

Report on the policing of the English Defence League and Counter Protests in Leicester on October 9th 2010.

Network for Police Monitoring

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Report Authors

This report is produced by the Network for Police Monitoring (Netpol) an organisation which provides support to community, protest and legal support groups monitoring the policing of demonstrations.

Prior to the demonstrations taking place on the 9th October 2010, in Leicester, Netpol trained approximately twenty volunteers, predominantly local community and voluntary sector workers, as legal observers. These legal observers were deployed to monitor the policing of both EDL and UAF protests, and they also monitored closely the policing of the local community both before during and after the demonstrations took place. Their observations of the policing operations have formed the basis of this report.

The report was written by Netpol member Val Swain.

Summary of Findings

This report provides evidence of significant interference with the right to protest of the Muslim population of Leicester at the time of the protest by the anti-Islamic English Defence League on 9th October 2010. It suggests that the police operated a policy of deliberately dissuading the local community from participating in or organising any counter demonstration to the EDL, including the planned, authorised and lawful demonstration organised by the group Unite against Fascism (UAF). There appeared to have been a particular emphasis on persuading the local Muslim population, through Mosques, faith groups and voluntary sector groups, to support police 'advice' to stay away from the protests taking place on that day.

The police have justified the policy as being necessary to prevent public disorder. But it is not clear why the participation of the community could not have been facilitated in the same way as that of other sectors of society. This report suggests that the police actions could be interpreted as unnecessary and disproportionate interference with lawful assembly, and could be in breach of articles 10 and 11 (freedom of assembly and expression) and article 14 (discrimination) of the European Convention on Human Rights.

This report also highlights potential issues relating to the inter-relation between public order policing and the policing of 'extremism', particularly concerns that structures established under the Preventing Violent Extremism (PVE) initiative may have been used to engage with and gather intelligence from the local population in relation to planned protests on the day.

In contrast with the policing of the local community, there is a perception that the police 'bent over backwards' to accommodate the desires of the EDL, including allowing them to congregate in licensed premises and drink heavily before their rally, and facilitating their protest very near to areas of Leicester with significant Muslim populations. One community worker described this as a 'policy of appeasement'.

Additionally there are concerns about the inappropriate use of provisions designed to protect children from harm (s46 of the Children Act), and the continued misuse of provisions to obtain name and address (s50 of the Police Reform Act).

Key findings

Interference with the right to protest.

The police entered into a process of 'community engagement' with the community and voluntary groups in Leicester prior to the English Defence League (EDL) demonstration taking place. There are valid reasons for undertaking such engagement, such as providing information and reassurance to the community.

However, the evidence suggests the police had a further objective of actively dissuading participation by local people in the demonstrations taking place on the 9th October. Further, it appears that a disproportionate effort was made to focus this activity on Muslim communities and to dissuade people within from participating in or organising counter demonstrations to the EDL, including participation in a planned, authorised and lawful demonstration that had been organised by Unite Against Fascism (UAF).

Leicestershire police, working alongside Leicester city council, utilised existing partnerships with voluntary, community and Muslim organisations to disseminate police advice to 'stay at home' during the demonstration and counter demonstration on the 9th October. Particular pressure was placed on youth services to deliver this message effectively, and 'distraction activities' were arranged for the under eighteens. Community workers have stated that the police approach was imposed without discussion and debate, and community groups were left feeling they had little option other than to comply. The police actively encouraged the perception that counter demonstrations would result in serious violence, and the only responsible action was to stay away from counter demonstrations on the 9th. Some public sector workers felt that their careers would be affected if they attended the protests. The police issued leaflets to young people advising them they could be picked up at the demonstration, held by police and referred to social services under provisions in the Children Act. They also energetically promoted participation in an alternative event, the council sponsored 'One Leicester' celebration, held on the 10th October, the day after the EDL protest.

The police have justified these actions as necessary in order to prevent public disorder. This raises serious questions regarding the acceptable limit of police interference upon protest rights. Particularly, it is not clear why participation by the Muslim population in counter demonstrations could not be facilitated in the same way as the EDL and UAF demonstrations were facilitated. A fear of disorder generally cannot justify disproportionate interference against one sector of society.

