garner protest at Westfield shopping centre' *The Guardian*, 11 December 2014 www.theguardian.com/us-news/2014/dec/11/76-arrests-eric-garner-protest-westfield-london

⁹ BBC, 'Black Lives Matter protests stop cars and trams across England', *BBC News*, 5 August 2015, www.bbc.co.uk/news/uk-england-nottinghamshire-36983852

¹⁰ Aamna Mohdin and Glenn Swann 'How George Floyd's death sparked a wave of UK anti-racism protests', *The Guardian*, 29 July 2020, www.theguardian.com/uk-news/2020/jul/29/george-floyd-death-fuelled-anti-racism-protests-britain

even the football Premier League¹¹ and ITV's Britain's Got Talent¹² taking an unprecedented position in support of the BLM movement. After a statue of the slave trader Edward Colston was torn down by BLM protesters in Bristol¹³, historical institutions across the country, including English Heritage¹⁴ and the British Museum¹⁵, have made changes to how their sites and exhibits portray histories linked to colonialism.

The government has responded by setting up a Commission on Race and Ethnic Disparities¹⁶. Importantly, therefore, while these protests were sparked by a police killing, they have addressed not only wider problems with institutional racism in British policing, but also racism in Britain more generally. Regular, but smaller-scale, BLM protests continue in cities across Britain at the time of writing.

Sources

When the recent BLM protests began, in May 2020, Netpol began working alongside a number of police monitoring, anti-racist and community organisations to provide legal observers, arrestee support and other assistance.

In July 2020, Netpol put out a call for anyone who had attended a BLM protest to submit testimonies detailing their experiences of policing at the protests. We received over a hundred accounts from across the country, and have carefully considered all the information we have been sent. The notes of legal observers, arrestee support workers and other volunteers, as well as accounts sent to us from protesters themselves, form the evidence on which this report is based.

We are grateful for the financial support from our supporters who have made this report and our follow up work possible. A very special thanks to the many BLM groups from across the country who contributed to the evidence base of this report.

¹¹ Press Association, 'Premier League players to switch Black Lives Matter to No Room For Racism slogan' BT Sport, 10 September 2020 www.bt.com/sport/news/2020/september/premier-league-players-to-switch-black-lives-matter-to-no-room-for-racism-slogan

¹² ITV 'ITV 'stands behind' decision to broadcast Diversity's BGT performance', *ITV News*, 15 September 2020, www.itv.com/news/2020-09-15/itv-stands-behind-decision-to-broadcast-diversitys-bgt-performance

¹³ BBC, 'Edward Colston statue: Protesters tear down slave trader monument', *BBC News*, 7 June 2020, www.bbc.co.uk/news/uk-52954305

¹⁴ English Heritage, 'London's Blue Plaques, Statues And Black Lives Matter', *English Heritage*, 16 June 2020, www.english-heritage.org.uk/about-us/search-news/blue-plaques-statues-and-black-lives-matter/

¹⁵ ITV, 'Statue of British Museum founder Sir Hans Sloane removed from pedestal – but not hidden away', *ITV News*, 28 August 2020, www.itv.com/news/2020-08-27/statue-of-british-museum-founder-sir-hans-sloane-removed-from-pedestal-but-not-hidden-away

¹⁶ Simon Murphy, Heather Stewart, Vikram Dodd and Peter Walker, 'Race commission head Tony Sewell apologises for anti-gay comments', *The Guardian*, 16 July 2020 www.theguardian.com/world/2020/jul/16/concern-choice-charity-boss-tony-sewell-head-uk-race-commission



Black Lives Matter protest in London, 13 June 2020

Background

Institutional racism and British policing

Institutional racism has long been a problem faced by black and other racialised minorities in Britain. Put simply, institutional racism is when the normal functioning of an institution produces racist outcomes. Yet government inquiries into civil unrest in response to police inaction following racial violence, or accusations of violent police racism, historically downplayed institutional racism.

Reports in the 1960s, 1970s and 1980s, most notably the Scarman Report following the urban rebellions in 1980–81, conceded only that racism in policing was the result of a small number of prejudiced officers. It was not until 1999 that the Macpherson Report, which came out of the Stephen Lawrence Inquiry, found the Metropolitan Police to be institutionally racist. While critics considered the recommendations of the report (e.g. community/police liaison committees, diversity targets and equalities training) to be ineffective in tackling institutional racism, the Met have failed to fully implement them.

Since the Macpherson Report was published, multiple studies have found evidence of institutional racism in policing in England and Wales. These include the Amnesty International report into the

policing of 'gangs'¹⁷, the Transnational Institute's report into Prevent¹⁸, *Guardian* research into the use of tasers¹⁹, Liberty's research into surveillance²⁰, a UN report into excessive use of force²¹, and studies by StopWatch into stop and search and into traffic stops²².

Despite this, Cressida Dick, the current Met Commissioner, continues to deny that institutional racism is a problem for policing. As recently as July 2020, as the BLM protests were ongoing, Dick claimed 'I don't think we're collectively failing. I don't think [racism] is a massive systemic problem, I don't think it's institutionalised'²³. At the time of writing, the government are facing a legal challenge to their new Commission on Race and Ethnic Disparities, partly on the basis that its head, Tony Sewell, has consistently downplayed or denied the significance of institutional racism in Britain²⁴.

Policing black and anti-racist protest prior to BLM

Given the evidence of police racism in Britain detailed above, it is unsurprising that policing has long been the focus of black and anti-racist protest. The failure of government or the police themselves to deal effectively with institutional racism, makes protest a popular avenue for challenging this problem.

The largest anti-racist protest in British history before the summer of 2020, was the 'Black People's Day of Action' in February 1981. Over 20,000 people marched after police refused to investigate a suspicious house fire in New Cross (London Borough of Lewisham) during a 16th-birthday party, in which 13 young black people died. However, it also took place in a wider context of racist attacks and police racism, particularly the 'sus' law ('Suspected Person', based on Section 4 of the 1824 Vagrancy Act).

¹⁷ Amnesty International, 'Trapped in the Matrix: Secrecy, stigma, and bias in the Met's Gangs Database', 2018, www.amnesty.org.uk/files/reports/Trapped%20in%20the%20Matrix%20Amnesty%20report.pdf

¹⁸ Ruth Blakeley, Ben Hayes, Nisha Kapoor, Arun Kundnani, Narzanin Massoumi, David Miller, Tom Mills, Rizwaan Sabir, Katy Sian, Waqas Tufail 'Leaving the War on Terror: A Progressive Alternative to Counter-Terrorism Policy,' *The Transnational Institute*, 3 September 2019 www.tni.org/en/publication/leaving-the-war-on-terror

¹⁹ Poppy Noor, 'Met police use Tasers and restraints more often against black people' *The Guardian*, 5 December 2018 www.theguardian.com/uk-news/2018/dec/05/met-police-use-tasers-and-restraints-more-often-against-black-people

²⁰ Liberty 'Liberty's Briefing On Police Use Of Live Facial Recognition Technology' *Liberty* November 2019, www.libertyhumanrights.org.uk/wp-content/uploads/2020/02/LIBERTYS-BRIEFING-ON-FACIAL-RECOGNITION-November-2019-CURRENT.pdf

²¹ United Nations 'UN human rights experts says deaths in custody reinforce concerns about 'structural racism' in UK' *United Nations Human Rights*, 27 April 2018 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22997&LangID=E

²² StopWatch, 'Vehicle stops and strip searches - the methodology of our recent findings', *StopWatch*, 17 February 2014 www.stop-watch.org/news-comment/story/vehicle-stops-and-strip-searches-the-methodology-of-our-recent-findings

²³ Adam Forrest, 'Metropolitan Police chief denies force is 'institutionally racist' and pledges to listen to Black Lives Matter protesters' *The Independent*, 8 July 2020 www.independent.co.uk/news/uk/home-news/met-police-cressida-dick-racism-bianca-williams-stop-search-a9607671.html

²⁴ Simon Murphy, Heather Stewart, Vikram Dodd and Peter Walker, 'Race commission head Tony Sewell apologises for anti-gay comments', *The Guardian*, 16 July 2020 www.theguardian.com/world/2020/jul/16/concern-choice-charity-boss-tony-sewell-head-uk-race-commission

As the use of the 'sus' laws continued, the spontaneous rebellions against searches, arrests and raids proliferated. During the spring of 1981, cities and towns across England, including St Pauls (Bristol), Toxteth (Liverpool), Chapletown (Leeds), Handsworth (Birmingham), Moss Side (Manchester) and various parts of London erupted into protest and civil unrest against police racism and violence.

New police tactics were introduced from the Northern Ireland to Britain, including the use of pepper spray and driving vehicles into crowds to force them to disperse – this latter tactic led to the death of a disabled man in Toxteth.

The year 1985 saw more urban rebellions following police raids on homes, which left one black woman in Brixton paralysed and another in Tottenham dead. During the 1985 rebellions the police deployed officers with riot shields and other armour, as well as baton rounds.

Following the racist murder of Stephen Lawrence in 1993, a mass movement emerged challenging the police inaction in identifying those responsible. It was support from Nelson Mandela that helped the campaign to get the public inquiry which resulted in the aforementioned Macpherson Report.

Unbeknown to the Lawrence family and their supporters, the police had undercover officers allegedly infiltrating their campaign (and other anti-racist groups such as the Newham Monitoring Project, a founding member of Netpol). According to former undercover officer and whistleblower Peter Francis, he was instructed to gather intelligence that could damage the campaign and undermine their goals for the inquiry²⁵. When Theresa May was Home Secretary (2010–2016), she established an inquiry into such police spying in 2014, which remains paralysed by delays and is unlikely to report for many years.

In August 2011, police shot and killed Mark Duggan in Tottenham, north London. Rather than informing the family of his death, they published a press statement claiming that there had been a shootout, which was later revealed to be false. The Duggan family learned of his death when it was inaccurately reported on the evening news. A community protest to Tottenham Police Station demanded to speak to a senior officer – when this demand was refused, civil unrest erupted.

For four days, civil unrest took place in towns and cities across England. Over 3,000 arrests were made; courts worked additional hours, with magistrates instructed to pass down the harshest sentences possible²⁶. Police monitored social media and mobile phone usage to produce evidence of 'gang' affiliation and 'bad character' to convict those accused of riot-related offences²⁷.

²⁵ Mark Ellison QC, 'The Stephen Lawrence Independent Review: Possible corruption and the role of undercover policing in the Stephen Lawrence case. Summary of Findings.' 2014
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/293103/SLindepReviewSummaryFindings.pdf

²⁶ Lee Bridges, 'Four days in August: the UK riots', *Race & Class*. 2012;54(1):1-12
<https://journals.sagepub.com/doi/abs/10.1177/0306396812446564>

²⁷ Patrick Williams and Eric Kind, 'Data-driven Policing: The hardwiring of discriminatory policing practices across Europe – Project Report', European Network Against Racism (2019).
www.statewatch.org/media/documents/news/2019/nov/data-driven-profiling-web-final.pdf

Policing of previous Black Lives Matter protests

The policing of Black Lives Matter protests between their inception around 2013, and the summer of 2020 which is the focus of this report, has been uneven. Many of the protests have been the standard A-to-B march, and have been allowed to proceed with relatively little incident.

However, the shutting down of Westfield Shopping Centre in November 2014 following the decision not to prosecute the police who killed Eric Garner in New York²⁸, marked a turning point. Here, protesters were kettled outside in near-freezing temperatures for hours²⁹, photographed, taken to police stations all over Greater London and charged with violent disorder or affray. At the time of writing, a legal case is pending against the Met for misuse of power including wrongful detention.

Following protests in solidarity with BLM in 2016, in which roads, tramlines and London City Airport were shut down, protesters involved in the last of these actions were given conditional discharges and fines after they admitted lesser charges of trespass.

The Coronavirus Act and police powers

When Britain had a lockdown imposed in March 2020 following the outbreak of coronavirus, the police were awarded sweeping new powers under the Coronavirus Act. These included the power to issue fines to people they interpreted as violating the rules of the lockdown, such as congregating in non-household groups or being outside for non-essential reasons (including protest). Police also had the power to detain anyone against their will whom they suspected of being infectious.

The first person to be fined using these powers was a black woman waiting at a train station in Manchester, and by July, it was found that black and Asian men were 54% more likely to be fined by police using the lockdown powers³⁰. The Crown Prosecution Service confirmed that all 149 prosecutions made under the provisions of the Act were unlawful³¹.

