

Political Protest and the Police: Young People in Brighton

A report on student demonstrations in Brighton,
24th and 30th November 2010



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Tom Akehurst, Louise Purbrick, Lucy Robinson

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About the authors

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Political Protest and the Police: Young People in Brighton

A report on student demonstrations in Brighton, 24th and 30th November 2010

Summary of findings

On the student demonstrations of the 24th and 30th November 2010, Sussex Police used coercive policing strategies and tactics against child protestors, including physical force enhanced with weaponry, technologies of surveillance and criminal legislation. They did so despite current legal challenges to policing tactics, such as kettling, prohibitions regarding the photographing and filming children and long-standing debates that Anti-Social Behaviour Orders (ASBOs) and sections of the Public Order Act (1986) undermine civil liberties. The policing of the 24th and 30th demonstrations suppressed the political expression of school, college and university student communities and served to criminalise local forms of political protest, in particular, the vibrant street culture integral to Brighton's civic life. Children were mistreated by the police. This report presents evidence that Sussex Police exploited their powers, used violence and were the cause of confrontations.

Specific findings

1. Many young protestors were pushed by police officers and some were pulled, thrown, hit and punched.
2. The capacity of police officers to use and threaten violence was enhanced through the use of batons, riot shields, CS gas or pepper spray, the wearing of layers of body armour and the deployment of dogs. Sussex Police disclaimers that tasers were not fired on the 24th and 30th demonstrations have not reassured participants or witnesses about the use of these devices or similar, stun batons or other type of shock weapon.
3. Police officers showed less consideration for the security and dignity of young persons than of adults, often refusing to communicate with younger demonstrators and using physical force against them disproportionately.
4. The level of violence used by police against demonstrators on the 24th and 30th November was disproportionate and unjustified, given the relatively peaceful nature of the protest.
5. Over the course of both demonstrations, there were eight attempts to kettle protestors and six were established. These kettles varied in size and in duration. It is estimated that 1,400 people were kettled, of whom the majority were under eighteen years of age and a large proportion were under sixteen years old. All kettles were imposed and maintained with violence or the threat of violence.
6. Sussex Police appear to not have taken on board the findings and recommendations relating to the policing of demonstrations contained in two Inspectorate of Constabulary reports, raising questions of best practice, and appropriate ethical behaviour, as well as the legality of the tactics as deployed on the 24th and the 30th.
7. The deployment of increasing numbers of police officers against declining numbers of demonstrators as the protest drew to a close isolated and intimidated young people; these police deployments at the latter stages of both the 24th and 30th demonstrations were particularly punitive since they served no legitimate

- purpose. On these occasions kettling could be construed as a form of collective punishment.
8. Police tactics, including violence and kettling, caused confrontations between demonstrators and the police. This was the foreseeable result of the police tactics deployed.
 9. Police tactics, including violence and kettling, created the circumstances for confrontations that can lead to arrest. Arrests were made when kettled demonstrators were frustrated and confused by their containment and detention.
 10. The reasons for arrests were not evident to participants in, or observers of, the demonstrations. Those who witnessed arrests close at hand believed them to be false.
 11. The use of anti-social behaviour legislation, particularly Section 50 of Police Reform Act 2002 that required young people contained in kettles to supply their personal details as a condition of release was coercive and unjustified. The attempt by young people to participate in a political activity was immediately defined anti-social; children's involvement in the political culture of protest was criminalised.
 12. Young people were filmed as they marched and as they assembled outside various buildings on the 24th and 30th demonstrations. They were also filmed individually prior to release from the final kettles on both days. This contravened the widespread prohibition of making and viewing images of young people without their consent and that of their carers. The filming of children involved in political protest was unethical and has no legal justification.
 13. Taken together, police tactics contribute to a "*de facto* criminalisation" of political protest.

This report examines young people's participation in the 24th November 2010 and 30th November 2010 and their experience of being policed. Many of its findings apply specifically to young people engaged in protest; some are also relevant to protestors of all ages and to policing of protests more generally.

Political Protest and the Police: Young People in Brighton

A report on student demonstrations in Brighton, 24th and 30th November 2010

Introduction

People and numbers

On Wednesday 24th November and Tuesday 30th November 2010, student protests against the Coalition Government plans to raise university tuition fees, end the Educational Maintenance Allowance (EMA) and cut public funding to universities took place in Brighton. There were 2,500 or more people on the demonstration of 24th and at least 1,500 participated on the 30th. Some estimates are higher. However, the significance of these demonstrations is not simply their overall size but that they were composed almost entirely of young people: school students as well as those from colleges and universities. The demonstrations were led by young people. Quite literally, they led the way on the day and had announced, publicised and organised the demonstration through their own social groups and networks.

This report, *Political Protest and the Police: Young People in Brighton*, examines young people's experience of being policed on what was, for many, their very first political action. On both 24th and 30th November demonstrations in Brighton, riot police, dog units and surveillance teams were deployed. Kettling was used. The demonstrations culminated in kettles where the policing strategies and tactics used throughout the day become concentrated: young people were encircled by riot police, dogs and their handlers; they were filmed and personal information was gathered as a condition of release.

The Sussex Police operation of 24th November involved 250 officers (one for every ten protesters) and the same number on 30th (one for every six protestors). There were 6 arrests on 24th November and 5 on 30th. Of this combined total of 11 arrests, 1 was an 18 year old, 2 were 16 years old and 6 were 15 years old, which is to say that 8 were children and 1 only just an adult. Both the numbers of police and numbers of arrests are high, particularly when compared to national demonstrations against raised university fees and education cuts that took place in London. There were 225 officers initially deployed in London on 10th November for an expected mobilisation of 20,000 protesters and double that number turned up. The following month, there were an estimated 20,000 on the demonstration timed for the parliamentary vote on education. There were 34 arrests were made on this day, the 9th December, proportionally fewer in relation to its size than arrests in Brighton on the days of either demonstration.

24th and 30th November: why document it?

The compilation of this report has been undertaken by researchers at the Universities of Brighton and Sussex who were present on the 24th and 30th demonstrations as members of University College Union (UCU). Those who attended the student-led protests did so to publicly confirm the commitment of the lecturers' union (and lecturers more generally) to equality of access to higher education; they sought to support young people's interest in their education and their desire to make their own voices heard within one of the most important political debates for many years with profound implications for their futures as well as that of the public sector as a whole. Thus, the researchers played a secondary and relatively minor role in the demonstrations themselves and were able to observe their dynamic from outside the kettle, so to speak. Immediately obvious was how very few adults participated in the demonstrations and as members of one of the only adult organisations present, researchers at the Universities of Brighton and Sussex felt they had a responsibility to reflect upon their observations of the demonstrations, gather further first-hand accounts and to use their combined skills developed within the university system, which include the collection and interpretation of evidence, the ethics of researching human subjects, the representation of people's experience and the analysis of social movements and state bodies, in order to understand what happened on 24th and 30th November. An account of the development and methodology of the research can be found at <http://artsresearch.brighton.ac.uk/research/centre/CAPPE-centre-for-applied-philosophy-politics-and-ethics/>.