Pre-emptive interference with protest rights, as we believe was the case in Leicester, could constitute a serious breach of Articles 10 and 11 (freedom of assembly and expression) and article 14 (discrimination) of the European Convention on Human Rights. The systematic and deliberate strategy of preventing participation by the community, undertaken by a partnership of police and local authority, could be interpreted as unnecessary and disproportionate interference with lawful assembly.

We have particular concern that neither Leicestershire constabulary nor Leicester city council have addressed these issues or considered the human rights implications of the actions taken.

We are also concerned that similar practices have been adopted in a number of different towns and cities, and appear to have become standard operational practice. It is not clear whether this is the result of an explicitly developed national policy, or merely the spread of 'good practice' by the national policing units involved in EDL demonstrations, such as the NPOIU¹.

The facilitation of the EDL demonstration.

The decision to allow the EDL to hold their rally at a site that bordered one of the largest Muslim communities in Leicester caused alarm and concern. The actual site allocated by the police to contain the EDL demonstration itself contained a halal butchers and an ethnic supermarket, both of which could have formed targets for the EDL, who have a history of attacking Asian businesses. Not only the shop windows, but the signage too, had to be boarded to disguise the nature of their business. This must have caused great anxiety for the business owners.

The police battled to contain the EDL, but a large group did manage to break their way out of the imposed kettle, and made their way towards the St Matthews / Highfields areas, areas with a significant Muslim population. There were skirmishes with local youth and some property damage. This was not the first time the EDL had broken out of a 'kettle' or police containment, and it was anticipated by the local community.

It is not clear why the EDL rally was sited where it was. Given the concerns already highlighted by Chief Constable Simon Cole, that they had 'intelligence'² the EDL planned to attack Mosques, the proximity of the allocated rally site to a large Muslim area should perhaps have been avoided.

Also surprising was the police decision to grant the EDL access to a number of local pubs prior to the demonstration, which formed their official 'meet-up point'. Other towns and cities, such as Aylesbury and Bradford, had opted to insist on the closure of pubs and bars in order to reduce the risk of alcohol fuelled violence.

The planned pub 'meet-up' was allowed to continue even after the Home Secretary agreed to ban the planned march by the EDL, on public order grounds. As a result of the ban, the police had to employ multiple shuttle buses, in order to move up to a thousand EDL demonstrators from their meet-up points in the three city centre pubs, to their rally site around half a mile away. Following several hours of drinking on the part of the EDL, this was an inevitable source of conflict. During the operation to move the EDL demonstrators, pub windows were broken, and serious disorder occurred at the rally site. There were numerous injuries on both sides, and one police officer was left with a broken leg.

There is a perception among some Leicester residents that the police granted the requests of the EDL too readily, allegedly in the hope that the EDL would be more compliant with policing. One community worker described it as a 'policy of appeasement'.

¹ ACPO 'extremism units' including the National Public Order Intelligence Unit (NPOIU) have taken a role in disseminating good practice.

<http://www.mpa.gov.uk/committees/equalities/2010/101209/05/>

They have had an advisory and intelligence-related role in each major EDL demonstration.

² Police fear protesters intend to attack Leicester Mosque. Leicester Mercury 25th September.

<http://www.thisisleicestershire.co.uk/news/POLICE-FEAR-RACE-ATTACK-MOSQUE/article-2686112-detail/article.html>

Distraction activities and the Children Act.

Local authorities made provision for a range of activities to be made available in community centres and youth clubs on the 9th October. £18,000 was provided to fund every local authority youth club / centre in Leicester to open and provide 'distraction' activities that would help to keep young people away from the city centre. One youth worker commented that he had 'never seen such provision available on one day in Leicester before'.