²⁸ Katie Benner, 'Eric Garner's Death Will Not Lead to Federal Charges for N.Y.P.D. Officer', *New York Times*, 16 July 2019, <https://www.nytimes.com/2019/07/16/nyregion/eric-garner-case-death-daniel-pantaleo.html>

²⁹ Channel 4 News, '“We Can't Breathe”: 76 arrested at London Eric Garner demo', Channel 4 (2014), www.channel4.com/news/eric-garner-protests-london-westfield-die-in

³⁰ Matthew Weaver, 'Police in England and Wales 'twice as likely' to fine young BAME men during lockdown' *The Guardian*, 27 July 2020 www.theguardian.com/uk-news/2020/jul/27/police-in-england-and-wales-twice-as-likely-to-fine-young-bame-men-during-lockdown Liberty, 'Police Forces In England And Wales Up To Seven Times More Likely To Fine Bame People In Lockdown' *Liberty*, 27 June 2020 <https://libertyinvestigates.org.uk/articles/police-forces-in-england-and-wales-up-to-seven-times-more-likely-to-fine-bame-people-in-lockdown>

³¹ Lizzie Dearden Coronavirus Act's criminal offences must be repealed, campaigners say after 141 people unlawfully prosecuted, *The Independent*, 29 September 2020 <https://www.independent.co.uk/news/uk/home-news/coronavirus-act-vote-parliament-wrongful-prosecutions-offences-repeal-b696390.html>



Black Lives Matter protest in London, 31 May 2020

During the first national lockdown, which commenced on 10 March 2020, the police also extended the use of Section 60 (Criminal Justice and Public Order Act 1994), which enables them to use stop and search powers without reasonable suspicion across a given area for a specific period of time. It is supposed to be used only when the threat of serious violence is considered imminent, yet in May 2020 there were 65 Section 60 orders imposed within London alone, far more than the 13 of the previous month, and significantly more than were used in the same month in previous years.

Liberty reported that while black people are ten times more likely to be stopped and searched than white people in general, this increases to 43 times more likely when a Section 60 is imposed³². Stop and searches increased by over 40% between April and June 2020³³.

A number of of recorded stop and searches (many members of the public report searches going unrecorded³⁴) led to an arrest, caution or fine. Nearly 20,000 black people were stopped and searched in London during the lockdown, the equivalent of 25 percent of black men aged 15 to 24 in the capital. Despite this significant increase in policing, crime levels had actually decreased in the run-up to the use of the Section 60s used in May 2020³⁵.

³² Liberty, 'Stop and Search', *Liberty* www.libertyhumanrights.org.uk/fundamental/stop-and-search

³³ Despite a decrease in recorded crime: Martin Beckford, 'Stop-and-search use in London rose 40% in lockdown, figures show', *The Guardian*, 25 August 2020 www.theguardian.com/uk-news/2020/aug/25/stop-and-search-use-in-london-rose-40-in-lockdown-figures-show

³⁴ StopWatch, 'Experiences' *StopWatch* www.stop-watch.org/experiences/

³⁵ Liberty 'Section 60 Stop and Searches under lockdown' *Liberty*, www.libertyhumanrights.org.uk/issue/pandemic-of-police-powers-liberty-reveals-scale-of-misuse-of-police-powers-under-lockdown/#:~:text=Section%2060%20stop%20and%20search%20under%20lockdown,to%20extreme%20levels%20of%20discrimination.&text=NPCC%20figures%20show%20that%20before,lockdown%2C%20crime%20levels%20had%20fallen.

Evidence

Timeline of Black Lives Matter protests in summer 2020

The scale of the BLM protests is huge – at least 260 areas of the UK organised protests. The timeline below is a snapshot of some key events which informed the findings of this report. (Locations are London unless stated.)

Date	Event
28 May	Protest outside the US Embassy in London organised by Stand Up to Racism
30 May	Hundreds attend BLM procession in Peckham (south London) .
	Vigil held in Free Derry Corner in Derry , Northern Ireland
31 May	First major BLM protests take place in central London – one in Trafalgar Square, one at the US embassy in Battersea.
	Connolly Youth Movement holds vigil at Writers' Square in Belfast .
	Hundreds gather outside St George's Hall, Liverpool .
	Hundreds of protesters gather outside Cardiff Castle in Cardiff .
	Hundreds march in Manchester , ending with a rally in St Anne's Square.
1 June	Hundreds march from Brixton to Marble Arch in London .
	Around 100 people attend a protest at Belfast City Hall.
2 June	Hundreds gather outside Bournemouth Town Hall.
	Around 300 protesters march from central police station to the city centre in Coventry .
3 June	Thousands gather in Hyde Park (including the actor John Boyega) in London and march to Whitehall (with a small group then heading south to Brixton).
	500 protesters gather outside the Guildhall in Southampton .
	Around 50 people take the knee outside St Giles Cathedral, Edinburgh .
	Hundreds gather for a vigil in South Park, Oxford .
	1,000 people march in Brighton .
4 June	4,000 people march in Birmingham .

Date	Event
4 June	500 people march from Lincoln city centre to Lincoln Cathedral.
	Hundreds protest in Queen Victoria Square, Kingston upon Hull .
	Vigil held in Newport on the Isle of Wight
	Over 100 gather for a vigil outside Spelthorne Borough Council offices in Staines-upon-Thames .
	100 gather for a vigil on Broad Street in New Alresford , near Winchester.
	Hundreds demonstrate in Guildhall Square, Portsmouth .
	300 people gather for a demonstration in Barnstaple , Devon.
	500 people protest in Leamington Spa .
5 June	March from Hyde Park to Parliament Square in London .
	200 protesters gather at the Old Courthouse and Heritage Museum in Inverness .
	Hundreds protest in Eastrop Park, Basingstoke .
6 June	Tens of thousands march in London .
	4,000–6,000 gather to protest in Parker's Piece, Cambridge .
	Hundreds gather across Northern Ireland including Derry and Newry .
	Around 4,000 protest in Leicester city centre
	At least 15,000 attend protest in Piccadilly Gardens in Manchester .
	Over 400 gather for rally at Flowerpot Playing Fields, Exeter .
	~3,000 people gather under Grey's Monument in Newcastle-upon-Tyne .
7 June	Thousands march in London from US Embassy to Whitehall.
	Hundreds attend march on High Street in Dumfries .
	Hundreds hold vigil in the city centre in Carlisle .
	Thousands march in Bristol before tearing down a statue of slave trader Edward Colston.
9 June	Hundreds protest outside Oriel College and its statue of Cecil Rhodes in Oxford .
12 June	Thousands gather for BLM assembly in Hyde Park in London .

Date	Event
13 June	Right-wing Democratic Football Lads Alliance (DFLA) protest in Parliament Square/ Whitehall. Counter-mobilisation in Trafalgar Square in London .
	Hundreds protest in many locations across the Shetland Islands .
	Hundreds march in Union Street, Aberdeen .
	BLM protest near Grey's Monument in Newcastle-upon-Tyne is attacked by far-right demonstrators.
	Loyalists stage counter-protest to BLM in George Square, Glasgow .
14 June	Over 1,000 gather in Millennium Square, Leeds .
15 June	BLM demonstrator, South African backpacker James Meikle, is remanded in custody after pleading guilty to two counts of assaulting an emergency worker on Saturday 13 July. On 14 July, he receives a 6-month custodial sentence.
17 June	No Evictions demonstration in Glasgow attacked by far-right National Defence League
20 June	Third major BLM protest in Newcastle-upon-Tyne .
	BLM March from Hyde Park to Trafalgar Square in London .
	'Say No to Racism' protest in George Square in Glasgow .

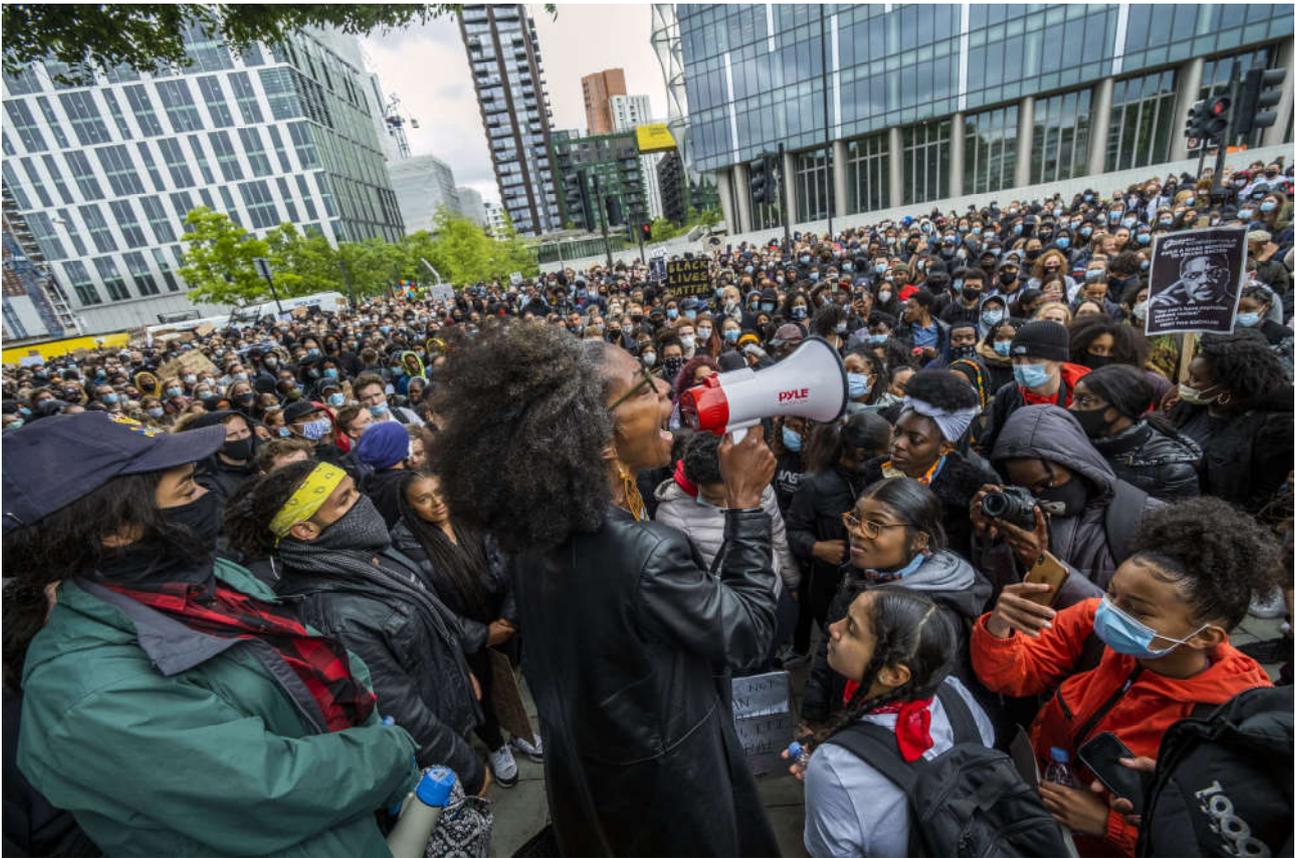


Photo: © Jess Hurd / reportdigital.co.uk

Issues of Concern

Background

Many of the BLM posters and information posted in advance of demonstrations on social media stressed the peaceful nature of the demonstrations. They also emphasised safety in light of the pandemic, and encouraged those attending to wear masks, maintain social distancing, and remain at home if they had any COVID-19 symptoms. In contrast with BLM protests in 2015/16, direct action was not planned and the cities which saw the largest protests had unusually quiet traffic flows owing to the Covid-19 lockdown.

Given how quiet the streets were, accusations of "serious disruption to the life of the community" by large crowds, which police often use to justify clearing protesters from streets in what one lawyer has called "a myopic, narrow and conservative interpretation to this term", hold less weight³⁶.

People attending some BLM protests in the earlier part of any given day generally reported very light-touch policing. Both protesters and legal observers (LOs) reported very few uniformed

³⁶ Mike Schwarz, "Serious disruption to the life of the community' - policing of the Extinction Rebellion protests' *Open Democracy*, 14 October 2019 <https://www.opendemocracy.net/en/openjustice/thoughts-on-the-policing-of-the-extinction-rebellion-protests/>

officers present, with attendees free to play music, make speeches and gather peacefully and safely.

In Bristol, police made the decision not to intervene in the pulling down of the statue of slave trader Edward Colston, but allowed the action to continue. It was carried out peacefully with no violence or harm coming to protesters, public or the police³⁷.

Excessive use of force

However, not all police forces were willing to guarantee the right to protest, with police in Newcastle and London in particular using tactics which provoked and harmed protesters. In London, the police presence was much heavier, with ranks of officers and vans often looming on the edges of protests from the very beginning. The policing of the demonstrations generally began to change in the late afternoons. Witnesses noted the use of Territorial Support Group [TSG]³⁸ officers being particularly aggressive towards protesters, escalating tensions in an otherwise peaceful protest. As one legal observer recounted:

It became a pattern that, at certain points in the protest, the police would escalate the tension by arresting somebody, and soon after, the TSG caps would be quickly swapped for helmets and the batons would come out.

LO1 Witness Statement, 7 June

One protester had the following experience, which suggests excessive use of force:

As I was leaving the area I was repeatedly pushed and bullied by the police, my arm was eventually twisted behind my back until I was lifted by five police officers and slammed into the pavement and then knelt on, it was only when I began to chant 'I can't breathe' did they started to relax.

P1, Witness Statement, (written on 1 June about events on 1 June)

By the evenings, there is considerable evidence that excessive force was used against protesters, beginning with targeted arrests of individuals, snatching them from the crowd, often causing visible injury.