Student protests, national context and local action

The student protests against yearly tuition fees of up to £9,000 and the end of public funding for arts and humanities in universities that took place in London on the 10th and 24th November and 9th December have attracted some news coverage and public criticism of the use of violence, horses and kettling. The denial by the Metropolitan Police that officers on horseback charged at assembled protesters, followed by their partial acceptance that the charge took place, is indicative of an on-going controversy about increasingly violent policing that also quickly resorts to the tactics of attack, or as one BBC reporter put it: "send in horses when they've lost control"¹. Kettling is also the subject of continuing debate about its legality. Legal groups and civil liberty organisations, Liberty and Haldane Society, are collating experiences of being kettled on the November and December London demonstrations and a number of accounts have already been published. Thus, this report, *Political Protest and the Police: Young People in Brighton*, could and should be read as a local contribution to the analysis of political protest and policing at a national level. Indeed, Sussex Police, viewed the local demonstration in the light of the national one. As Brighton's march began to assemble on

¹ BBC, *BBC News* 24, 9 December 2010. Comment made at approximately 20.05.

24th November, it was noted on Sussex Police's twitter feed that: 'Some people may have concerns following the disorder currently taking place in London. Protests in Sussex are taking place peacefully, safely and with minimum disruption to the local area', with Chief Inspector Laurence Taylor confirming over his twitter feed: 'London demo seeing some disorder. Sussex protestors engaging with police and all is peaceful.'²

The use of kettling, riot police and dog units at student demonstrations in Brighton on 24th and 30th should, of course, be scrutinised in the same way as similar policing strategies in London. The same questions apply regardless of a location outside the capital city and matter no less. However, the Brighton demonstrations are not simply small-scale reproductions of London events. Brighton has its own culture of political dissent. Its electoral boundaries include the first constituency to elect a Green Party Member of Parliament; it is home to numerous long-standing campaigns on local and global issues.

In the months preceding the November 24th and 30th student demonstrations, Sussex Police had used both horse charges and kettling. On 30th August 2010, at a counter protest to an English Nationalist Alliance/English Defence League march, there were at least two horse charges, one along Cheltenham Place into North Road and another within a kettle of Unite Against Fascism supporters at Victoria Gardens.³ A protest at the EDO MBM/ITT arms factory in Moulsecoomb on 13th October 2010 was kettled from its beginning to end, with 53 arrests made.⁴ Neither demonstration was widely reported in the mainstream national media and consequently their policing has not been subjected to the criticism that was levelled at the same tactics when used in London. Serious consideration of the policing of local demonstrations that consistently fall below the London-centred media radar is long overdue and the absence of such scrutiny has contributed to a normalisation of confrontational policing at political events in Brighton and a disregard for the freedoms of people, young and old, to take political action in the place where they live.

The local nature of the 24th and 30th Brighton demonstrations enabled students younger than those able to get to London to participate. No-one needed to navigate national transport networks but could walk known routes from their schools and colleges to

² See http://twitter.com/sussex_police and <http://twitter.com/cinsptaylor> re-tweeted on *The Argus*, 'Liveblog: 1,500 Students Join Brighton March Against Education Cuts' http://www.theargus.co.uk/news/8685073.Liveblog_1_500_students_join_Brighton_march_against_education_cuts/ (accessed 31.3.11).

³ 'Bank Holiday Battle Lines', *The Argus*, 31 August 2010, p.18 and p.27.

⁴ SMASH EDO, 'ITT's Hammertime Reportage', <http://www.smashedo.org.uk/hammertime.htm> (accessed 31.3.11).

assembly points at Brighton and Hove Sixth Form College (BHASVIC) (24th) and Victoria Gardens (30th). That the demonstrations were composed of a majority of school-age children make concerns about aggressive and provocative policing, already raised in the national press, even more acute.

Children and political protest

The cuts in educational funding are an example of the economic, social and political disenfranchisement of children: a denial of educational opportunities to young people excluded from the parliamentary process by an older generation of parliamentary representatives who have already benefited from a state-funded further and higher educational system. It should be no surprise, therefore, that children sought to participate in student demonstrations. One contributor to this report described himself as a 'child protestor.' He is 14. A child can be older and is defined in law as 'every human being below the age of eighteen years'. The treatment of children on the 24th and 30th demonstrations as persons of lesser significance than adults does not accord with their enhanced rights and special protections.

5

The majority of demonstrators on 24th and 30th November were children. This report on their experiences uses the terms students, demonstrators, protestors to refer to all participants, students at universities, colleges and schools. The greater number of students came from local colleges or schools; thus the majority of demonstrators were under eighteen years old. Ages, school years, attendance at school or college are given when known as are observations of the approximate age of a group. For example, it was observed that the final kettles of 24th and 30th were comprised entirely of children.

How to document a demonstration

This report, in its entirety, is based upon first-hand evidence: twenty accounts written by young students who participated in the 24th and 30th protests and adults who observed how both demonstrations developed. Digital technologies have enabled participants in, and observers of, any event to make and distribute their own textual and visual accounts and no contemporary research can ignore these records. We have examined 30 hours of live twitter feeds, immediate responses to the demonstrations via blogs hosted on 8 websites, 35 video films uploaded onto YouTube and 230 photographs, published and unpublished. Some of these digital texts and images are produced by photojournalists

⁵ Directgov, 'Children's Human Rights'

http://www.direct.gov.uk/en/Parents/ParentsRights/DG_4003313 (accessed 31.3.11); Office of the United Nations High Commissioner for Human Rights, 'Convention on the Rights of the Child, <http://www2.ohchr.org/english/law/crc.htm> (accessed 31.3.11).

but many do not display the professional accomplishment of news reporting; they are often rapidly written or filmed and unedited. Videos are created using hand-held cameras and mobile phones with basic automatic focus that sweep jerkily and hastily across a scene. This only increases their importance for they are without artifice. Indeed, the low resolution photographs taken on a US soldier's own mobile telephone in Abu Ghraib has established the value of the casually created but highly revealing digital document. The value of YouTube as a record of recent student protests is also signaled by *The Guardian's* report on the uploaded video of the police horse charge on demonstrators at Whitehall on 24th November (<http://www.guardian.co.uk/uk/2010/nov/26/student-protests-police-under-fire>).