As well as the 'carrot' of increased provision, the police and local authorities also implemented the 'stick' of Operation Stay Safe. This warned young people that they could be taken to 'a place of safety' if they were in the centre of town and picked up by the police. The leaflet stated that "you may be spoken to by social services and will only be released into the care of your parent or carer." It has been reported that two local authority centres were set aside to be used as 'places of safety' for young people picked up on the day.

Operation Stay Safe made use of powers granted to the police by Section 46 of the Children Act 1898. This allows the police to take into police protection children who are at risk of 'significant harm' due to a lack of parental care or control. The provisions are meant to apply in situations where children are putting themselves in positions where they could be exploited or abused. This is the first time we are aware of these provisions being used in the context of political protest.

There are clear ethical issues relating to the use of 'distraction activities' and Operation Stay Safe to dissuade young people from engaging in political activity. Once again, these measures perpetuated the perception that political opposition to the EDL was almost bound to be violent, and was something to be avoided.

The use on demonstrations of s50 of the Police Reform Act

The HMIC report 'Adapting to Protest' criticised the routine use of S50 provisions on peaceful protest. The provisions apply where a police officer has 'reasonable belief' that a person has committed anti-social behaviour, and allow the police officer to arrest if they do not provide their correct name and address.

The use of this provision on protest is a continuing concern, as stop and search powers are frequently misused by police in an attempt to obtain personal details. The use of s50, with explicit powers to elicit a name and address, gives a great deal more power to police officers undertaking a stop and search, and it should only be used in a narrowly defined set of circumstances, where there has been anti-social behaviour liable to cause harassment, alarm or distress.

People approaching the UAF demonstration were stopped and searched, and in some cases gave a name and address. At least one group of young men were stopped by police, searched, filmed and required to give their name and address on film under s50 powers. There was no evidence that they had been involved in any anti-social behaviour. One of the police officers later suggested that they were on their way to the EDL demo, and 'were likely to cause anti-social behaviour'.

A police officer's guess at what a group of young people may or may not be about to do does not fulfil the requirements of the s50 provisions. It is disturbing to see this power continue to be misused on demonstrations even after the recommendations contained in the HMIC report.

Preventing Violent Extremism and counter terrorism.

The Preventing Violent Extremism (PVE) strategy seeks to identify individuals who may be 'at risk of' extremism or exhibiting extremist behaviour³. The police deploy PVE officers who work closely with community or neighbourhood policing, and are known locally in Leicestershire as Community Engagement Officers⁴. Local Authorities are also engaged in delivering PVE strategy at a local level, although in Leicester this is known as Mainstreaming Moderation, and is operated through the local authority community safety forum. PVE funding is provided through counter-terrorism funds.

The role of PVE police officers and PVE partners in relation to the community response to the EDL is unclear. However, it is noted that key partners in the police operations around the EDL demonstration, such as the Federation of Muslim Organisations (FMO), the St Philips Centre and the Youth Service, were also major recipients of local Mainstreaming Moderation funding⁵.

It is known that the EDL is monitored by the NPOIU⁶, which deals with domestic extremism, and that UAF rallies have also been monitored by NPOIU officers. There are strong links between NPOIU and police counter-terrorism units, and at the time the NPOIU reported to the ACPO Terrorism and Allied Matters committee.⁷

The possibility of an overlap between PVE activities and the EDL policing operation has raised concern. Some people have expressed unease that being prominent or vocal opponents of the EDL, or attending a counter demonstration against the advice of the police, could result in them being flagged as 'at risk of' extremism, and there are concerns that PVE structures could have been used to gather intelligence related to lawful political activity.

The lack of clear distinction between counter-terrorism, extremism and public order policing raises serious concerns about the gathering of intelligence on EDL and counter-EDL demonstrations, and the way in which it is used.

³The Prevent Strategy – a guide for local partners in England

http://www.education.gov.uk/publications//eOrderingDownload/Prevent_Strategy.pdf

⁴ Leicestershire Constabulary website

http://www.leics.police.uk/advice/2_information_zone/88_prevent_preventing_violent_extremism__terrorism/17_community_engagement_officers_ceos_/

⁵ Mainstreaming Moderation Funding obtained through FOI from Leicester City Council.