One protester described in detail the assault of a young black person, and is worth quoting at length:

"One police officer grabbed his clothing with his two hands the young man pushed him back and within 2 seconds there was 3 officers on him, they pushed him to the ground then I don't even remember how many more jumped on him. I don't know what they

³⁷ Emma Grimshaw 'Police launch 'criminal damage' investigation over toppling of Edward Colston statue' *Bristol Post*, 7 June 2020 www.bristolpost.co.uk/news/bristol-news/police-launch-criminal-damage-investigation-4202242

³⁸ IPCC 'Metropolitan Police Service Territorial Support Group: A review of complaints data and IPCC cases 2008-2012' *Independent Police Complaints Commission*, January 2013 www.statewatch.org/media/documents/news/2013/jan/uk-territorial-support-group-report.pdf

did to him but there was blood all over his face and on the floor. As that happened everyone went hysterical there was a girl screaming "he's bleeding, he's bleeding" everyone's emotions heightened everyone was shouting... Look at what we have to endure in our day to day lives as black people and what we see on the news and on social media. It all flashes before your eyes when you see another young [person of colour] on the floor bloody, all by the hands of police"

P5 – Witness statement from protestor, submitted directly to Netpol on 024.10.20

In a separate incident, one Legal Observer witnessed the following:

The arrestee was sat on the floor to the side of a police van, in front of the sliding door. I could see that he had blood over his face, below his nose, and was looking injured and bedraggled. He was put into a van, which eventually drove away.

LO2, Witness Statement, 31 May, Parliament Square

Forms of excessive force witnessed by protesters and LOs include pepper spray, horse charges and spit hoods. The use of the controversial 'kettling' tactic, detaining protesters in a confined space for up to eight hours, was also routinely used. Witnesses described this change in policing as sudden and unexpected, seeing little reason for the escalation in use of force.

The use of pepper spray

Pepper spray³⁹ did not appear to be used to disperse large crowds, or as a last resort by an officer in danger⁴⁰. Rather, pepper spray is reported as having been used abruptly and indiscriminately:

I saw a BLM protestor coming away from the line of police towards another legal observer and me. The protestor was a young Black man, I would say between 20–25 years old. Tears were streaming out of his eyes and he told [us] that he had been pepper sprayed by the police.

LO3 statement 1 - Police pepper spray protestor, Saturday 13 June 2020

Police horses [were moving] towards [the] south-east corner of [Parliament] Square from further up the A400. One person with hands up, and another standing still bracing themselves, get sprayed with mace as the police push past them.

TS13, Saturday 13 June 2020

These accounts suggest that at least one of a line of officers flanked by mounted police was deploying pepper spray against protesters.

³⁹ Pepper spray causes burning sensation in the eyes and face, severe pain and temporary blindness.

⁴⁰ The Association of Chief Police Officers in England, Wales and Northern Ireland Guidance on Incapacitation Spray states that spray used to incapacitate should be used on an individual "when faced with violence or threat of violence" www.npcc.police.uk/documents/FoI%20publication/Disclosure%20Logs/Uniformed%20Operations%20FOI/2013/003%2013%20Att%2014%20of%2015%20Guidance%20on%20the%20use%20of%20Incapacitant%20Spray.pdf



Mounted police at the Black Lives Matter protest in London on 6 June 2020

Horse charges

Police charges on horseback began with little provocation or warning:

There was at NO point any verbal requests for the protesters to retreat from Downing Street prior to the charge on horseback.

P2, Witness Statement, Saturday 6th June 2020

One of the most serious incidents was the horse charge towards protesters on 6 June in Whitehall. At around 6 p.m., during heavy rain and with slippery ground, mounted police charged at around 100 protesters. There appears to be little reason for this charge, except to disperse a peaceful crowd.

One officer charged with such speed and so little control of their horse that they charged into a traffic light, knocking themselves off the horse, which bolted into the crowd. The horse trampled on a young black woman, who was knocked unconscious.

Interviewed by the press the following day, she recounted receiving no medical attention from officers at the scene. She told ITV News:

I was told I was unconscious for a few seconds, I could just see a whole crowd around me – my sister crying over my shoulder. She was shaking me, trying to get me up. I just screamed in pain. If I'd have made one wrong move that horse would have killed me.⁴¹

Here, we see members of the public, rather than police, coming to the aid of someone with potentially serious injuries. On contacting the police the following day to report the experience and injuries which left her feeling traumatised, as well as her mobile phone which had been smashed by the police horse, the young student nurse reported that police told her to get 'your people' to pay for it. A Metropolitan Police press statement detailed the injuries to the officer and the horse, but did not mention the protester who was injured, denying that a complaint had been received.

Excessive force went beyond the protests themselves, with one case of police threatening a protester inside their home in the days following demonstrations:

There was also an incident of an arrest where officers came to the home of another of my friends. This was an arrest following the release of his picture on their website for alleged violent conduct during BLM protests. When he refused to open the door fully for them they slammed the door on his hand, almost breaking it, and then proceeded to wave a taser in his face until he let them in.

P3, Witness Statement 29 July 2020

Spit hoods

Police routinely used the Coronavirus Act to justify dispersal tactics and other forms of force such as the application of spit hoods:

The police consistently failed to take any measures to prevent the chances of them spreading Covid 19 to protestors. I frequently observed police intentionally standing very close to protestors who were making a clear attempt to socially distance. I saw them use a 'spit hood' – a forcibly administered hood that covers the entire face – on one young man being arrested, claiming it was for their safety despite officers not wearing any PPE.

LO1, Witness Statement [submitted on 14 July]

Racism and the targeting of black protesters

Experienced legal observers report that the demonstrations were more heavily policed – both in terms of numbers and tactics – than other white-dominated protests they had been on in the past.

⁴¹ ITV 'Woman knocked unconscious by runaway police horse at London protest 'shocked' by force's response' *ITV News*, 10 June 2020 www.itv.com/news/london/2020-06-10/woman-knocked-unconscious-by-runaway-police-horse-at-london-protest-shocked-by-forces-response

Targeting black protesters, snatching them out of crowds or kettles for arrest for little given reason was a common observation:

An officer grabbed my banner and threw it. As this happened everyone started pushing. An officer from behind the first line literally jumped out of formation and punched me on the left side of my face... As my sister was on the floor officers literally pounced on her and pushed her head on the floor, whilst around 7 officers were on her there was one officer rubbing his knuckles on her face...) As I see that I run to her and try to grab her leg. I know that my sister has asthma and heart problems and is in no way a violent person. Knowing that I try to grab her leg and I get kicked in my stomach and thrown on the ground and arrested right next to my sister.

P5 – Witness statement from protestor, submitted directly to Netpol on 024.10.20

The protestor in this instance was taken to a different police station to their sister, who they were concerned about due to them suffering with asthma. When arriving at the police station, one of the others in the custody suite looked them up and down asked if they can even speak English.

This disproportionate policing extended to members of the public who were simply near BLM protests. In at least one instance, black members of the public who were not part of the demonstration reported being arrested for no given reason. One legal observer recounted:

[T]wo men were saying that they were not part of the BLM protests and that they had arrived in central London only 20 minutes ago... One of the men had a receipt from a Boris bike hire in his pocket that proved they had only arrived in the area recently ... the two of them had been arrested after they took shelter from the rain under an awning on Jermyn Street and had seen the police arresting the group of young people. They had taken out their phones to film the police and were then arrested themselves.

LO3, Witness Statement, 13 June

This discrimination even extends to legal observers. Despite being clearly identifiable in high-visibility reflective jackets and their independent non-protester status, there are widespread reports of the police acting aggressively towards legal observers to the point of physical violence. This behaviour was reported as being disproportionately targeted at legal observers from black and other racialised minorities. A white legal observer recalled their differential treatment in comparison with black members of the public at the protest:

An officer in the TSG apologised to me for hitting me on the side of the head so my glasses fell off, and asked if I was okay. At the same minute, between four and five of his colleagues jumped on top of a black protestor, hitting him and pinning him against a wall near Downing Street.

LO1, Witness Statement, 27 June

Kettles and coronavirus

Kettling protesters has been criticised for years by civil liberties organisations and legal practitioners. The kettling of protesters at BLM demonstrations was common, particularly in the evenings.

Protesters were held for up to eight hours without access to food, water or toilets. On at least one occasion, a protester was forced to urinate in the confines of a police kettle, as no alternative was provided, and the police used this as an excuse to arrest them. Multiple reports have described these kettles as being miserable and humiliating, with protesters detained with little regard to issues relating to age or vulnerability. In one of the kettles, the vast majority of protesters are reported to be under the age of 18. Despite this, they were detained until the early hours of the morning.

The kettle lasted from about 6 p.m. that evening, and I was one of the last out of the kettle at roughly 2 a.m. the next morning. They would not let protesters out despite them reporting mental or physical health issues.

P3, Witness Statement, 13 June, Parliament Square

Kettling made social distancing impossible for all protesters, placing them in a confined space for hours. Further to this, many witnesses observed few of the police using PPE or observing social distancing.

Nonetheless, police used Section 50 of the 2002 Police Reform Act to demand personal details, remove PPE and photograph protesters:

They let us out one by one with two officers frog marching us to a camera where we were told to look into the camera & were photographed without our permission. I at first refused to give them any details & I was threatened with arrest unless I told them my name and date of birth. I was scared as it was now near 2 a.m.

P4, Witness Statement [submitted on 15 July 2020 – witness did not respond to our query about the date of occurrence, which was either 6 or 7 July]

Officers in pairs are grabbing protestors one at a time, and escorting them holding their arms, first in front of van with a mounted spotlight shining light on their face and an evidence gatherer officer holding a camera.

LO4, Witness Statement [Submitted on 3 August 2020 about 7 June demo – from contemporaneous notes]

In many cases, there was little consistency in how the police approached the matter of collecting personal details of people who had been detained in a kettle.



Police kettling protesters on Vauxhall Bridge, 7 June 2020

In Newcastle one witness recalled:

They let some people go without giving details. They took details of other people then let them go. When an officer eventually said people would be arrested for refusing to give details, I advised people in the gathering to give their details, I was then immediately arrested.

P5, Witness Statement [submitted on 4 August –refers to events on 27 June]

Those arrested in this incident had their mobile phones confiscated, and at the time of submitting their evidence to Netpol, were yet to receive them back. Arrestees are particularly concerned about this as one of the mobile phones has footage of the arrests providing potential evidence of excessive use of force and/or unlawful arrest.

Finally, there was what appears to have been the deliberate decision to ignore a High Court ruling from 2013 that police powers to prevent a breach of the peace cannot be used for other purposes such as intelligence gathering. This ruling, following a legal challenge brought by Susannah Mengesha who was a legal observer at a protest in 2011, says the police have no powers to force people to give their details, or comply with police filming and photography, simply because they are held in a kettle. However, a legal observer monitoring the policing of the kettled imposed during the protest on 7 June told us:

I verbally and loudly expressed that I did not consent to any images being taken and tried to obscure my face from view at which point two officers forced me into position

and had a video camera positioned under my face. I also said to officers, in light of Mengesha vs Commissioner of Police of the Metropolis that this was illicit. In response, an officer said "No it's not, that does not apply here"

LO5, Witness Statement [Submitted on 25 October 2020 about 7 June demo – from contemporaneous notes]

Injured protesters and duty of care

We received multiple reports of officers failing in their duty of care towards sick or injured protesters. This included a protester on crutches being arrested, and a protester kettled until late into the night, who police medics said had a fractured arm but who was not taken to hospital.

Multiple individuals in visible distress are reaching out to legal observers in the crowd, a lot of which appear very young. Legal observers are made aware that an injured protester is denied necessary healthcare. After lengthy negotiation, and insisting that officers have a duty of care to injured protestors, a few harmed individuals are being let out of the kettle, without any healthcare offered.

LO4, Witness Statement [Submitted on 3 August 2020 about 7 June demo – from contemporaneous notes]

Other incidents included a young woman who was having an epileptic fit, but who was still arrested for no apparent reason. The friends of the young woman report informing officers of the arrestee's medical condition, to which they laughed and said she still had to go to the station.

After a follow-up by legal observers the next day, the arrestee reported bruising on her arms from the arrest. However some of the most serious neglect by officers was during the far-right demonstrations.

The next section will evidence cases in which black and other racialised minorities were attacked, sustaining serious injuries, but ignored by police when approached for help.



Black Lives Matter protest in Newcastle-upon-Tyne, 14 June 2020

Under-policing of the far right

Far-right groups including the Democratic Football Lads Alliance, plus a number of videos made by Tommy Robinson, called for counter-demonstrations to confront the BLM mobilisations. In London, the far right were purportedly mobilising to defend statues and monuments, while in other cities, the far right simply organised in opposition to BLM. In many cases, witnesses report far-right activists racially harassing and attacking BLM demonstrators. In Hertfordshire, mobile phone footage from a witness⁴² shows a group of black women being called 'monkeys' and told to 'go back to Africa' by a group of men, as police look on⁴³.

On 12 June, Northumbria Police issued a Section 12 notice (1986 Public Order Act) banning a BLM march to the West End of Newcastle on 13 June. The BLM mobilisation was intended to counter a far-right demonstration in the city. The police designated a different site for this demonstration, and witnesses recount far-right demonstrators throwing glass bottles, cans of beer and fireworks at BLM protesters at this location. BLM protests were either moved or banned outright by Northumbria Police throughout June, citing the attacks made on anti-racists by far-right protesters.

⁴² Herts Black Lives Matter 'Racism in Hoddesdon' 9 June 2020
www.facebook.com/101090034975290/videos/263759161504205

⁴³ Beth Morris 'Hertfordshire police to make an official investigation/arrests on hate speech' *Change.org*, June 2010.
www.change.org/p/hertfordshire-police-hertfordshire-police-to-make-an-official-investigation-arrests-on-hate-speech

One officer told a witness:

We won't allow any Black Lives Matter marches into the West End – not today, not next week, not ever.