Whilst the experience of young people is at the centre of this report, our description of the course of events is compiled from multiple perspectives: participants, observers, photographers and journalists. The University of Sussex Stop the Cuts group collected 'numerous personal accounts' to produce their chronology of 'Bton School Walk Out' on 24th November. Another source is *The Argus's* live feed updated from 12.18 pm until 7.19 pm on 24th and 13.38 pm until 9.32 pm on 30th. It streams different voices from different locations, and juxtaposes the account of demonstrators with that of journalists and the police. In isolation tweets are rather limited. Police twitter feeds only describe the movements of protesters and not that of their own officers; demonstrators, often surrounded by many others, detail specific events to good effect but do not offer an overview. Tweets are also regularly reposted or retweeted, disrupting an orderly chronology and are intrinsically brief, lacking illustration. Images are densely illustrative of a single or series of moments; when taken together, as we have done here, these forms of evidence with their divergent properties, provide a rounded view of the 24th and 30th demonstrations.

24th and 30th November: what type of protest took place?

Students, especially school students, enjoyed roaming the streets freely, chanting and singing along with their friends. The children who participated in both demonstrations, were, without exaggeration, jubilant, especially in the early stages of the day: with painted faces, they waved, smiled and occasionally screamed as they walked by. They were peaceful but not quiet nor easily deterred from demonstrating their claim to a future education. Their forms of protest were those associated with non-violence, such as sit-downs or occupations. Sites selected for protest held symbolic significance: University of Brighton buildings represented rights to education; Brighton and Hove City Council buildings stood for the political parties that control the City Council and served as a proxy for the seat of government; Vodafone and HSBC were treated as examples of the injustice of state subventions to an elite within the profitable private corporations while austerity measures are inflicted on everybody else; McDonald's has come to symbolise

capitalism itself. School and college students, in particular, were determined to carry out their own protest, prepared their own posters, made their way to these buildings in their friendship groups and social networks, shouting their opposition to education cuts until silenced by the final kettles.

Why were there arrests?

24th November

For the most part, the demonstration was a street protest: students marched along Brighton's streets and stood, sang and danced outside some of its buildings. Demonstrators entered three public buildings and two shops: University of Brighton buildings at Pavilion Parade, the Brighton and Hove City Council Buildings, Priory House and Town Hall, Vodafone and Poundland on Western Road. Some stood on the ledges of the ground floor windows of the University of Brighton's Grand Parade building and a small number climbed on the roof of Moshi Moshi in Bartholomew Square. Tweets fed live from journalists and Sussex Police claim that at different points in the demonstration, things were thrown: paper, sticks (probably the components of placards) and food. Other tweeters, protesters and observers dispute this. Those who entered Poundland were reported, via a blog, to have shop-lifted bottles of water and to have taken fruit from a nearby stall.

30th November

Again, the demonstration consisted of walking along roads and standing, chanting and dancing outside buildings. Demonstrators also hung a banner off the top floor of Norton Road car park, from where two objects were dropped, paper thrown and water sprayed. Also, at one point on the march it was reported that some drink cans were thrown. HSBC and Halifax were entered briefly and with little or no damage, but a hole was made to Vodafone's front window and a bin was thrown at McDonald's doors.

Reported reasons for arrests

The reasons given for the arrests on 24th November ranged from: to prevent a breach of the peace, obstructing the police, causing harassment and alarm, assault on the police. The arrests on the 30th November were for suspicion of public order offences, refusing to give a name and address, suspicion of criminal damage and resisting arrest.

It should be noted that most arrests relate to the policing of the demonstrations, that is, to interactions between the police and protestors and not between the protestors and the wider public. Of a total of 11 arrests made on the days when the demonstrations took place, 8 were made under provisions of the Public Order Act 1986 or anti-social behaviour order provisions within the Crime and Disorder Act 1998 and Police Reform Act 2002. These provisions concern a person's conduct. On 24th and 30th November, there were no reported incidents of misconduct of any kind between demonstrators or

passers by and demonstrators. It was police officers who identified actions or words that were considered offences under current legislation, such as, Section 4 and 5 of the Public Order Act 1986 relating to the use of 'threatening, abusive or insulting words' or behaviour that could cause 'harassment, alarm or distress.' Thus the police occupy the contradictory but powerful position of being victim of an offence, the body that reports that offence and the arresting authority. To be subject to arrest or to avoid arrest is in the gift of a police officer. Furthermore, 9 of the 11 arrests occurred when kettles were imposed. Thus, it would seem that policing created the conditions in which police officers could decide to make an arrest.

Political Protest and the Police: Young People in Brighton

Using the report

A summary of findings is located at the front of this report. Also listed at this point are specific findings, each of which is based on evidence and analysis contained in the report's main body. The main body consists of textual and visual reconstructions of the demonstrations followed by reports on the most serious legal, ethical and political issues raised by the policing of these demonstrations. There are two reconstructions of both 24th and 30th November, that is, there are paired reports on each student protest. The first of the pair identifies times, locations and actions using contemporaneous digital records and the second relates experiences, presenting testimony of young protestors and adult observers. A textual and visual interpretation of young people's experience of being policed is also offered in these parts of the report. From these reconstructions, it has been possible to identify the following areas of very grave concern about police tactics on 24th and 30th November: kettling and violence, anti-social behaviour legislation and surveillance. The legal, ethical and political implications of using kettling and relying upon violence to police protests are analysed separately from the problems of blanket surveillance of children and the widening remit of anti-social behaviour orders. However, kettling, violence, surveillance and the constant threat of being 'ASBOed' were not experienced separately by young people on the demonstrations in Brighton on the 24th and 30th November. Many students from schools, colleges and universities who sought to peacefully protest against the injustice and betrayal of education cuts felt their combined effect.

The course of events

24th November 2010: times, locations, actions

By 1 pm Three police vans and two cars are parked opposite the University of Brighton's Grand Parade building.

2 pm At least 650 school and university students have gathered at Dyke Road Park attended by 20 police officers and three police vans. The march begins.



YouTube - Brightondope - 05 Brighton & Hove Student Protest March Fight Against Education Cuts
www.youtube.com/watch?v=K7h2bPaPZ6g

2.20 pm By the time the march reaches Seven Dials roundabout, numbers are estimated at 1000. *Argus* reporter, Rebecca Evans, counts six police motorbikes at the front of the march and a total of 50 police officers. YouTube video footage above the town centre end of Dyke Road shows three more police vans and lines of police along the entrance to Western Road. The march is large, noisy and peaceful; it takes over four minutes to pass by.



YouTube - johnboi1985 - Brighton Student Riot / Protest 24/11/2010
www.youtube.com/watch?v=4S7M14iR45w

2.35 pm Police estimate is now 1,500.