⁶ National Public Order Intelligence Unit, currently run by the Association of Chief Police Officers (ACPO).

⁷ NPOIU has now moved to within the Metropolitan Police, following concerns at its lack of accountability.

Background

The English Defence League (EDL) has a history of holding demonstrations in towns and cities across the UK, many of which have included serious violence. In Bradford, just weeks before the Leicester demo, the EDL attacked police and counter protesters with stones, bottles and flares. In Dudley in July, they broke through police lines to rampage through the town centre, damaging taxis, businesses and homes.

While the EDL claim to be merely against extremism, they clearly target everything Islamic. There have been attempts by the EDL to reach Muslim areas in order to attack Mosques and the Muslim community generally.

Counter demonstrations have frequently been organised by Unite against Fascism (UAF). There have been counter demonstrations organised by local communities, but these have been few and far between, possibly as a direct result of police intervention in communities prior to EDL demonstrations. There appears to be a growing tendency for Muslim communities to mass around Mosques in order to protect them from EDL attack.

The EDL announced in August that it was planning to hold a demonstration in Leicester on the 9th October. Police undertook consultations with both EDL and UAF, and commenced their community engagement programme. On the 4th October, when plans were in an advanced stage, the Home Secretary Theresa May granted an order banning processions, and limiting the EDL to a static rally.

The policing of the Leicester EDL rally was hailed as a success, and UAF and EDL contingents were kept apart by steel cordons and police lines. However, there was serious disorder as EDL attacked police lines resulting in a number of injuries and some local businesses were attacked. Overall, the police made 33 arrests, of which 24 have been charged with offences ranging from causing harassment alarm and distress, to criminal damage and affray.

The policing of the EDL demonstration

Following the announcement of the EDL plans to demonstrate in Leicester, the police and city council made an application for an order to ban processions. They maintained they were in possession of intelligence⁸ that the EDL were planning attacks on Mosques and there was a serious risk of disorder. On this basis, Theresa May granted an order on the 4th October, banning all processions in Leicester on the 9th. The police maintained they had already 'planned for a static rally'⁹ There is no power to ban static demonstrations, and the right to assembly is protected by the Human Rights Act. The police prepared to facilitate both EDL and UAF protests, and consulted with representatives from both groups. Designated protest areas were set up, and the police made plans to keep the two groups separated through the use of steel cordons and intensive policing. The EDL were designated a site at Humberstone Gate.

⁸ <http://www.thisisleicestershire.co.uk/news/POLICE-FEAR-RACE-ATTACK-MOSQUE/article-2686112-detail/article.html>

⁹ *ibid*

While previous EDL demonstrations have resulted in the closure of all licensed premises, the provision of alcohol was actively facilitated in Leicester. It is understood that access to pubs was a key demand of EDL organisers. The police agreed the EDL could congregate in designated city centre pubs. EDL demonstrators coming in from other parts of the UK were taken directly to this point by coach, while others made their way on foot. Over a thousand EDL supporters stayed in, and around the pubs, drinking heavily, for some hours before the rally took place.

The pubs were located in Hotel Street, where there were three pubs in very close proximity, allowing EDL supporters spilling onto the street to be contained and isolated from most of the city centre. For these reasons it appears to have been carefully chosen. This was also only a short distance from the pre-arranged rally site.

EDL supporters travelling to the meet-up points on foot were required to walk through loose police cordons, and were subject to being stopped and searched by police. It is not clear whether those arriving by coach were similarly treated. Evidence Gathering Teams (EGTs) and Forward Intelligence Teams (FIT) were deployed at both meet-up and rally points.

In the absence of a ban on processions, the EDL could have marched the short distance from the meet-up points to their designated rally site. Instead two buses were laid on to shuttle the EDL supporters from the pubs to the rally site. The buses made a number of journeys back and forth until all the EDL were transferred. It is not clear how the provision of these buses was funded, but it did not appear to have been by the EDL.