P5, Witness Statement, 20 June

Another officer reportedly told protesters

All protests or assembly by the left wing in Newcastle are banned – that includes ... Black Lives Matter, Newcastle Unites, and any other group.

P5, Witness Statement, 20 June

In London, the under-policing of the far right was a problem noted by a number of witnesses. For example:

There were so few police present that they were unable to protect journalists or passers-by attacked by the crowd, and the one time I saw them attempt this the police line fell apart in moments. Many more police vans arrived later by 1–2 p.m., but by this point it was far too late and the crowd had managed to do a lot of damage, seriously injuring several people.

P3, Witness Statement, 13 June, Parliament Square

The under-policing of the far right led to a number of serious racist attacks on racialised minorities. An East Asian man who was not part of the protest was meeting some friends in central London, where he was attacked by a member of the far-right demonstration:

A white man in a hood had run up to him in a threatening manner, punched him in the face and knocked him to the floor. They hit him hard enough to break the lens in his glasses, and the broken glass had gone in his eye ... He had found a police officer and reported what happened to them, but they offered him no assistance and weren't interested in his report of a crime ... They also refused to help him find medical help for his injury.

LO6, Statement, Saturday 13 June

This racist attack and lack of care from police was not an isolated incident. Also on Saturday 13 June, a black 16-year-old attending the BLM protest was attacked by far-right activists. Separated from his friends in the crowd, he was confronted by a group of far-right protesters. The young man recalls:

[One far-right activist] comes with a bottle, and hits it onto my face, and this gets me onto the floor. And then when I am on the floor I am just getting punched and kicked ... when I was on the floor, I was thinking I don't know how I'm going to get out of this. And if I do get out of it, I don't know how I'm going to end up.

The teenager's sight was impaired following a large cut made by the bottle which was used to strike blows on his head. When the boy fled to police for assistance, he asked them if they could escort him to a safe place and call him an ambulance. The first officer said no, deeming the boy's

injuries to not be serious and claiming he had to go and help the rest of his team. The officer did, however, find the time to stop and searched the bloodied and traumatised teenager⁴⁴. The boy in question had to walk with a member of the public until they found another police officer – they demanded assistance for an ambulance, and the officer in question eventually complied.

⁴⁴ Symeon Brown, 'Teenage victim of 'racist attack' at London BLM protest says police treated him as suspect' *Channel 4 News*, 22 June 2020 www.channel4.com/news/teenage-victim-of-racist-attack-at-london-blm-protest-says-police-treated-him-as-suspect



Black Lives Matter protest in London, 20 June 2020

Conclusions

The police disproportionately used excessive force in black-led protests, against black protesters.

The excessive use of force used during the BLM protests in general and against black protesters in particular, reflects wider problems of police racism. This is a serious concern, given that black people and other racialised minorities die disproportionately as a result of police force or restraint⁴⁵. The evidence of force during the BLM protests is relatively excessive when compared to similar protests during the lockdown. For instance, pepper spray was not used in any of the XR protests⁴⁶, yet it was routinely used against BLM protesters by officers who were clearly not in danger. Additionally, one of the most serious incidents during the protests saw a young black woman coming close to losing her life after being knocked unconscious by a police horse.

The wider context of excessive use of force and deaths in police custody suggests institutional racism in the way that the police use force and restraint. The police Race Equality Programme set

⁴⁵ Inquest ' BAME deaths in police custody' *Inquest*, 2019 www.inquest.org.uk/bame-deaths-in-police-custody

⁴⁶ See Netpol's Restricting Rebellion report <https://netpol.org/wp-content/uploads/2019/11/Restricting-Rebellion-Report-with-Full-Appendices.pdf>

up following the Macpherson Inquiry increased BAME recruitment and training for officers⁴⁷. Little reduction in evidence of institutional racism across a range of indicators generally, and the policing of the BLM protests in particular, suggests that such initiatives are of little effect.

Our evidence suggests that use of force, including baton charges, horse charges and pepper spray, were unnecessary for the safety of officers and escalated rather than reduced the potential of violence at the BLM protests. Given that these powers are being used in an ineffective, irresponsible and discriminatory manner, we would recommend their use is prohibited in future protests.

Through their potential intimidation and further marginalisation of those who seek to challenge racism through protest, these draconian policing tactics and rhetoric deployed by the state have the potential to sap life and momentum from anti-racist activism and broader protest movements, and to undermine the legal and democratic rights of the public enshrined in Article 11 of the European Convention of Human Rights.

The police routinely break their duty of care towards sick or injured protesters.

The safety of protesters should be a priority for any public servant deployed to a demonstration. There is case law that says if the police take actions creating a reasonably foreseeable danger, they owe a duty of care to the public⁴⁸. However, we received multiple reports of the police ignoring members of the public who had been seriously injured or had fallen ill. The failure to provide adequate care to members of the public in need is racialised. Generally, for instance, black and other racialised minorities experiencing mental health problems are more likely to die in police custody⁴⁹. Specifically, people at the BLM protests, including black and other racialised minorities seriously injured by far-right activists, were not provided with adequate care by officers on the ground.

Both the general evidence and the BLM protest witness statements suggest that when it comes to keeping ill or injured members of the public safe, the police all too often fail in their duty of care. This failure is all the more concerning given the ways in which this lack of care disproportionately affects black and other racialised minorities.

The ineffective and discriminatory manner in which protesters are failed by police duty of care suggests that a different approach is needed to maintain public safety at protests. Providing resources for medical professionals, rather than police officers, is one way in which people who are ill or injured can be cared for and taken to a place of safety.

⁴⁷ Jason Bennetto 'Police and racism: What has been achieved 10 years after the Stephen Lawrence Inquiry report?' *Equality and Human Rights Commission*, 2019 www.equalityhumanrights.com/en/file/6316/download?token=4QCFPaJj

⁴⁸ See Isabel McArdle 'It's a fair cop: Supreme Court clarifies scope of duties of care owed by police' *UK Human Rights Blog*, 12 February 2018, <https://ukhumanrightsblog.com/2018/02/12/its-a-fair-cop-supreme-court-clarifies-scope-of-duties-of-care-owed-by-police/>

⁴⁹ Inquest 'BAME deaths in police custody' *Inquest*, 2019 www.inquest.org.uk/bame-deaths-in-police-custody

Social distancing and other Covid-19 regulations were enforced selectively.

The uneven and discriminatory manner in which the Covid-19 regulations were enforced by police during lockdown was reproduced during the BLM protests. Police used the lockdown to justify use of force in their attempts to disperse protesters, yet routinely used kettles which prevented protesters from leaving and kept large numbers of people in a confined space for long periods of time.

This suggests that the Covid-19 powers were not being used to prevent gatherings, disperse crowds or keep protesters safe, but in fact used for unnecessary and discriminatory control and force over protesters. This is an abuse of police power.

Community organisations (e.g. London Campaign Against Police and State Violence⁵⁰) and protest organisers provided PPE and encouraged social distancing during many of the protests, suggesting non-police groups to be more effective and responsible in managing a demonstration which works to keep people safe during a pandemic. Providing resources for this kind of non-police health and safety provision during protests would be an improvement to protest management, particularly during the pandemic.

In addition, based on photographic evidence and legal observer reports, a vast number of police officers at the early BLM protests were not wearing PPE at all, including when they interacted with protesters. This further suggests that the safety of protesters was not the primary aim of the policing of the protests.

We have encountered no evidence to suggest that the police placed any priority at all on safeguarding the public from coronavirus. We have received much evidence that this was not a priority for them at all. On future protests during the coronavirus pandemic, if the police are going to use these regulations they should lead by example and abide by at least the minimum requirements, which includes wearing masks and respecting social distancing unless there is a compelling reason from them not to do so.

The police are largely ineffective in keeping members of the public safe from far-right and racist harassment and violence

We appreciate that keeping people safe during a far-right demonstration is a very difficult task, particularly in an unconfined area across central London or Newcastle, as was the case during many of the BLM counter-demonstrations. However, on at least two occasions, the police showed a wilful disregard for the safety of people who had sustained serious attacks by far-right protesters. Police showed little interest or concern for both the physical safety of black and racialised minorities with serious injuries, and the emotional well-being of young people experiencing the trauma of racist violence.

Such lack of care is inexcusable, and a damning indictment on an institution which has been severely criticised for under-serving victims and survivors of racist violence. In the two incidents recounted in detail, in which a young person was subjected to a violent racist attack, it was a

⁵⁰ London Campaign Against Police and State Violence <http://lcapsv.net/>

member of the public and not a police officer who played central roles in taking the victim to safety. It is worth restating that this is not because no police officers were present, but because officers ignored the pleas of survivors of racist violence, leaving the public to deal with the physical wounds and the emotional trauma of the situation.

Specifically, the police failed both to prevent racist violence and to protect protestors from racist violence.

The conduct of the police during the far-right counterdemonstrations suggests that nothing has been learned since the death of Stephen Lawrence in 1993 and the subsequent Macpherson Inquiry whose findings were published in 1999. Over 20 years later, the lack of improvement means we can only conclude that the police remain unfit for protecting survivors of racist violence. The evidence collected for this report suggests that members of the public, either as individuals or organised groups, show a far greater capacity and willingness than the police to aid survivors of racist violence.

The repeated prioritisation of shutting down and banning BLM demonstrations while failing to do the same with far-right demonstrations with a history of racism and violence and clear intentions to target black people is deeply concerning. Coupled with the excessive force used against BLM protesters in general, and black protesters in particular, this suggests clear evidence of discriminatory policing. In isolation, these concerns point to racially discriminatory behaviour.

Collectively, however, this evidence leaves little doubt that the policing of the BLM protests was institutionally racist.

Appendices

Referenced statements by legal observers and protesters

The following are the full versions of the statements quoted or referenced in the above report. They are presented in order of mention.

L01 – Legal observer witness statement submitted to Netpol on 18.08.20, based on contemporaneous notes

The BLM demos have been policed very differently to other demos where I have legal observed. This is not surprising as previously protests where I have legal observed have been overwhelmingly white. The police treated black protestors with high levels of aggression that were noticeably worse than the way white people were treated at the same protest. For example, during the Wednesday 3rd protests outside parliament, an officer in the TSG apologised to me for hitting me on the side of the head so my glasses fell off, and asked if I was okay. At the same minute, between four and five of his colleagues jumped on top of a black protestor, hitting him and pinning him against a wall near Downing Street. On Sunday 7th June, white protestors sat in front of a police line near parliament square were allowed some time to get up before the police line approached, whilst black protestors moving away from the police line were repeatedly hit with shields and batons. On Saturday 27th June black protestors were pushed aggressively off of a road outside Marble Arch, whilst a white protestor sat in the same road for up to half an hour.

It became a pattern that, at certain points in the protest, the police would escalate the tension by arresting somebody, and soon after, the TSG caps would be quickly swapped for helmets and the batons would come out. This seemed to happen around 6 or 7 pm, when the number of protestors had reduced to some degree. The atmosphere could be very calm. For example, on Sunday 7th June, I was legal observing on Whitehall. Some protestors were chanting, there was some dancing. Then, as if out of nowhere, a block of police ran down Whitehall, pushing/ carrying a young black man ahead of them, at the front, clearly having arrested him. On seeing this unprovoked aggressive act of violence, the mood immediately changed. A feeling of injustice, anxiety, fear and anger were prompted. From that point, I recall many more members of the TSG coming onto the streets, dressed in full riot gear. Throughout the evening they became much more aggressive and many more intensely violent arrests were made.

I was the only legal observer in the kettle on Wednesday 3rd June. It lasted for approximately 4 hours. Some of the people there were young. The situation was distressing due to the sheer number of police for a relatively small group of protestors. Protestors were unable to use the toilet and did not have access to food. In order to leave this kettle, protestors were told they would have to give their details and remove face masks or else they would be arrested. People had to leave one by one, escorted by two police officers away from the kettle down a narrow corridor created by police vans. Officers were unable to consistently explain under what power they were making these demands. When challenged they became angry. The kettle finally ended at 2am, far past the time when public transport had ended during lockdown.

The police consistently failed to take any measures to prevent the chances of them spreading Covid 19 to protestors. They did not maintain social distance and did not wear PPE. I frequently observed police intentionally standing very close to protestors who were making a clear attempt to socially distance. Officers used Covid-19 legislation to harass and arrest people. I saw them use a "spit hood" – a forcibly administered hood that covers the entire face – on one young man being arrested, claiming it was for their safety despite officers not wearing any PPE.

The policing presence also attempted to intimidate legal observers. My personal favourite was on 27th when an officer threatened to arrest me if I could not show evidence that I was a solicitor.

P1 – Statement by a protestor, originally published by Freedom News on 03.06.20, this edited version of the article was subsequently submitted to Netpol

I was part of a group of people who attended the assembly at Windrush Square, Brixton yesterday. It initially started with around 200 people who gathered together for the Black Lives Matter protest. We subsequently marched through South London, stopping at the house of Cherry Groce for one minute's silence. Cherry Groce was the unarmed black woman who was shot by the cops, which led to the Brixton Riots in 1985.