2:52 pm *The Argus* live feed carries Rebecca Evan's announcement: "The students are now at the bottom of Castle Square, just before RBS, and the students briefly sat down, for about two minutes, but are now standing again. They're trying to head along the march route, but keep on being stopped by police who are trying to contain the crowd. However, the march is still largely peaceful, other than a masked protester throwing an apple from the head of the march."

3 pm The march has reached Victoria Gardens and wandered into the road in front of the University of Brighton's Grand Parade building. Some school students climb on the ledges in front of the ground floor gallery windows of Grand Parade and physical force is used as police push and pull these students down. Chief Inspector Laurence Taylor reports via twitter "Some missiles being thrown" and the Sussex Police reports "more throwing of objects" but this is disputed by other twitterers. Nomoregames states: "They're card flyers for a club night" and debaucherydean remarks "didn't happen". A row of police file in front of the entrances to Grand Parade building and the march begins to fragment and moves away from Grand Parade heading south towards the seafront.



© Tom Wills

3.15 pm Some students enter another University of Brighton building, Pavilion Parade. Police officers move onto the steps of the entrance to prevent more people entering. The march halts outside Pavilion Parade but moves on again. Some participants, mostly University of Brighton students, remain outside Pavilion Parade asking why they cannot get in or out of the building.

3.15 pm Some marchers head for the seafront but the greater number, mostly school students distinguishable by their uniforms, protest at Brighton and Hove City Council buildings. There is dancing and chanting on the steps of Priory House. Part of the march enters the building.



YouTube – leosolti - Brighton Tution Fees Protest
www.youtube.com/watch?v=Nkcr9OFhzEA&feature=related

3.25 pm Riot police and dog units are deployed. *The Argus* feeds (at 2.24 pm) that: “Riot Police turned up with police dogs and are trying to get them out [of Priory House]” and debaucherydean’s tweet “Dogs out now” is fed through *The Argus* after one that noted “tons of police leaving brighton police station.”

3.30 pm By this time, school students have been moved on from Priory House and join marchers who have gathered in Bartholomew Square to protest in front of the Town Hall. Sussex Police simply note that “Protesters initially entered Priory House, but have left.” One was arrested, state both Chief Inspector Laurence Taylor and Sussex Police, “for breach of the peace.”



© Tom Wills

3.40 pm Closure of city centre public buildings begins. *The Argus* feed includes the following message: “Holly Oliver, who is working at the Grand Parade Brighton University building, says police have just requested the evacuation of the building. It usually closes at 8pm.”

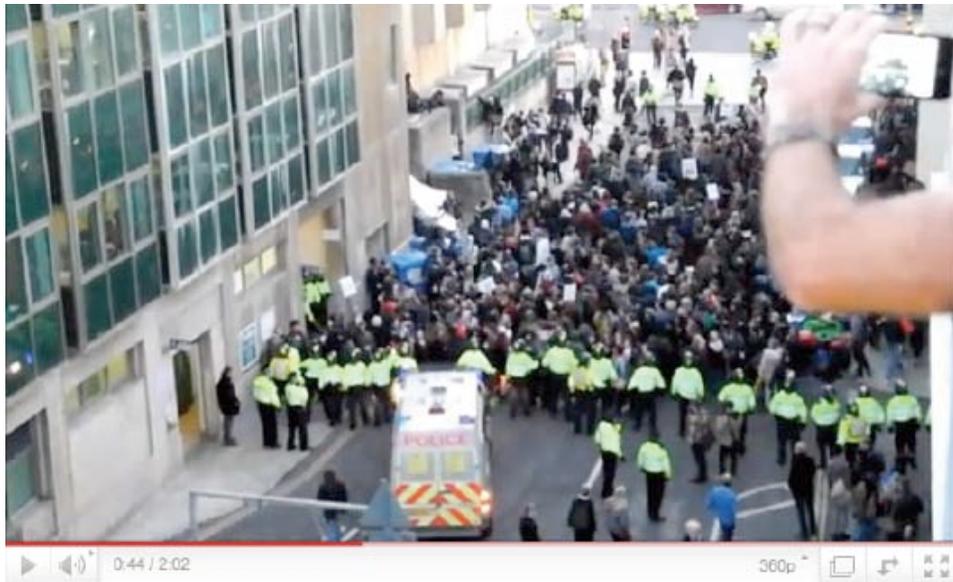
3.50 pm The Town Hall is closed. Sussex Police state: “A small group were asked to leave the Town Hall by security and the doors have now been shut.” Chief Inspector Laurence Taylor had tweeted: “A small number of protestors ejected from the Town Hall foyer.”



YouTube - colinok's Channel - Student anti-cuts demo, Brighton 24th November 2010
www.youtube.com/user/colinok - p/u/3/R8QFa4pbbNc

3. 55 pm The section of the march protesting at Brighton City Council buildings is kettled.

4.10 pm Demonstrators have gathered in Black Lion Street either “pushed out of Bartholomew Square by police”, according to a tweet fed through *The Argus*, or arriving from a sit down protest on the seafront road. YouTube video footage show lines of police running along Prince Albert Street. Photographer Tom Wills tweets: “Police guarding town hall draw batons, cs spray”. In Bartholomew Square itself, Rebecca Read reports that “there are two lines of police who have kettled children in school uniform. There are chants of "let them out" from protesters who are sitting on the other side of the kettle.”



YouTube – dannyguk - Student Protest Brighton
www.youtube.com/watch?v=S2EHqt2EGf0&feature=related

4.21 pm A message relayed over *The Argus* live feed announces: “Police have closed off ALL exits at Bartholomew Sq- People stuck inside the area” and another relayed at the same time counts “four riot[t] vans blocking the traffic.”

4.30pm The Town Hall kettle is ending, although Sussex Police dispute the use of the term kettle: “People are not being contained outside the Town Hall. A controlled dispersal of protesters is taking place. There are no reports of injuries, but some low level criminal damage.” Following the kettle, the dispersed demonstrators moved in at least three directions: they wandered along the A259 or went back to Pavilion Parade and others made their way up North Street to the Clocktower. Riot police prevent people entering Pavilion Parade where a public meeting is due to start at 5pm. The *Argus* feeds this message: “Brighton University student and staff member Holly Oliver, who was evacuated from the university's Grand Parade building earlier, says protesters are now attempting to enter the University's building in Pavilion Parade, and are being violently pushed back by police. More riot police are arriving there now.” Riot police enter Pavilion Parade and some of the occupiers flee. Others are observed to have been “dragged out”. One section of the Pavilion Parade demonstration walks via Church Street to the corner of Bond Street and North Street; another travels up North Street to join the demonstration at the Clocktower.