Significant disorder occurred during the process of moving EDL supporters from the pubs to the rally site. Pub windows were smashed, and, on arrival at the rally site several busloads of EDL supporters attempted to break out of the designated protest area. There was a serious confrontation with police, who deployed riot shields and batons along with dogs and horses¹⁰. Flares and missiles were thrown and one police officer sustained a broken leg. At least two EDL demonstrators were treated for head injuries.

The benefits of banning processions, enforcing the police to 'bus' the EDL protesters around, are difficult to perceive. It is notable that in similar subsequent demonstrations, such as that taking place in Luton, no banning order was sought.

After the rallies, the EDL supporters were loosely escorted to their buses. Some groups of EDL broke away from the police, engaged in skirmishes with local Muslim youth and caused damage to a local fast food restaurant. It took some time before the police were able to contain the situation. The fact that the EDL had come so close to reaching St Matthews area caused a great deal of alarm. Given the history of the EDL in breaking out of police containments, this eventuality should have been foreseen, and the decision to locate them so close to a Muslim area should be questioned.

The police claimed they had made seventeen arrests on the day. Later they made another sixteen arrests. At the time of writing this report, 24 people have been charged, and nine convicted, mainly for minor public order offences. There have been some arrests for affray, but none for violent disorder. Forty police support units were deployed, including police officers from Leicestershire

¹⁰See for example the bbc: <http://www.bbc.co.uk/news/uk-england-leicestershire-11505724>

constabulary and eleven other police forces. The National Public Order Intelligence Unit (NPOIU), which has attended such protests across the country, advised on public order strategy and intelligence.

The policing of the UAF demonstration

UAF supporters made their way directly to the rally area. They numbered around 700 and the demonstration passed peacefully. Treatment of the UAF rally mirrored, in a number of ways, the policing of the EDL demonstration, despite the obvious differences in tone and atmosphere. The protest was contained within a designated protest zone contained by police, crowd control barriers and police cordons. Evidence gatherers constantly filmed and photographed the crowd as it arrived. Police officers made sporadic stop and searches of people as they approached and in some cases masks or scarves were seized.

In some cases the policing appeared disproportionate. In one incident protesters were prevented from taking placards and banners into the protest, as the sticks were thought to present a risk. An Arab man wearing an Arab style scarf was forced to remove it, and was subjected to a stop and search.

No disorder took place at the UAF rally, and no arrests were made.

The policing of the local community

Leicestershire constabulary, in preparation for the EDL demo, adopted a 'partnership' approach with local authority and implemented a programme of 'community engagement' with youth services, voluntary sector, community and faith groups. In particular, they worked with the Federation of Muslim Organisations (FMO)¹¹ and St Philips Centre to extend their message to Muslim and other minority communities. The FMO also provided 'community mediators' to assist the police in communication with the Muslim population both prior to and on the day of the demonstrations.

With the help of their key partners, the police strongly promoted a 'stay at home' message. The population of Leicester was strongly urged not to go into town or participate in any demonstrations on the 9th October. Instead the police urged people to attend a vigil organised on the evening of the 8th October, and the 'One Leicester' celebration planned on the 10th October.

Some community workers engaged in council forums have been fiercely critical of the lack of real engagement from the police. They have claimed that the policy was implemented without any debate or discussion, or any acceptance of the legitimacy of demonstrating against the EDL on the 9th October. "It was a fait accompli" said one. "The police made it quite clear that people should not go into town or be involved in any counter demonstration against the EDL".

The police worked with their adopted 'partners' to promote this message widely and strongly, through Mosques, youth centres, community groups and local media. There appears to have been an explicit focus on preventing community participation in counter demonstrations. In one press

¹¹ The FMO later received letters of thanks from both Leicestershire Constabulary and Leicester city council for their role on the 9th October.
<http://www.fmo.org.uk/Home/tabid/54/language/en-GB/Default.aspx>

release Chief Superintendent Rob Nixon stated “we do not want people to come into the city just to show opposition to what the protesters stand for¹².”