We marched together peacefully for about five miles through South London all the way to Hyde Park to assemble at Marble Arch. All the way through, we were followed by an increasing number of cops, including TSG, who were overheard to be worried about what's happening in the USA happening here. Consistently, cops refused to remain two metres away from members of the protest who were trying to observe social distancing when they moved. Cops without masks or protective personal equipment approached every single person on that protest and entered into their space, even when requested not to, in order to inform them that they were breaching current COVID-19 legislation. The organisers insisted that we do not antagonise the cops and this was observed, despite there being one banner that had "FCKCPS" written on it.

At Marble Arch, the remaining fifty or so protestors gathered to hear the names of people murdered by the police read out. We could barely hear what was being said because there was a police helicopter hovering overhead and perhaps a hundred police officers gathered around surrounding the socially distanced protesters for Black Lives Matter. None of the police officers were observing social distancing, and only one officer was wearing a mask. When asked about it he said that they'd really like to but they simply don't have it.

During the one-minute silence after the names of the people murdered by the Metropolitan police were read out, two groups of police officers were observed chatting and planning their next move. The one-minute silence hadn't even ended and a column of about thirty police officers marched through the middle of the assembled people and arrested a woman of colour who had been quite vocal throughout the protest, including being very positive and supporting, also saying very well that she knew people would be arrested whilst we assembled on the other end. We followed to the best we could to try and ascertain which police station this person was being taken, and we were told that because she was an adult we were not to be informed. This was the

moment when members of the crowd became upset that there had been an arrest, and that we had not been allowed to disperse without there being an arrest.

I do question what would have happened if the police had not been there. Probably we would have marched, assembled, said what we wanted to say, and then left. I confess, I was angry with the police and I did express that to them, that I thought they did not need to make any sort of arrest and certainly, they did not need to target that particular person if so, but they chose that very strategically.

As I was leaving the area I was repeatedly pushed and bullied by the police, my arm was eventually twisted behind my back until I was lifted by 5 police officers and slammed into the pavement and then knelt on, it was only when I began to chant "I can't breathe" did they started to relax. I was then put into the back of the van with my arms in reverse stack handcuffs and left there for an hour despite repeatedly explaining how much pain I was in.

L02 - Legal observer witness statement submitted directly to Netpol 09.08.2020 based on contemporaneous notes

On 31/5 I attended a demonstration in the Parliament Square area, on the corner of the roundabout by Whitehall/Westminster Bridge Road, which then moved up Westminster Bridge Road. It generally related to racism and police violence akin to Black Lives Matter, and attended primarily by people of colour, but I do not know anything about the attendees, organisers or any groups involved. I turned up as a legal observer. I have part of Green and Black Cross (i.e., trained legal observer but also one of the organisers/trainers) because I had heard there were protests going on, and headed over to see if legal observing would be useful. I wore a bib, handed our bust cards and took notes the whole time. Where I was, I was the only legal observer present.

A group of 50-200 people (I will call them protestors for this testimony) had gathered in this location, I would guess that they wandered off from a larger protest around Trafalgar Square earlier that afternoon. I was present from 17.30 to 19.40. I would guess that they had been there for about 10 minutes when I arrived there were only one or two serials of police present when I first arrived but it could have been longer and police not done anything for awhile.

The protestors did not have a particular aim apart from being in that area and chanting/shouting/ playing music they were not specifically trying to go anywhere or block a road, just gathering somewhere.

The police set up a couple of lines and cordons initially incomplete ones, before then sealing off the road to divide the protestors in half, and later kettling people (for about 20 minutes) on Westminster Bridge Road, to encourage dispersal. Some people continued walking along the river past Scotland Yard after 1940, which is when I left.

The police did not seem to have a particularly clear goal initially apart from to encourage dispersal. It may have been that they were trying to clear the road to open up Parliament Square, but not long after I arrived, they had reopened Parliament Square as a roundabout with Whitehall having some vehicle access and police officers directing traffic (Westminster Bridge Road, the

stretch between Parliament Square and the T-Junction by Big Ben, was not drivable until about 19.30).

The police initially set up a cordon to stop protestors moving further up Westminster Bridge Road I don't really know why, and the police did not do any liaison to explain what they wanted or what they were doing. Shortly after I arrived at about 17.40 officers went around people in the road asking them to leave. They were mostly giving the reason as coronavirus, but in a couple of discussions may have mentioned obstruction of the highway. The protestors had a lot of energy, and with the police it was a bit tense, but it was not aggressive.

Police then did what seemed like a targeted arrest on one individual, dragging him away, after which the energy changed. There was a lot more anger, and people arguing with police about what they were doing, and this changed the mood of the protest until it ended (or, moved on and I left). There was much more anger and arguments with police, with water, plastic cups and plastic bottles thrown at them, and the police did about 7 more arrests on individuals they picked out. The ones I saw seemed to be arrested for shouting at police officers.

The policing was horrible to watch. It turned a completely legitimate protest into a tense and aggressive atmosphere, in which police used excessive force to arrest people without particular reason, and created the condition in which protestors were angry at the police. I believe that if the police had been more hands-off by not doing targeted arrests and just keeping their cordons to keep traffic moving on open roads then it would have been much better for the protestors (and realising their right to protest) and for the police officers. It seems that in many other cities, policing was much more low-key and hands-off, to the benefit of everyone involved.

It seemed that the police were oblivious to the idea that their style of policing would aggravate the situation, or that much of the Black Lives Matter protest was protesting policing itself. They used excessive force arresting people all of them people of colour who were not resisting or fighting, but who were nonetheless pushed and dragged away by police officers. Three of the arrests which I witnessed from very close by, the person who was arrested was not doing anything which, to me, appeared arrestable: one had said they would move and started to move away when they were arrested for not moving; two others were doing nothing more than argue with the police about what the police were doing. The other arrests I did not see from up close, so do not know about the moments leading up to the arrest.

Perhaps worth noting was that a handful, perhaps 4 or 6 of the police officers stationed inside Parliament came out to support the public order policing too. They were not armed, but were recognisable because of their blue shirt uniform and SO badge numbers. They stood very calmly in the police line, without any of the aggression that the public order officers had, almost demonstrating how the public order officers should have been acting.

1st arrest – 17.45

There were lots of people gathered in the road on the corner of Parliament Square towards Westminster Bridge. Cars were able to drive around Parliament Square from the roundabout, and from Whitehall onto Parliament Square roundabout on the other side of Whitehall (not the left lane but the oncoming lane). People were milling around on the junction with more concentration

near the traffic lights on the half of the road towards Westminster Bridge. A police line had been formed on this road facing, Parliament Square, in line with the front of some parked buses. It was a hard cordon on the road, but the pavements were left open and there was nothing stopping people gathering behind the police line, save for a few officers stopping anyone being immediately behind the line of police.

Some police officers had been going among the attendees talking to them to leave, but this had only happened a handful of times. I heard both blocking the road/s137 being mentioned and also Coronavirus regulations. The crowd and people were chanting, playing music, having discussions with the police and each other, but there was no activity aimed at the police at this point.

Police officers had also lined up (but not as a cordon) along the pavement, and some of them were moving forward talking to people from the pavement side (near Boots).

I noticed a few officers had walked into the crowd to talk to one particular individual, and made my way over to them. The officer leading the discussion was sergeant U 5434, but he had a couple of other officers with him. The individual being spoken to (who was shortly after arrested) had a white t-shirt, black skin, facial hair including a goatee sort of thing, and not long hair. I was stood immediately next to him, just off his right shoulder, on the side of him of the police line about 10 metres away.

The conversation was along the lines that the police were telling him to leave, mentioning something about blocking the road, and he was arguing back that he was being singled out, why were they only telling him, are they going to tell everyone. The officer may have said something along the lines of we will, but were starting with you, perhaps not those words but that was the gist I took from it. This conversation went back and forth for a short while, I would guess a minute or two, and it had started before I arrived.

The individual said I will move, but why are you only telling me, and then it went back into the point about him being singled out. He then said again, I am leaving, but you should tell other people. This is not exact words but he said a sentence along these lines, and I wrote down in my notes he says he is leaving but tell others when he said it. As he said this, his body language had shifted, his conversations were no longer as forward in intensity and I could tell that he was backing off. He had turned slightly away from the officers and perhaps had shuffled back too.

I got the impression that there had been a discussion that included that he would be arrested him if he didn't move, though I am not sure if I heard that. The discussion was focussed on why he was being singled out, which he clearly was unhappy about. There was not anything like a five-stage appeal process, which I am quite familiar with, nothing that said last warning or gave different reasons. He had clearly said that he was leaving, and previously said that he would move, in the 30 seconds before he was arrested.

A couple of seconds after he said that, the sergeant said something like right, were arresting you, and he and the officers with him they grabbed the man's arms. This meant they surged forward a bit for three of them to grab him, which pushed into the people immediately nearby. Loads of voices raised and I was stuck in the crowd, pinned on all sides, as the mass of people being pushed by the officers (perhaps 5 at this point) was moved around. The officers arresting him moved in

the direction (which moved everyone in the vicinity) towards the police line, aiming further along near the buses. I was moved with it, forward and to the side, and then they went through the police line. The police line held people back, I may have been pushed by an officer to stop me going into them, and there was angry shouting and pushing back by police at the part of the line they had gone through, which was nearer the buses.

The energy and atmosphere after this moment was much louder and angrier, chants resumed, people took up arguments with officers about why he had been arrested, music played. Up until this point, there had not been the same heightened tension and aggravated energy.

It seemed very much to me like the individual arrested had been singled out and targeted by the police.

This arrest was strange to watch sudden, for no good reason, and with excessive force. The police were having a discussion with him for a couple of minutes, asking him to move. Initially he was refusing, but towards the end of the discussion, he said that he would move, but did not think he was being treated fairly as he was being singled out. He clearly, twice, said I will move, but why are you only telling me. In the seconds before he was arrested, he had said this, his body language had shifted, he had started to walk away, when one officer decided to arrest him anyway.

It seemed like a targeted arrest, because this individual had been on a megaphone or was otherwise doing something more noticeable. It also seemed that the police had been told to go and arrest a couple of people to make an example and try to make other people disperse. It was a shock when it happened because of the sudden change in tone, with police officers generally saying please move away to everyone, and then suddenly arresting somebody and pushing everyone else out of the way.

2nd arrest – 18.29

I was stood behind the police line near the pavement by the tube entrance. I noticed a commotion on the opposite side of the line in front of it, and then saw a man being dragged beyond the line by a group of police officers, holding his arms and body. As he was being pulled, I put a bust card in his hand. I was not nearby to see anything that happened before he was dragged out and can only presume he was being arrested.

He had brown skin, a black t-shirt, black trousers, and was wearing a rucksack, which I noticed because it came up over his head when pushed or lifted by officers or when he was on the floor.

At times he was being pulled along by officers, at other times an officer pushed from behind like a maul, and he went to ground a couple of times. Lots of people were running around, shouting, filming. A clip was filmed by @Finnbuchanan_ on Instagram showing this moment.

People surged around to get near him and the vans, see what was happening, film. There was lots of shouting at the police not to hurt him and that he was bleeding.

He was taken to a group of 4 or 5 parked blue police vans. People gathered around and police formed lines in-between them to keep people back. I initially went round the right (Parliament side), before coming round the left, as I tried to see what was happening. At one moment the arrestee was sat on the floor to the side of a police van, in front of the sliding door. I could see that

he had a blood over his face, below his nose, and was looking injured and bedraggled. He was put into a van, which eventually drove away, with police moving protesters from around and in front of the vans.

3rd arrest and 4th arrest – 18.38

At this time, there were a group of protestors gathered around the police vans. I don't know if this was before or after they had driven off. There was still a line of police back by the traffic lights by Boots, about 60m away, with a crowd behind that, but not a full cordon, pavements still open. People were gathered around the vans, on the pavement and cycle lane, and on the pavement in the middle with the gates stored.

I was on the PCH [Portcullis House] side of the vans, and saw two people being dragged by police away from the opposite side. One was a younger guy, mixed black skin, and a black hoodie on. The other was a girl/woman, also mixed black skin, medium length hair which was down. Both were bundled into police vans.

5th Arrest – 19.08

At this time, police had formed a second line in line with Cafe Nero, making a hard cordon. There was therefore an empty area in-between the two police lines, with the tube entrance and Tesco.

Many people were at the front of the line, arguing with police, on a megaphone saying things, playing music and changing.

I noticed near the pavement a group of a few people arguing with the police, I don't know about what. There was a heated discussion and I think police were pushing people back from their line. I noticed two women, both dark black skin, black hair and white vest tops, I think one had her hair up in a bun on top of her head and the other had longer hair down, in this group. I was 5-10 metres away watching but do not remember what was being said. I do remember posture though, that the women were shouting and arguing, gesturing with their arms, but did not appear to me to be physically threatening in terms of hitting or pushing. I have a vivid memory of police officers in the line grabbing her forearms and holding them down, before she pulled her arms back, as part of the shoving.

The small group moved away from the police line, angry but also looking scared. A couple of their friends spoke to them, tried to calm them down or console them. They were moving about 15-20 metres from the police line for a minute or so. Then a group of police came out of their line towards them. The girl I was paying most attention ran away from the police in a panic, along the bike path, the police gave chase and grabbed her. I can't remember if she was pushed to the ground or just held. There was a lot of shouting and people filming, and other police officers pushed people back. I don't remember the specifics of her being taken to a van.