YouTube – mac87ivan - Students protest in Brighton
www.youtube.com/watch?v=hV8QZfrQ4rQ&feature=related

4.40 pm A kettle is established on the corner of Bond Street and North Street.

4.40 pm The marchers heading up North Street gather at the Clocktower and block traffic for 15 minutes.



YouTube – mac87ivan - Students protest in Brighton
www.youtube.com/watch?v=hV8QZfrQ4rQ&feature=related

4.55 pm The Clocktower demonstration moves along Western Road and now centres upon the Vodafone shop. Some demonstrate inside the shop. *The Argus* twitter announces: “Riot police are back on Western Road, while hundreds of protesters head towards the Vodafone Shop. Apples and sticks were apparently thrown at police. The protesters are now trying to get into the Vodafone Shop - and they're now inside, swiftly followed by riot police.”



Youtube - rozsouth – All Fairly Quiet On the Western Road Front
www.youtube.com/watch?v=iHm7nqMv76Y&feature=related

Five minutes later the shop is empty of demonstrators and police are lined across its front. *Argus* reporter Rebecca Evans tweets: “Riot police have got the protesters out of the Vodafone shop, and have surrounded it to stop anyone else going in. However, about 40 protesters have now run into Poundland opposite. There are still hundreds of people on the road blocking traffic.” One minute later, another *Argus* reporter, Ruth Lumley, sends this message: “Eggs and fruit were thrown at police as they guarded the Vodafone shop.”

5.00 pm The demonstration turns back along Western Road and down North Street to the Old Steine. Some travel via Bond Street and Church Street. They attempt sit-downs and road occupations. Buses pass safely. The last of those kettled at the Town Hall are released.

5.30pm Moving directly across the Old Steine, demonstrators then walk up Edward Street. Their intended destination is not clear. It has been assumed that the demonstration was heading for the Brighton police station on John Street but a poster to University of Sussex Stop the Cuts message board who was with the demonstration at this point writes: “My understanding of the situation (as I tagged along with this crowd having heard someone leading the group announce over a megaphone ‘we’re going to the amex’) was that the intention of the group heading up Edward Street was indeed to protest outside the American Express” and that “The police vans arrived before we had the chance to cross John Street.”



Left, YouTube - MrFirstworldproblems's Channel – Brighton Stop The Cuts 2010
www.youtube.com/user/MrFirstworldproblems - p/u/9/dOZmRgVarDs

Right, YouTube – MrFirstworldproblems's Channel – BRIGHTON STOP THE CUTS
www.youtube.com/user/MrFirstworldproblems - p/u/15/JGnyF_TWHz

5.45 pm It is reported that the demonstration halted at the junction of Edward Street and St John Street has continued on its way and that the latter street is being sealed off some twenty minutes later. Chief Inspector Laurence Taylor tweets: “Small group of protesters outside John Street police station have been swiftly moved on” while *The Argus* feeds at 6.09 that “Four or five officers have sealed off the junction of Edward Street and John Street to prevent anyone going near the police station”.

At 6.13 pm, Ruth Lumley states: “police have sealed off both ends of John Street.”



YouTube - MrFirstworldproblems's Channel – BRIGHTON STOP THE CUTS
www.youtube.com/user/MrFirstworldproblems - p/u/15/JGnyF_TWHz

6.30 pm A kettle is established at the Aquarium roundabout. Some protesters had made their way to the Pier from Edward Street and had tried again to occupy the roads. The kettle involved a series of police circles and dog units. Police outnumbered demonstrators. Three of the six arrested people, all 16 years and under, were held in this kettle. One, a girl, had been pressed to the ground before being led away.

7.00 pm Sussex police have described the kettle as a “controlled dispersal”. One tweeter writes “Friendly cop tells me that they’re being held until ‘suspects are identified’ and another, carried by *The Argus*, reports: "The police are now taking the protesters out one at a time, photographing them, taking their details and letting them go."

On-line sources

<http://brightonstudentwalkout.wordpress.com/2010/11/25/what-happened-in-brighton/>

<http://www.flickr.com/photos/tomwills>

<http://rosscrispin.wordpress.com/>

http://www.theargus.co.uk/news/8687762.Student_protests_day_2_university_building_still_occupied_and_schoolchildren_arrested/

<http://twitter.com/CInspTaylor#>

The course of events

24th November: experiences and interpretations

BHASVIC to Victoria Gardens

Daisy, a school student, gave an account of how the march began:

"I am 13 years old and when I found out about the cuts protest via text I decided to go because I was angry about the rise in tuition fees and I thought it would stop me from going to University. I was also angry about how they were planning to stop EMA. I knew that I might get into trouble but I thought that I should go anyway. Most of my friends wanted to go too. I have never left school or been off school before or been in trouble at school before.

When I got to Bhasvic everyone was exited there were very few adults or older students at the beginning, most people seemed to be between the ages of 13 to 17 with a few older University students. The police blocked the road and the older University students told us to stop every now and again so that the police could make way ahead of us."



© Tom Wills

As well as the excitement, she and her friends shared about participating in their own protest, Daisy's trust in adults, both older University students and the police, is evident. Then, she describes the moment when the demonstration no longer felt safe, that is, when, for her and her friends, excitement became fear:

“We walked to St James via western rd in front of the pavilion. I saw a man who had been pushed off the wall outside the University building by a police man lying on the floor lots of people were asking him if he was okay people stood around him until the medics arrived. At this point all of my friends were very frightened also by the shouting coming from both sides”



© Tom Wills

Tom, a year 11 school student, making him just two or three years older than Daisy, also notes the peaceful nature of the march until it reached Victoria Gardens and describes the policing of the University of Brighton’s Grand Parade building as provocative:

“On the first demonstration, the first 2 hours of the protest was very peaceful, when we reached the art University, riot police became present it seemed they were there to provoke anger other than to try and ease control of the situation.”

Nancy, one of the adults present on the demonstration, confirms again that the march began peacefully, commenting upon the efforts of political representation through songs and placards. She observed the movements of both the demonstration and the police, the latter of which changed before the former reached Victoria Gardens:

“I accompanied the protest from BHASVIC to the Level. The atmosphere was peaceful with many students singing songs and holding home-made cardboard banners. I was struck by the number of very young students – many in Years 7 and 8 I would estimate. The police appeared to be accompanying the march peacefully and this continued along Dyke Road to the Clock Tower, along North Street and into the Steine.”

Then, Nancy states:

“When we got to the Steine, I noticed several groups of perhaps twenty/thirty police, arranged in lines two deep, running together behind Edward Street with long batons at their waists. This concerned me given the young age of many of the protesters; I wondered why the police were gathering in such numbers and why they appeared to be practising some sort of manoeuvre.