In some cases it appears that the approach moved beyond mere persuasion. A number of public sector employees have told us that they felt under strong pressure to stay away. One youth worker, employed by Leicester City Council, reported that he had been explicitly told that attendance at the counter demonstration, even in a personal capacity, would be detrimental to his career, and may even cost him his job.

Leicester City Council also arranged ‘distraction activities’, as part of a strategy designed to deter interest in the demonstrations. This is known to be a national strategy, and distraction activities elsewhere have included out of town trips to theme parks and football stadia. In Leicester no trips were organised, but every youth centre was instructed to be open and providing activities on the day of the demonstration. One youth worker commented that he had ‘never seen such provision available in Leicester before’, while another said she ‘wished this had been available in the summer when it was needed’. The cost of providing distraction activities for one day has been estimated at around £18,000¹³.

Leicester constabulary also implemented ‘Operation Stay Safe’. This is an operation run under powers given to police by the Children Act, to take into police protection a person under the age of eighteen who is at risk of harm.

In this case Operation Stay Safe was run on the day of the demonstrations. Two holding centres were set up as places of safety for young people who may be thought to be at risk of harm at the demonstrations. A series of leaflets were issued warning young people that going to either the EDL or counter demonstration could bring them to the notice of the police. They were told that the police would be carrying out stop and search operations, and that people under the age of eighteen could be taken into police protection if they were picked up by police. One leaflet stated “you may be spoken to by social services and will only be released into the care of your parent or carer.”

The police also worked closely with the City Council and other partners¹⁴ to promote alternative anti-EDL events such as the Friday night peace vigil, and Sundays ‘One Leicester’ celebration. Events aimed at sustaining community cohesion are clearly to be welcomed, however there are concerns that these were deliberately promoted as ‘acceptable’ alternatives to the counter demonstrations planned by the UAF on the 9th October.

In the event, while Leicester’s Muslim communities largely stayed away from the UAF protest, the fear of an attack prompted a spontaneous gathering of up to a thousand people, predominantly male Muslim youths, on the streets of the Highfields area. This community gathering was defensive rather than offensive in nature, and in the absence of an EDL attack there were no public order issues. At one point they were joined by a large contingent from the UAF demonstration in town. The sight of a group of white faces approaching did cause initial concern, but when the crowd realised that they were not EDL, the UAF contingent received a warm welcome.

¹² City council and police press release, <http://www.emlearning.org.uk/news.asp>

¹³ <http://www.thisisleicestershire.co.uk/news/Council-reveals-163-131-000-cost-city-centre-demo/article-2945231-detail/article.html>

¹⁴ Including the Leicester Federation of Muslim Organisations, St Phillips inter-faith centre and Hope not Hate

Community impact and costs

The engagement of the police in the run-up to the EDL demonstration did nothing to dispel fear at the arrival of the English Defence League. The 'stay at home' message so assiduously promoted by the police had the effect of exaggerating fears at what the EDL were likely to do, both to persons and property.

Fear of attack on business property prompted the extensive boarding up of shops and premises, even in areas which were not designated protest areas. There was a marked reduction in shoppers, and many of those shops / market traders who decided to open had little business. At points, shoppers and people travelling to and from work had difficulty passing from one side of the city centre to the other, due to the deployment of police lines and cordons. Generally available services like taxis were largely unavailable. The impact to the local economy was significant.

Fearfulness amongst local communities continued after the demonstration. One Muslim woman remarked, 'the thing is, we know they are still in Leicester, EDL supporters, because a lot of them came from here.' In the aftermath of the EDL demonstration, fears of attack by EDL groups and individuals continued.

Leicester City Council have estimated that their operation cost a total of £137,000, including £94,000 on boarding businesses, legal costs and clean up operations, £19,000 on the 'One Leicester' celebration and £18,000 on distraction activities.

The police initially estimated policing costs to have been in the region of £1m, but have since assessed costs at £715,225¹⁵.

Some businesses are said to have reported a decline in takings of between 40 – 70%.

¹⁵ <http://www.thisisleicestershire.co.uk/news/edl-protest-final-cost-revealed/article-3335643-detail/article.html>