There may have been another arrest with this, I later saw a video which seemed that there was, of another black woman with a white vest top.

This was another arrest which I was watching where it seemed that the police arrested someone who had been angrily arguing with them. There was not a threat or any violence from the protestors, just shouting and gesturing.

6th arrest – 19.13

A skinny girl in a black hoody was arrested. This was pretty much immediately after the arrest or fracas with the two in white vest tops and people with them, I had looked around and noticed a commotion by the police line towards Parliament Square in line with Cafe Nero, on the pavement side, with a throng pushed up against the line shouting. I could see a few officers 5-10m behind the line, and by pulling myself up on the railing of a wall, I could see beyond that someone was on the ground with police around her, presumably being handcuffed or searched. Her hood was up over her face and I could not see her well, but I think she was somebody I had previously seen.

[also one I didn't see that I later noticed on a video, potentially]

7th arrest – 19.20

A black man, black t-shirt with a colourful picture or logo on the front, long dreads. He was tall and well-built.

At this time, shortly after the previous arrests, police had moved to cordon us between police vans and the Parliament railings, with a hard cordon on the parliament square and a hard cordon on the Westminster Bridge side. Some people had been allowed out on the Bridge side.

I noticed a man in the corner of the cordon nearest the chariot statue, arguing with U3463, who was wearing a white mask, and the officers next to him. He was angry and they were arguing something about the police actions or treatment of people. The argument was on both sides he was gesturing with his arms up in the air, or at the police, and the police officers were doing the same, including pointing a finger right in his face.

I went over and was stood right next to him, off his left shoulder, with a clear view of him and the officers. I was stood right next to the police van. At one point the driver of the van asked me to move a step away so that he could reposition the van, which I did. I was there for about a minute watching the discussion, I would guess. I may have handed him one of our legal advice cards during that discussion, but I had given him one at some point before he was arrested.

One of the officers told the man to keep his hands down a couple of times. I wrote this in my notes in quotes being told to keep his hands down. After this, the man continued arguing loudly and angrily but I did not see him raise his arms above chest height, they stayed around his stomach gesturing, while I noticed one police officer put their hand, pointing, into the guy's face (i.e. not touching him but gesturing right up close), and I think the other officer had put his hands on the man's arms to push them down a bit. The discussion continued for another 20 seconds or so, and then I heard one of the police officers say to another let's arrest him, he's being [inaudible].

I wrote at my notes live: police say arrest him, he's being??? and they grab him.

The police then moved forward and grabbed him, one holding each arm while another officer held his body, and they moved him out of the cordon slightly, pushed him against the van a few times. The man did not hit or push the officers and his arms were up against the van or out to the side, being held by officers. He was shouting why are you arresting me? and similar things. A couple of

other officers helped, other police kept people back from the line. He was handcuffed and put into a van.

I wrote shortly afterwards in my notes as a contemporaneous witness statement:

He was arguing but not being physical, police stood and aggressed on him. They shoved him, he pushed their arms to the side, but wasn't raising [illegible words]. Police grabbed him, pushed him into van, he was shouting in pain, holding his arms, didn't fight officers.

This was another horrible arrest to witness. The man was doing nothing more than argue with the police about the people they had arrested and that they had kettled people. He did not seem like he was about to attack police, had not touched them, and was only waving his arms around pointing. The police told him to keep his hands down not entirely clear what the basis for that would be and he did after this, but they still arrested him. Even after they arrested him and had four officers pushing him into a van and handcuffing his arms behind him, he did not fight or strike at them. It very much seemed like a racist use of force, where a black man was arrested for shouting at the police, which in the circumstances of what the police were doing seemed entirely reasonable.

L03 Statement 1 – Legal observer witness statement submitted directly to Netpol on 31.07.20, based on contemporaneous notes

I was present at the London Black Lives Matter (BLM) protest on Saturday the 13th of June 2020 as a legal observer. This role involves monitoring police actions during a protest in order to hold them to account for their actions. For this role I was following the BLM protest as it moved through central London. I was observing the policing of a group of protestors in Trafalgar Square for approximately 1 hour – between 16.30 and 17.30 – which was when I saw the protester pepper-sprayed by police.

The BLM protestors were mostly gathered around the main steps in front of Trafalgar Square and there was a large police presence. There were officers at all the main roads surrounding Trafalgar Square: Charing Cross, the Strand, Northumberland Ave, the Mall, Whitehall and Cockspur St. The officers were blocking traffic from coming into the area, but for the most part during 1630 to 1700 were allowing protestors and people to pass into the area. I would estimate that there were at least 80 officers close to the protestors in Trafalgar Square, two lines of officers were standing across Charing Cross Road, there were more on Ducannon Street, and there were 4 officers on horses, also stationed on Charing Cross Road.

At 16.48 there was a confrontation between a couple of BLM protestors and a person who I was told by others was a member of the far right - there was a DFLA protest happening in central London on that day. The police moved in surrounding the white far right person. There was a two concentric circle of officers immediately surrounding the man, then 4 officers on horses facing into the crowd of BLM protestors. The officers were shouting at the BLM protestors to "get back" and were pushing the crowd back with a lot of force. I was standing about 15m away from the officers on horses on a bench and so was able to see that the officers were using a lot of physical force to push protestors back. At 17.52 I saw a BLM protester coming away from the line of police

towards another legal observer and me. The protestor was a young black man, I would say between 20-25 years old. Tears were streaming out of his eyes and he told the other legal observer I was with and I that he had been pepper sprayed by the police. He said that he had been standing close to the police horses when it happened. We told him to sit down on a bench, and then the other legal observer went to find one of the Queercare first aiders, who used saline to wash his eyes. He was in a lot of pain and could not open his eyes.

There were a number of things I noticed about the police actions surrounding their use of pepper spray on a BLM protestor. First of all, the police presence in the area surrounding the BLM protestors in Trafalgar Square was incredibly large and by blocking the roads had already demonstrated that they were trying to control the movements of the BLM protest. Secondly, the number of officers who moved into the crowd then the fight between the far right man and a few BLM protestors broke out was also large and showed that the police were already on high alert and quick to use force against the BLM protestors. Finally, when the officers had moved the BLM protestors away from the far right man – as was clearly their objective - it was unclear why they then continued to use physical force against the BLM protestors. In particular, the use of pepper spray against a protestor, was a disproportionate and unnecessary use of force and caused the young man a lot of pain.

P5 – Witness statement from protestor, submitted directly to Netpol on 024.10.20

Sunday 31st May. My sister and I attended one of the first BLM protests. We were both wrongly arrested and assaulted by the police. So, you have a general idea of our state of mind and intent to be there. So that you're aware my sister and I have had no prior and no criminal record, we are passionate people but the furthest from violent, we are both students and work also. On top of that my sister is a single mother.

On the day, as it was a Sunday, we were both water fasting as we do on Sundays. We hadn't been to a protest before this one but have always been opinionated and vocal when it comes to matters such as BLM. We were there as everyone else was to stand up for basic human rights, that was all! Our passion was evident and documented by many people around us, our passion resonated with those that was leading the protests and with members of the UK based Extinction Rebellion; we were right at the front of the march leading the protest. The police presence was felt constantly. They seemed to be antagonising people trying to insight some sort of violence.

At Westminster Bridge where they arrested a few people including my sister and I was the height of their power trip. That's how it how it felt by many people... a power trip. They had massive police horses which seemed very unnecessary patrolling and I believe violating. There was no need whatsoever for them to be there and you can tell that the horses were scared just by the amount of people being there. Barely any police officers were wearing masks which to me didn't make no sense. A lot of the officers being white men felt intimidated and a lot of them didn't understand the cause or didn't care for the cause. That was understood not only by their actions but by the many conversations many of us had with them, a lot of them would have been recorded on their body cams and many people's phones.

On Westminster Bridge. there was no traffic. As I said this was the height of the protest, everyone gathered there, mainly because there was a Tesco open. The police lined up their police bully vans, lined them up 2 by 2 next to each other forming an alleyway in which they ended up dragging a young man who I later ended up in the same police station with. All this man did was get a little aggressive which to be honest is understandable, what is going on in the world still to this very day is disgusting and we have every right to be a little aggravated.

So as I said the young man got a little aggressive and one police officer grabbed his clothing with his two hands the young man pushed him back and within 2 seconds there was 3 officers on him, they pushed him to the ground then I don't even remember how many more jumped on him. I don't know what they did to him but there was blood all over his face and on the floor. As that happened everyone went hysterical there was a girl screaming "he's bleeding, he's bleeding" everyone's emotions heightened everyone was shouting... Look at what we have to endure in our day to day lives as black people and what we see on the news and on social media. It all flashes before your eyes when you see another young POC on the floor bloody, all by the hands of police; the very people that are meant to protect us and feel safe around are the very people in our society that insight violence and use excessive amounts of force.

As I said the police formed this structure with their vans, now we're aware that it was to drag a victim through this formed 'alleyway' so that we couldn't see what they were doing and so that no one could intervene. As everyone had noticed this the police form barricades, line formations to stop people from pushing through. The police are shouting "get back", protesters are shouting about the young man on the floor, some people were throwing drinks at the van that they put the boy in. The police managed to get everyone away from the vans and they formed two lines, one line of officers behind another line of officers. As they did this, we were all chanting "no justice, no peace" the police I believe feel threatened by it.

As we were chanting, I have my banner up in the air... my message on my banner I could feel the hateful glances all day by the police because of the message that I wrote: "how dare you?! We are the reason you exist!" As I said most of the day, we were leading the march, everyone noticed (including the police) this and, in a way, wanted to protect us more, regardless everyone that day moved with complete solidarity and oneness. An officer grabbed my banner and threw it. As this happened everyone started pushing. An officer from behind the first line literally jumped out of formation and punched me on the left side of my face, my 'mugshot' can attest to that. My sister saw this and so did everyone else. Everyone was angry. I just got assaulted for what? Protesting for the right to live? There was a scuffle with the police and us. My phone dropped. I was looking for it on the floor, a girl shouted "whose phone is this" luckily it was mine, as I went to the girl to get my phone, my sister lost her car/house keys at the same time. She was looking for her keys on the floor but couldn't find them.

As my sister was on the floor officers literally pounced on her and pushed her head on the floor, whilst around 7 officers were on her there was one officer rubbing his knuckles on her face, there's a viral video of it on Twitter⁵¹. (As I see that I run to her and try to grab her leg. I know that my

⁵¹ https://twitter.com/khalifa_way/status/1267189919040053248

sister has asthma and heart problems and is in no way a violent person. Knowing that I try to grab her leg and I get kicked in my stomach and thrown on the ground and arrested right next to my sister. We were taken in different vans and to different stations in central London. A woman we met at the protest and her husband saw all of this as did many people. That woman we met actually found my sisters keys luckily. As I was being pushed in the ground another young woman put a lawyer's card and protest advice in my mouth. I made sure I held it in my mouth because it was trying to get pulled out of my mouth by an officer wrongfully arresting me⁵².

I was pulled up and taken in the van. Again, there is a video of me getting put in the van with the paper in my mouth and the young woman hailing advice. The whole time on the way to the station I was asking where my sister was.

At the station the first thing the woman behind the desk asked as she looked me up and down was "can I even speak English". I still cannot believe what happened that day. I was assaulted by an officer on duty yet charged with assault, as was my sister, how can this be happening? I feared for my sister's life the whole time. She has health issues and the way they had her on the floor was shocking.

TS1 – Entry in contemporaneous legal observer notes submitted to Netpol by the Green and Black Cross (GBC)

16.47 Trafalgar Square: protesters start moving and some shouting can be heard from inside the square near the wall, police horses go towards south east corner of square from further up the a400. One person with hands up, and another standing still bracing themselves get sprayed with mace as the police push past them to rush towards the crowd of protesters where people were shouting.

P2 – Witness statement by protestor, submitted directly to Netpol on 09.07.20

I was at the Protest on 6th June 2020, and was outside the gates of No. 10 Downing Street when the police charged unprovoked on horseback.

The charge was unprompted and seemed to be used as a way of provoking a violent reaction from the protesters as they tried not to be trampled by these huge animals.

The police were intentionally invading people's personal space and physically forcing people away from property.

It should be noted that there was at NO point any verbal requests for the protesters to retreat from Downing Street prior to the charge on horseback.

When the police, who were about 5 feet higher than the protesters began to charge at us, it felt extremely scary, as of course people had turned to run in the opposite direction.* So suddenly there was a stampede of people running towards the other end of Downing Street.

⁵² <https://twitter.com/azyayoung/status/1267153430587588610>

*There were a few people in the crowd encouraging people to hold their ground however (as we all saw when that horse ran wild with fear) horses are wild animals who cannot be trusted to act rationally in loud and frightening situations.

Consequently, now at the other protests I have attended whenever I see a police mounted horse (of which there are a lot) I get a sense of fear and anxiety at being in such close proximity with the police and the animals- especially given that they have been known to go 'rogue'.

P3 - Witness statement from protestor submitted directly to Netpol on 29.07.20

I have witnessed a great deal of racialised policing over the past couple of months. This has been most clearly demonstrated the scale of police forces used at different protests. The predominantly black protest for Shukri Abdi for example was policed by several following vans, half a dozen police motorcycles, a police helicopter and a couple of squads deployed on foot. The protest for black trans rights, on the other hand, which occurred on the same day, only a few hundred yards away, and was predominantly white, attracted minimal to no police presence whatsoever.