At the Steine, the young protesters assembled on the roadway outside the Sallis Benney hall and danced and sang. Some sat down in the road. This continued for about five minutes. The atmosphere was witty, good humoured and calm. There were some police standing on the grass in the Steine and some half a dozen vans and motorbikes parked on the northern end of the carriageway. However, I noticed more gathering at the southern end of the Steine, near the Taj corner. Then a speaker from the platform on the Steine spoke through his megaphone and asked all the students on the carriageway to turn round and walk slowly back to the Steine gardens. I’d say that at least 1,500 students did this – and possibly 2,000 and I was amazed at how peacefully they removed themselves from the roadway with no police intervention at all.

Then the students began to walk in a southerly direction back towards the bottom of North St. At this point, I had to go to an appointment in St James’s Buildings; this lasted about ten minutes and when I came out there were no students to be seen anywhere.”



© Peter Jenkins

A post to *The Argus* blog on the morning after the demonstration from ‘true-brightonian’ understood what happened at Victoria Gardens as “a spontaneous move to occupy the University Building, involving over 1,000 protesters.” An occupation of the University of Brighton’s Faculty of Arts building was established on 24th November but at Pavilion Parade, a few hundred meters south of Grand Parade, across Edward Street and

opposite the Royal Pavilion. Of the wealth of digital images of the demonstration, a few photographs show students trying to gain access to Grand Parade but for the most part the protest here took place outside the building and consisted of dancing and chanting on the wide ledge in front of the windows of the University of Brighton Art Gallery that runs along the ground floor of the building. The images show police officers pulling students off this ledge.



© Tom Wills

There is also an attempt at a sit down protest, brought to conclusion by the demonstration's own stewards. Significantly, there is nothing in any of these varied accounts (written, tweeted or photographed) that indicate Victoria Gardens was understood as the end point of the demonstration. Nancy, for example, believed the march was going to the Level.



© Peter Jenkins

Video footage shows the march fragmenting after Grand Parade with tweets and blogs registering uncertainty about either the intention or direction of the demonstration. "The whole thing's off script now" was the phrase used on the University of Sussex Stop the Cuts webpages. *The Argus* fed a message from a university student within the

demonstration at ten minutes past three that reads: “We're being moved on. Cops running. No idea what's going on” and another five minutes later ascribes the fragmentation of the march as the result of police strategy: “Police breaking march into small groups. Not sure what's going on.”



YouTube – nptong - Brighton student cuts march
www.youtube.com/watch?v=QQ6kTWry9VQ&feature=related

A sixteen year old female school student interviewed by *The Argus* reporter and tweeter, Ruth Evans, while the demonstration was still in progress explained: “ We walked up to Bhasvic and joined the group outside. It was very peaceful. We marched through Grand Parade and people tried sitting there but it wasn’t working, so they decided to go to the town hall.”



© Peter Jenkins

Grand Parade to Bartholomew Square

According to Daisy, the pace of the march was still relatively slow; she and her friends begin to walk to Bartholomew Square. There is no hint of drama in her description of setting off for the vicinity of Brighton and Hove City Council Buildings. It is as if the site of local government is simply the agreed and official, or at least the obvious, place for students to protest. Daisy does not record any last minute decision, change of plan, or that she and her friends are following the directions of other demonstrators, in fact, she states that older students join them:

“We started walking towards Bartholomew square with older students who joined us from the college and the University. At Bartholomew square the police had dogs inside a building everyone was a bit worried. We went into Subways and saw everyone running toward Ship Street and everyone sat in the road just down from the grand hotel at this point we went to buy chips. We came back and saw everyone getting up and running back again because a police man was shouting at them really loudly “GET UP OR YOU’LL GET NICKED!”

For Daisy, the pace of the demonstration accelerates only after the deployment of dog units. People run. She observed that they run as a reaction and without a clear sense of direction, down and up the same stretch of road, retracing their steps. Unlike Daisy, Tom, reached Bartholomew Square itself but his account of the effect of police dog units is very similar:

“When we got to the town Hall, this is when it really kicked off. Riot police came with dogs and shut off all the main exits in the square, if you were unlucky to be at the front of the crowd the riot police were pushing people very hard and lashing with their batons mostly for no reason. When it came known there was an exit that wasn't guarded, people rushed out of the square. We then had a sit down in the road and the police brought dogs to the front to try and scare the crowd away. Then they announced that if we didn't leave the road we would all be arrested. Then everyone tried to rush back to the town hall square but then everywhere was guarded and the police brought out pepper spray.”



Simon Dack, © The Argus



YouTube – deanharvey123 - Rioting on Black Lion Street
www.youtube.com/watch?v=aOFtwj_smdc&feature=related

Tom is very certain about the purpose of police dogs at a demonstration: they create fear and that fear becomes the cause of flight; they force people to move. But they are just one element of policing tactics that Tom experienced as a physical confrontation or a battle, to use simpler, less circumspect language. The dogs at Bartholomew Square are noted by Tom as one of three forms of force (and weapons would be the simpler term here) that the police used in addition to their own physical strength: the two others are batons and pepper spray.



© Tom Wills



Photographs do show police officers blocking a narrow entrance to Bartholomew Square from Black Lion Street and pointing spray guns at a semi-circular formation of demonstrators. They may not have contained pepper spray; *The Argus* feed from Tom Wills had stated: “Policing guarding town hall draw batons, cs spray.”

There was no spraying of the demonstration: pushing and batoning were the methods used when police lines and the demonstration met. Tom put it like this:

“at the front of the crowd the riot police were pushing people very hard and lashing with their batons mostly for no reason.”

His observation that the police used force that was excessive and his understanding that it was also unnecessary is, of course, very important to note. One of the real time digital records of 24th November, a twitter feed carried by *The Argus* between 3.28 pm and 3.46pm, describes an act of violence by a police officer against a young person that preceded the Town Hall Kettle. The feed reads:

“Kid in school uniform beaten in priory house. Me mishandled by same officer as I claimed legal observer status ... He says child went to hit him. Happened in front of me - he didn't, was trying to get out of crush ... Still shaken by the police takedown on that kid. It was brutal. If parent had done half of that we'd have him in a place of safety.”

The next day post to *The Argus* from true-brightonian who “was there on the march” reports: “young people were assaulted by the police, who used batons, kicked people and set their dogs on children”.

The Town Hall kettle: inside and outside

Nancy, the adult witness who had lost sight of the demonstration after it left Grand Parade, was able to catch up with it by following the coordinated movements of the police. She writes:

“[However,] as I stood outside the Pavilion, I saw more groups of police running in lines two deep towards North Street and a police helicopter hovering somewhere over East St area. So I continued up there – it was about 3.30 at this time – and saw from the body language of passers-by that something was happening outside the Town Hall in Bartholemews. I walked along a line of police vans – at least five – and was told by the police several times to go away. However, I went onto the pavement and stood on a planter to see what was going on in Bartholomew Square, where I saw a woman I know talking to the police – I afterwards discovered this was because one of the lines of running police had knocked her out of his way with his hand . Therefore she had followed him and took his number and asked him why he had felt it necessary to push her.