The very worst example of this was the All Black Lives Matter march on Sunday 28th June when more than a dozen police vans, half a dozen motorcycles, a helicopter and a number of police on foot were used to follow a crowd of only around 30-40 protestors. This was particularly worrying as they used aggressive strategies to control the crowd through fear. This included but was not limited to: driving very close to the back of the protest to try and hurry people along (the person at the back of the crowd was an 80 year old man with a walking stick who could not go any faster), and having a squad of TSG jump out of their van, charge down the side of the protest only to stop, stare at protestors and then walk calmly back in to their van having successfully terrified the protesters. On one occasion this caused protestors to panic and start running. Several running either away or towards the TSG ended up running dangerously through moving traffic.

This is clearly in contrast to the policing of the Tommy Robinson demo at Parliament Square on 13th June whose participants were all white. I attended this protest to send live intel back to BLM protesters in the hope of keeping them safe throughout the day. This protest had virtually no police presence. Downing Street was closed off, but with only a dozen cops defending it whose line was broken in the first couple of hours of the protest by veterans heading for the cenotaph. There were so few police present that they were unable to protect journalists or passers-by attacked by the crowd, and the one time I saw them attempt this the police line fell apart in moments. Many more police vans arrived later by 1/2pm but by this point it was far too late and the crowd had managed to do a lot of damage, seriously injuring several people. Shockingly the only action I saw undertaken by the police that day was on the couple of occasions black men, who were dressed in masks and came to oppose the fascists, entered Parliament Square only for the police to quickly surround them, and take them to the side of the square for a stop and search.

Random or unclear use of stop & search powers

I have not seen many stop and search powers used at the BLM protests themselves however there has been an increase in the police presence in my local area (where the majority of residents are POC) since the start of the protest and I have seen stop and search powers exercised frequently and seemingly at random in parks, on the streets etc. I, as a white man, have not been subject to any of these random stop and searches. A particularly discriminatory example occurred whilst I was waiting in the car park of a local leisure centre. Two patrolling police officers stopped two men and one woman of South Asian who were dressed in the uniform for the leisure centre I was outside of. They performed a very long stop and search that lasted nearly an hour before a police van turned up and several more officers got out to ask the men more questions. No arrests were made and both men were released demonstrating that any concerns the officers had were unfounded.

Kettling protesters, particularly refusing to allow particular demographics out of a kettle

I was kettled on Saturday the 6th June. In fairness, I did not see them releasing any protesters regardless of demographic for a few hours. After that the directions for how to find your way out were very confusing. Officers regularly directed protesters to other officers who would direct them on again until the protester had been to every corner of the kettle. The kettle lasted from about 6pm that evening, and I was one of the last out of the kettle at roughly 2am the next morning. They would not let protesters out despite them reporting mental or physical health issues. This also included not letting protesters out who needed the bathroom for the full eight hours. Officers were not able to tell me why we were being kettled beyond the violent conduct of some protesters. When I said they had no right to kettle us I was told it was not a kettle but an "enforced containment unit".

Police using section 50 of the Police Reform Act to demand details from protesters

The above kettle did involve the use of this power. They attempted to use it to extract names and addresses from all the protesters as well as asking them to remove their masks and submit to a photo being taken of them. As I was one of the last out of the kettle and had been uncooperative pretty much the whole way through the police were somewhat fed up with me by the point that I was removed and they were too busy dragging me away to extract any information.

Snatching any prominent individuals targeted for arrest from crowds

I have seen the police do this multiple times. The first was in the kettle on the 6th June where the police sent snatch squads, a dozen cops in full riot gear, shields and batons waving, charging into the kettle to grab individuals that they wanted and drag them back out of the kettle. I did not see any reason for doing this, the individual grabbed was not being violent or even particularly loud at the time.

The most prominent example of this was on the protest on Friday 12th June where the protest which was incredibly peaceful, static in Hyde Park and all the protesters were sitting on the ground. A snatch squad of police charged into the crowd and grabbed two individuals dragging them away and declaring that it was unrelated to the BLM demos. They grabbed another individual on their way out of the park. Then ten minutes later they grabbed another two

individuals and assaulted another person to take their phone and the phone of one of those they had already arrested who had managed to hand it off.

Excessive force used making arrests

The worst example that I have seen of this was that which I mentioned earlier at the 6th June kettle. This arrest involved barrelling over half a dozen protesters to get at the person they wanted who was dragged kicking out of the crowd. One of the protesters charged over was injured so badly that their head started bleeding and they had to be looked at by TSG medics.

There were also a number of violent arrests on Sunday 31st May where police took protesters to the ground and formed tight squads around them to hold off protesters enraged by the violence with which the police performed the arrests.

Another example is a protest I believe took place on Monday June 1st. While I was not in attendance several of my friends were arrested, including one being brought to the ground by several officers very violently. The friend in question was then charged with assault PC despite the only injury that occurred to an officer being one who was injured accidentally in the process of taking the protester to the ground.

There was also an incident of an arrest where officers came to the home of another of my friends. This was an arrest following the release of his picture on their website for alleged violent conduct during BLM protesters. When he refused to open the door fully for them they slammed the door on his hand, almost breaking it, and then proceeded to wave a Taser in his face until he let them in.

Using aggressive behaviour such as pushing protesters around

I have been the subject of a lot of pushing by police officers. They regularly get aggressive, have no patience and will always use force if they are given the option.

This was very clear on the 29th June. At this protest a car drove at one protester as the driver had gotten frustrated. The police did nothing so we stood in front of the car and demanded they speak to the driver. Rather than do this the police began grabbing protesters and shoving them roughly out of the way of the car. There were only about 20-30 protesters at the demo in total, and maybe 5 in front of the car. Very little effort was made to solve the situation without using violence against protesters.

There was a similar instance before the kettle on the 6th June where the police wanted to drive one of their cars through the protest despite peaceful protesters still being too numerous for them to pass. The police quickly became unhappy with us blocking the road and began pushing us. When we continued to obstruct the car they got more angry, began yelling and shoving, knocking one protester to the floor. I was threatened with arrest if I got in the way of the car again just before they relented, realised they were getting nowhere and turned the car around. Blocking this car meant I missed the cavalry charge which was coming into the other side of the protest (from Downing Street side rather than Parliament Square side).

Later in the kettle officers were also unnecessarily violent and aggressive. They quickly became irritated when the crowd did not give way as they tried to walk forward. They began kicking at

protesters using their reinforced toecaps knowing that the kicks could not be seen on camera but would inflict enough pain to force us to move back. They also repetitively brought out their batons to intimidate and injure protesters when they felt the crowd was not being compliant enough. This became particularly problematic because, when one part of the crowd resisted them, officers all the way around the kettle would draw and swung their batons dangerously meaning that many protesters doing nothing aggressive ended up hurt or traumatised.

I also had a particularly serious incident of police aggression on Sunday 31st May. At this protest officers attempted to run down the sides of the protest to get to the front so that they could form a cordon. They never succeeded in this despite making several attempts. Failing regularly made the officers frustrated and they quickly became angry and violent. When running down the sides of the protests they began to make a habit of shoving protesters. My friend was knocked to the ground in a fairly serious incident. I was pushed into a motorcycle by the sergeant at the front of the police line as he shouted abuse at me. Whilst apologising to the motorcycle rider who had up to that point been minding their own business waiting for the lights to change I was shoved by a second officer running further behind the column knocking me clean over the motorcycle and on to the floor.

Mistreatment or targeting of disabled, Black, Asian or other minority or LGBTQ+ protesters;

I think this is much the same as I put in the first point. That there is rampant over policing of black protests, minimal policing of white ones, even where white protests are significantly more violent.

Arrestee support

I have volunteered several times to perform arrestee support across the course of the protests and have received a great deal of harassment.

In particular, on Tuesday 7th July I was sat outside of one station. When I first arrived I was surrounded by a couple of officers. They demanded to know why I was there and what I was doing. After I told them I was waiting for a friend they asked if I had somewhere else I could go and I told them no. They asked for my name and asked several times where I lived. At one point the officer even told me I was too clean to be sleeping on the streets. After I told them several times I would not leave one officer went to ask how long my friend was going to be held for and after coming back and telling me it would be a while they tried to insist I leave again as I was a "security risk". Eventually I agreed to move to the opposite side of the street as they insisted I was in the blind spot of officers leaving the station. This was clearly nonsense but I think I hurt their pride by refusing to move. Moreover they threatened that I would be hassled all night by officers coming in and out so should move. They followed through on this and I was bothered multiple times by officers insisting I leave. One even claimed that they had a power to arrest me under the Terrorism Act for monitoring the police entering and leaving if I did not move, but this was clearly false.

This was a continuation of generally poor police behaviour towards those on arrestee support. Another notable incident involved a friend who had been arrested but needed someone to feed their cat. I was told by GBC that when I arrived at the station I would be able to ask for the key that had been given to the custody officer. I attempted to talk to the officer on the intercom when

I arrived at the station but he insisted that I needed to leave and could not stay there. He hung up the intercom on me two or three times, insisting that they had no key, and that even if they did they couldn't give it to me, and that my friend was not in the station, and even if he was there was no way I could know that. Eventually he threatened to arrest me for "breaching the peace" if I dared to ring the bell again. Several hours later an officer came out to give me the key proving that they had had it the whole time. On this same night we were hassled by officers a few times including one occasion when four officers came out and threatened to arrest us under the Coronavirus Regulations because there were more than six of us there (there were briefly seven while we were handing over from one group to another).

Finally, another incident occurred when we were waiting outside a station and we were surrounded by three separate squads of police. They told us that they were talking to us because they believed some of us were wanted for a separate incident. They made two arrests from our group and then stopped and questioned me. One cop insisted that he had seen a phone passed from one of those arrested to me. They took all the phones I had on me and confiscated them. This included the phones of three friends who had been taken into the station for an interview (not even under arrest) who had left their phones with me so they didn't go off in the interview. They refused to give these phones back. They refused to give me a receipt for the phone unless I could prove my ID. They slowly gave some of the phones back after isolating those who the phones belonged to, taking them into interview rooms and interrogating them about the phones, including reading through personal private messages on them. They did not give all the phones back despite the person they thought had passed a phone to me having their phone and being released with NFA after the police accepted they had completely the wrong person.

Covering badges

I have seen multiple incidents of police covering their badges or other ID throughout the protests. When little is happening they are happy for legal observers to note these numbers but when things kick off they readjust their epaulettes to hide their numbers under their stab vests. Officers ignore me when I question this or point it out to them. Officers would not give me their names, or tell me which station they were attached to.

Removing cameras

Similarly I have seen multiple officers without cameras or with cameras turned off. One particularly egregious incident occurred when I was kettled and I noticed a violent officer who had been swinging his baton at me had no camera. I pointed it out to him and he told me a protester had knocked it off. I told him to put it back on and he ignored me. He was clearly aware of his lack of camera as he turned to the camera officers behind him when he wanted someone's face to be pictured to direct them. Despite this he was unwilling to wear a camera which would capture his own violent actions and refused to put one on even when I told him to do so.

P4 – Statement by protestor submitted directly to Netpol on 15.07.20 – witness did not respond to our query about the date of occurrence, which was either 6 or 7 July

This was disgusting behaviour by the police. A few teenage boys started throwing bottles & running away & police were pushing the crowds back and I quickly ran to safety under an archway. A few minutes later police in riot gear surrounded everyone nearby telling us we're all being detained (kettled).

I am a woman in my 50s who had been at the peaceful protest and was walking around taking photos. They contained some of the protestors on a narrow walkway – this is where I was first and I pleaded with them that I was feeling panicky/claustrophobic to be shut in a dark walkway, they said there was nothing they could do, so I had to climb over a high wall to get over to the other side where there was more space and I didn't feel so fined, where the rest of the protestors were.

I pleaded with the police at least 5 times that I needed the toilet and they can't help. I was also starving and thirsty as was just about to return home to eat. It was freezing cold and had no choice but to sit on the concrete for 5 hours until police decided we'd suffered enough.

They let us out one by one with 2 officers frog marching us to a camera where we were to look into the camera & were photographed without our permission. I at first refused to give them any details & I was threatened with arrest unless I told them my name and date of birth. I was scared as it was now near 2am and they'd been surrounding us since 8.30pm.

The last tube home had long gone so I was going to get the bus around the corner at The Strand. Police then told me that everyone who was detained is banned from the area and I cannot get the bus from The Strand and I was forced to walk along the Embankment to Waterloo Bridge. Due to coronavirus there was hardly any people or cars around and I was scared. Then I had to walk up a quiet creepy stair case to get up to Waterloo Bridge. It is dangerous for a woman to be out at 2am when the streets are so deserted.

There were lots of young teenagers amongst the people that were contained and a woman who was about 55 and she was crying as she was hungry and needed to go home. They also ignored pleas that I needed to be home to take medication. I am going to speak to a lawyer as this was definitely an abuse of power.

L04 - Statement from a legal observer submitted directly to Netpol on 03.08.20 based on contemporaneous notes.

On Sunday 7th June 2020, I attended the Black Lives Matter protest in London as a legal observer. I arrived on site (US Embassy, Vauxhall) at 2pm and left the protest around 2:30 am when I was the last person released from the kettle in front of Downing Street, Whitehall.