Meanwhile lines of police were running to the square, along the pavements, with one at the front shouting orders like “Forward’ ; and not noticing the passers-by/shoppers. It was as though they were performing a military operation and we ordinary people did not exist. I felt very chilled by this as it felt dehumanising. The police were wearing yellow vests with armour underneath and they were holding the handles of really long batons with big-gloved hands. I felt intimidated myself by this but I decided to stay and observe what they were doing to the young people they had kettled outside the Town hall.”

Whilst some students, like Daisy, never reached the Town Hall, despite their intention to demonstrate there, and others, such as Tom, fled from Bartholomew Square and were prevented from returning, for other students this was the key site of their protest. The sixteen year old female school student, interviewed by Ruth Evans of *The Argus* recounted how she came to be kettled:

“We all walked up here chanting. Police locked the doors so we couldn’t get in. Some people got on top of Moshi Moshi, shouting and cheering. Then someone set off some French bangers and loads of riot police came and started kettling everyone in. Now they are holding people in there (Town hall). Apparently some people got into the building. Most people are being kept in. Police say it is so they can disperse the crowd slowly, but they are aggravating things more. People feel attacked by the police and they have not been doing anything wrong. It was a very peaceful protest. There are young pupils here who are stuck and it is frightening the life out of them.”

This interviewee, like other demonstrators, may have not have been subject to any direct acts of violence but that she reports “people feel attacked by the police and they have not been doing anything wrong” warrants serious consideration. According to Tom, it was those at the front, that is, facing the police lines, who were pushed and batonned. Those behind them may only have been witnesses to the use of physical force but would certainly appreciate that an act of violence to one person is also a threat of the same treatment to another. Moreover, demonstrations are collective acts; they are gatherings in a common cause and thus people of all ages who participate in protests sympathise with one another. On 24th November, there were large friendships groups from secondary school, college and university networks that shared not only information about the use of force but also spread its emotional impact: young people were offended by their treatment. Every act of violence by the police against a demonstrator was understood as a collective physical attack.

The Town Hall kettle created a confrontation. The violence used to impose it was understood as an offence and a threat to all those within the kettle. As *The Argus* interviewee explained, simply “being kept in” is a cause of increased tension and, she states, for younger people, fear: “There are young pupils here who are stuck and it is frightening the life out of them.” Thus, the experience of those inside the kettle is the reverse of the ‘controlled dispersal’ process for which a kettle is metaphor: the slow release of steam. Kettles are also vessels designed to speed up the boiling of water, to accelerate towards the tipping point when matter changes state. The kettle metaphor is only appropriate for those kettled because it is a means of rapidly raising temperatures; it alters the atmosphere of a demonstration; any excitement about participating in protests had become feelings of panic or injustice.

Michael, a Year 10 school student, describes his attempts to find out why he and his friends were being contained:

“When I first got kettled outside the Brighton Town Hall, I asked a police officer performing the kettle what reason we were kettled for, he at first didn’t reply, so I asked up to three more times when he did reply he said it was ‘for breaching the peace’ so I asked what it was we were doing that was ‘breaching the peace’ to which he didn’t reply no matter how many times I asked, so I asked how long we would be kettled for, to which he said he didn’t know. I ended up being kettled for about 25 minutes.”

A series of photographs show young people of approximately Michael’s age asking police officers why they are being held. Their facial expressions show a mixture of incomprehension and disappointment. The number of open palm hand gestures is quite noticeable in all these digital records; these are beseeching gestures, which have been interpreted for centuries as appeals for mercy or good judgment.



© Tom Wills



© Tom Wills

The lack of explanation offered to contained demonstrators confirmed to them that their containment was arbitrary. The police officer that could not elaborate upon how Michael was in breach of the peace faced an intractable problem: the kettle does not distinguish between the actions of different participants in a protest. Collective containment, simply herding them together at a particular place and time regardless of their previous behaviour, is inevitably indiscriminate. It is, moreover, experienced as detention. Michael measured the amount of time for which he was kettled. For a school student, to be detained for more or less time is the register of more or less severe punishment as well as a known consequence of an arrest. Without explanation, indiscriminate containment is also arbitrary detention, a form of unjustified punishment.

Nancy, who was now outside the Town Hall kettle also tried, like Michael, to talk to police officers. She had a little more success:

"Police walked along by the planter where I was standing asking young people to move away. I heard one young man ask the officer who was trying to get him to move, why the police were doing this.

The officer replied: We've been spat on and had eggs thrown at us.
The young man replied in a puzzled voice: Yes but did that happen? I was there and I didn't see that.

A couple of the shoppers asked the officer to show them the egg etc but his clothes showed no sign of this and he ignored this request.
Then I asked him why there were so very many police all gathering around here and he said: It is to protect you madam.

So I asked him from whom I was being protected. And he said: Violent protesters, and I replied: Many of them are my former students and they have impressed me by their dignity and composure. I told him about the peaceful dispersal of the students outside Sallis Benney and he said: Yes they were good there, and I said: They do not need the police to keep the peace. They are peaceful; why aren't you? In fact you running around like squadrons of military are causing a lot more disruption. I said: I am very shocked to see police behaving like this on our streets. He said: I'm not military; if I was I wouldn't be talking to you.

He continued to try to get us to go away, saying that there were violent protesters occupying the Town hall. Then he moved away to talk to a young man on stilts who had appeared behind the police lines at the kettle.

At this point one of the local traders came out and asked the police when they would be moving as they and their vehicles were blocking the street. The police said they were protecting here; she replied that she did not need protection from the peaceful protesters and that as someone who had grown up in Asia she was shocked to see police behaving like this on the streets of Britain which she had heard was a peaceful country which protected the rights of its citizens to peaceful protest. Another woman spoke out at this point and said that she came from Colombia and would be very sad to see that police behaviour she had thought she'd left behind in her country might become acceptable in the UK."

This account of being a witness to the Town Hall kettle demonstrates the concern felt for people, especially the young, who were contained and detained. Reports via *The Argus* live feed at 3.55pm and 4.14pm note the numbers outside the kettle asking for the release of those within. Despite discouragement from the police, kettles attract a crowd seeking to stay and observe their proceedings. The imperative to witness is associated with a responsibility for others that can be carried out by remembering, recording or reporting their situation, especially when it appears to be unwarranted and unsafe: something that should not be happening and should be stopped. The shoppers and traders who stood near Nancy, a teacher, voiced their disapproval of the kettling process and disbelief in the police explanation of its necessity. These conversations are indicative of public distrust in policing but that any dialogue took place at all is a register of how differently police officers treated adults and children.