I noted police presence when first arrived on site, and am aware of arrests all throughout the day, evening and night, some which I witnessed first-hand, some which were reported to me. When the protest reached Parliament Square, the police presence had significantly increased: units of circa 30 officers were posted at each corner of the square, as well as a cordon in front of the House

of Parliament and on Westminster Bridge. As the protest reached Downing Street, the police presence had once again increased. A heavy cordon of City of London police stood opposite Downing Street, covering the side walk from Richmond House to beyond the Women of World War II memorial. Another cordon of Metropolitan police stood behind metal gates just outside the gates of Downing Street.

At around 5pm, a crowd had gathered around Downing Street, whilst another crowd had remained in Parliament Square. I remained in front of Downing Street from that point onwards.

At around 6pm, pairs of City of London officers started walking towards protesters and prompting conversations. The same scenario happened several times, with officers discussing issues of racism and police violence with demonstrators, often offering statements such as "In x years as a head of my team, there was never a racist incident". Officers would maintain the conversations up until they would leave as a group of protesters had formed around them, only to prompt another conversation a little bit further. Although these remained simple conversations, it seemed that the repeated engagement with protesters in prompting unfruitful discussion about police brutality contributed to a growing feeling of frustrations in a crowd that was largely still and calm at the time.

At 18:10, an arrest is made and an individual is dragged behind the cordon outside the gates of Downing Street. I do not witness this first hand but a protester shows me a video on their phone, which I forward to the legal support line.

Sometimes between 7 and 7:30pm, another arrest is made, and an individual is dragged towards King Charles Street. Protesters follow the arrestee and officers. A cordon of Territorial Support Group officers is immediately formed on King Charles Street and charges towards the crowd on King Charles Street. Officers are shouting, pushing, using batons and shields to push the crowd outside of the street. A small crowd remains in front of the cordon whilst the rest of the protestors are still standing in front of Downing Street. Legal Observers and some protestors are standing on the other side of the cordons on King Charles Street without being asked to leave whilst there is a shift change in the TSG cordon.

At 9pm most of the crowd has left King Charles Street and all protestors have gone back in front of Downing Street. At that point, protestors wanting to leave are being stopped by cordons on both side of Whitehall and it becomes clear that a kettle has been formed. Multiple lines of parked vans are blocking the way towards Trafalgar Square as well.

From between 9 and 9:30pm up until at least midnight, absolutely nothing happens in the kettle. At no point during the evening are any information given to protestors about why they cannot leave. When protestors attempt to reach out to officers in the cordon they are either met with silence or being pushed back. Multiple individuals in visible distress are reaching out to legal observers in the crowd, a lot of which appear very young. Legal Observers are made aware that an injured protestors is denied necessary healthcare. After lengthy negotiation, and insisting that officers have a duty of care to injured protestors, a few harmed individuals are being let out of the kettle, without any healthcare offered. At around midnight, we are being given information by observers outside the kettle that another kettle is in place on Westminster Bridge. Legal Observers note that a dispersal order has been set for the borough of Westminster via the

Metropolitan Police's twitter account. At no point this is communicated to protesters either. Protestors are now unable to reach their homes with public transports. Individuals needing the toilet, requesting food or requesting that their family be informed are repeatedly ignored by officers. After 1pm, a protocol to extract protestors outside of the kettle if formed. Officers in pairs are grabbing protestors one at a time, and escorting them holding their arms, first in front of van with a mounted spotlight shining light on their face and an evidence gatherer officer holding a camera and then escorted all the way to Westminster Bridge. The process is lengthy and directly supervised by a Gold commander (or so I think it was one because of yellow epaulettes?).

Two further arrests are being made as the cordon gets tighter. Legal Observers are informing protestors that there is not legal ground for a blanket policy to be applied in order to get personal information of protestors. On multiple occasions, officers are taking protestors' hoods down in order to get a better capture of their face. At no points are protestors being given the choice not to walk in front of the camera, even when they explicitly state they do not consent to the procedure (this is the case for another legal observer).

At around 2:30am, I am the last person out. I refuse to march in front of the camera and look down. At this point the gold commander takes the camera out of the officer's hands to point it in front of my face from below.

P5 – Witness statement from protestor, submitted directly to Netpol on 04.08.20

What is happening in Newcastle is striking. All it takes is for one racist to say they are going to oppose an anti-racist event and the police shut it down with a banning order the day before or dispersal notices on the day. There have been five banning orders used against anti-racist events since 13 June. There is a de facto ban on anti-racist events in Newcastle. We can not hold publicly advertised events or events that are not advertised. I am being harassed by the police and my freedom of speech, democratic rights and human rights are under attack.

Northumbria police issued a section 12 notice banning a BLM march to the West End of Newcastle on 13 June. The grounds given were to prevent serious disorder to the life of the community. We believe the real reason was in order to contain the protests in an empty city centre and stop them from making links with local communities effected by racism. The police issued this notice the day before the march was due to take place. On the day I joined a BLM protest near Grey's Monument. Hundreds of racists showed up to oppose it and threw glass bottles, full cans of beer and flares at us. If the police had have allowed the march in the West End I would have joined it and would not have had to face the violence of the fascists.

Northumbria police issued a Section 14 notice banning all demonstrations at Grey's Monument on 20 June, citing the violence of the previous week as justification. On the day, Northumbria police approached BLM activists, including myself, who were petitioning at a BLM event in Times Square. The police officers were asking if the petitions were to get people to march to the West End and that if people did march to the West End they would be arrested. They went on to say: 'We won't allow any Black Lives Matter marches into the West End – not today, not next week,

not ever.’ – Northumbria police officer 3094, verbal statement to participant on 20 June protest. They also tried to get personal details from me and the other 6-8 people who were petitioning.

Northumbria police issued a Section 14 notice banning all anti-racist assemblies in Newcastle on 27 June, apart from in Times Square – an empty part of the city centre. The notice was issued on 26 June. The police claimed they issued the notice because a BLM protest had been notified to them to take place at Grey's Monument on 27 June but that the police had moved this event to Times Square to prevent disorder between opposing groups. This turned out to be a lie. There was no event at Times Square. Indeed all of the other groups involved in organising BLM events in previous weeks had publicly said they were taking a break and there would be no event on 27 June. On the day Times Square was surrounded by police vans and officers.

We had intended to have an event in the West End on 27 June – this was not advertised publicly. It is my belief that police had suspected there would be some kind of event in the West End because they saw us petitioning about it, and they imposed the banning order on the off chance. We sought legal advice and based on this asked the police to rewrite their notice explaining we did not want to have a protest in the city centre and they needed to facilitate a place in the West End for us to hold an event. On the morning of 27 June they replied to say there could be no event anywhere except in Times Square.

On 27 June we went to the West End to explain the situation to people who showed up – there were 20 people. We did not want people to arrive and not know there was a banning order in place from the police. My intention was to let people know and then go to Times Square. We did not have placards or banners or anything that could identify the gathering as a protest or the attendees as associated with BLM. We tried to negotiate with police. They refused.

'All protests or assembly by the left wing in Newcastle are banned – that includes Fight Racism Fight Imperialism, Black Lives Matter, Newcastle Unites, and any other group.' – Northumbria police officer 1926, verbal statement to participant on 27 June event.

The police said we needed to go to Times Square or disperse. They would only allow us to go to Times Square in the back of their vans. We were not permitted to travel there ourselves. They would not even allow us to go to a nearby park to talk amongst ourselves. We decided we would disperse. However, the police would not let us disperse and kettled us. We repeatedly asked why and under what law this was taking place but did not get an answer.

They arrested one person for trying to leave. They arrested a second person for refusing to give his details. They started to issue dispersal notices and to take details. I repeatedly asked the police if people would be arrested for not giving details, they refused to reply for a long time. They let some people go without giving details. They took details of other people then let them go. When an officer eventually said people would be arrested for refusing to give details, I advised people in the gathering to give their details, I was then immediately arrested. The police allege that I was the organiser of the event. I was not asked for my details but was referred to by name throughout the interaction by the police, despite not having introduced myself to them.

I was held in a cell for around five hours, as were the other two arrestees.

The person who was arrested for refusing to give his details was taken in for breach of the peace. He was not charged or bailed and no further action is being taken.

The person who was arrested for trying to leave was charged with breaking the Section 14 notice by participating in the event.

I was charged for breaking the notice as an organiser of the event.

Both of those charged had bail conditions imposed banning us from the city centre and West End on Fridays and Saturdays; and from being in public gatherings of more than 6 people. Those conditions have since been removed at a hearing. It took two magistrates five minutes to decide the conditions were way over the top. We are now on unconditional bail – due to appear in court on 6 October.

We both had our phones confiscated as part of the investigation and still have not had them back yet. One of the phones has video evidence on it that will be useful for the defence.

A defence campaign has been set up to defend all anti-racists arrested. There are five we know of.

The Defence Campaign called a protest against police racism and harassment to take place on 1 August at Grey's Monument. A fascist group called Unite the Right North East posted a comment on their Facebook page to say they were going to oppose the event. The day before it was due to take place Northumbria Police emailed us with a Section 14 notice banning our event anywhere in the city apart from on a small patch of grass in front of the Civic Centre. They used the threat from opposition groups as the justification.

We cancelled this event and instead tried to do some leafleting the following day on 2 August at the Monument. We did not advertise it publicly. There were no posts from fascists about it and no correspondence from the police. When we were setting up an information stall (there were only four of us) a known, local fascist was in the city centre. He normally threatens that he is going to get his friends to come down to oppose us but this does not materialise. This time, instead of speaking to us he approached four police officers who were near by. The officers came to our stall and told us the fascist had told them he was part of a fascist organisation and was going to set up a stall next to us to oppose us. He obviously did this to get the police to shut us down.

Police officers informed more senior officers who arrived and demanded that we move to a different part of the city centre because there was a threat of serious disorder. We argued our case. I got on the megaphone to let passers-by know what was happening. Around 50 people stopped to listen and support us. There were around ten police officers around us. One officer tried to pull the megaphone off me but I kept speaking and moved away from him.

At 1pm, they gave out dispersal notices to the three other people on the stall. We had to get out of the city centre by 1.15pm for 24 hours or be arrested. We packed up the stall and had to quickly leave. The fascist did not come back at any point – there was not counter mobilisation.

LO6 – Legal Observer witness statement submitted directly to Netpol on 02.08.20

Date: 13/6/2020

Time: 3.27-4.15pm

Location: Trafalgar Square – St Thomas' Hospital

I was with several legal observers at the southern end of Trafalgar Square at around 3.30pm. As we were talking, a visibly shaken young person came towards us asking for help. He was around 17 years old and east Asian. He asked us if we knew the way to the nearest hospital. We talked him through his options, suggesting that it would be better for him to go to a hospital away from the demonstration, due to the complicated situation and the confrontations between protesters, fascists, and police that were breaking out across central London at that point. He didn't want to go far from home (he lived near Millbank) and so we explained that the nearest hospital was Saint Thomas', but that between Trafalgar Square and Westminster Bridge was a large fascist demonstration.

When he decided he had to go to Saint Thomas' I accompanied him on a long-route round to make sure we didn't get too near to the DFLA protest. On the way to the hospital we discussed what happened to him. He had not been on either of the protests, but was simply walking from his house in Millbank to meet his friends in central London. His route had passed by the QEII Centre, where a white man in a hood had run up to him in a threatening manner, punched him in the face and knocked him to the floor. The hit him hard enough to break the lens in his glasses, and the broken glass had gone in his eye. He was very upset and was not able to think clearly due to the shock of what had happened.

After the assault, he had found a police officer and reported what happened to them, but they offered him no assistance and weren't interested in his report of a crime. He stated that when he had asked them directly, they had refused to investigate or find the man who attacked him, and said they would not look for CCTV footage of the assault. They also refused to help him find medical help for his injury. Not knowing what to do, eventually he got to Trafalgar Square where I met him.

Until we spoke, he did not realise that there was a DFLA counter-protest taking place around Parliament Square, and did not have any clear understanding of why he'd been attacked. I explained that it was likely to be a racist assault.

LO5, Witness Statement [Submitted on 25 October 2020 about 7 June demo – from contemporaneous notes]

On 7th June 2020, I was acting as a legal observer at the Black Lives Matter demonstration outside Downing Street.

At around 21:00 the police decided to kettle a group of around 100 demonstrators. In my capacity as a legal observer, I was in-and-amongst this crowd and was also contained. The kettle lasted for around 5 hours, during which I witnessed officers delay allowing a protester to leave for healthcare reasons and refused exit for a first aider to accompany the protester in pain. Officers

repeatedly withdrew their batons and three instances of unprovoked use of batons by officers were reported to me.

When, in the early hours of the morning, the police began to release demonstrators from the kettle having offered no access to sanitation or food, on the condition that they furnished officers with personal details (specifically their name and address). They also positioned a facial recognition van next to the kettle exit and used a video camera to capture images of people's faces.

I verbally and loudly expressed that I did not consent to any images being taken and tried to obscure my face from view at which point two officers forced me into position and had a video camera positioned under my face. I also said to officers, in light of *Mengesha vs Commissioner of Police of the Metropolis* that this was illicit. In response, an officer said "No it's not, that does not apply here".

THE NETWORK FOR POLICE MONITORING