Physical force is directed at young people rather adult protesters. Of course, as has been noted, young people were the overwhelming majority but police officers seemed to differentiate between adults and young people to the detriment of the latter: they spoke to adults and said little to young people, using greater physical size to exert control. Video footage of adults requesting to be let out of the Town Hall kettle established in Bartholomew Square contains dialogue about the police use of force against young people and is an example of differential treatment. "I've seen you guys ramming 16 year olds today," states a woman to one of officers in the police line facing south into the Square. She adds: "I've seen you with young children, pushing young children. We've seen you. We've seen you." He twice replies that "eggs", "alcohol" and "cigarette lighters" have been thrown at him. "So it's a battle?" she asks.



YouTube - colinok's Channel- People arguing with police kettling them on student anti-cuts demo. Brighton 24th November 2010
www.youtube.com/user/colinok - p/u/2/iYCRJs6K6jQ

The North Street-Bond Street kettle

Michael, released from the Town Hall kettle, found himself inside another one:

“I was then kettled again outside HSBC with a group of friends, after about 10 minutes one of my friends started crying so we asked if we could all be let out with her, they didn’t let her or any of us out for about 10 more minutes, until they let my crying friend out along with one other friend. These series of events caused yet another of my friends started crying so we repeatedly asked the police officers to let us out because she was getting really upset and scared, we were then let out at about 6:30 which was about 45 minutes of being kettled. While all this was going on a friend of mine who was caught in the kettle needed the toilet and had been for about 20 minutes before the kettle started was now bursting for it, so he asked the police officer whether he could go in a near by shop but his request was refused, so, because he needed the toilet so badly, the rest of our group formed a semi circle against the wall, with the friend who needed the toilet in the middle our semi circle, so he could go to the toilet in the most privacy possible, unfortunately he got ‘stage fright’ as such and could not go, so by this point he was in quite a bit of pain.”

Nancy left her position on the planter at Bartholomew Square overlooking the Town Hall kettle and, along with another adult witness, wound her way to the North Street-Bond Street kettle, where Michael happened to be contained:

“The young woman who had stood next to me during all of this [at the Town Hall] said to me that she was intimidated and wanted to get away because she felt that the police might arrest her just for watching them. So I too left and met a woman who said she was going to North St. to observe a kettle at the bottom of Bond Street.

We noticed lots of police in North St so we cut through Pavilion gardens and onto Bond St from that direction. It was about 4.30 I think at this time, there were police in a group on the corner of New Road opposite Carluccio’s, one in plain clothes but with body armour under his overcoat. We walked down Bond street and saw about seventy young people kettled outside HSBC by about fifty police. Very cold and dark. Again I asked the police why they were doing this to the students, and they said they were dispersing them in small groups, to which I replied, but you aren’t letting them out! I noticed a policeman all in black with full body armour in a doorway on the western side of Bond Street. I had the chilling feeling he could be a marksman. There were quite a few adult observers of this kettle at this point and they were trying to engage the police in conversation. However in reply various policemen kept saying: ‘Why don’t you all just go home?’ A couple of people said, things like: ‘We want to be sure our young people are being properly treated.’ Some of the girls in the kettle said they needed the loo and several of them looked brave but distressed. At this point I noticed that the helicopter had moved away from North Street and appeared to be hovering over the London Road area. Then loads of police vans went screaming down North Street with their sirens on and their lights all flashing; they had come from behind the Poundland shop I think, that block there. Again the feeling was one of aggression and urgency. Some of the young people in the kettle visibly flinched at the sound of the high pitched sirens. At this point I received a text from my son so I left to go and attend to him on a non-protest-related matter. Later someone said that the kettle had ended quite suddenly.”

She observed from outside the situation that Michael described from the inside. Some of those held were in discomfort. The length of time held increased discomfort from both the cold and the need to use a toilet. Refusing requests to be released to use a toilet caused embarrassment and humiliation. This appears punitive and would certainly be understood as such in other settings, domestic or educational, familiar to young people. Michael notes that he was held for longer at the corner of North Street and Bond Street

than at the Town Hall. The two kettles are comparable: the creation of a confrontational situation through indiscriminate containment and arbitrary detention that also, at this later stage in the demonstration, served to deter students from continuing their protest or, indeed, from ending it peacefully by going home. To hold young people, some distressed, to use Nancy's description, exhausted them of their desire to demonstrate. The police who formed the perimeter of the North Street-Bond Street kettle were less responsive to the appeals of adult witnesses than those who patrolled the edges of the one established at the Town Hall and refused to talk to young people at all. Tom, the Year 11 school student, was threatened with arrest for seeking an explanation for his detention. He had walked into the kettle with a section of the march that had visited Pavilion Parade. He wrote:

"We then headed through the lanes and were heading to town, we were then kettled in the lanes in a small space for over 2 hours, there was also people in the kettle that had no involvement in the protest, this only angered people and achieved nothing. I was then told that I would be arrested for approaching a riot policeman and asking why we were being kettled."

Pavilion Parade, University of Brighton

That students entered the University of Brighton's Pavilion Parade building at about quarter past three in the afternoon and began an occupation that lasted over two weeks, was unnoticed by many of the marchers as they headed towards the Town Hall. Photographs show the police, who have now donned riot gear, blocking the entrance to Pavilion Parade and preventing movement in or out of the building.



© Peter Jenkins

Inside, there were students who were participating in the demonstration as well as some students and staff who were continuing with their usual timetables. Outside, there were students and staff requesting access to Pavilion Parade, either to support the student demonstration or to get back to work.



© Peter Jenkins

This situation continued for about an hour without incident. *The Argus* live feed, for example, made no note of Pavilion Parade until just before 4.30pm when another section of the demonstration arrived for a public meeting due to take place at 5pm. However, students inside the building had withstood an attempt by riot police to remove them from the building. Ollie, a University of Brighton student, describes the moment when riot police entered Pavilion Parade and its ground floor lecture room, G7:

“Several hours after successfully taking control of pavilion parade, a 6th form student decided to break one of the fire alarms downstairs in the basement and open the fire escape door, so myself and Mark went down to assess the situation. Once downstairs we located the broken alarm and the door which had been opened, so we decided to get the majority of the 6th students who didn't wish to stay out through the fire escape door because the police blocked the front door and weren't letting people leave. While this was happening a student came running down the stairs shouting that the police had broken into the building. On hearing this Mark and myself decided to go back upstairs to see what was going on. Once we were back on the ground floor, we saw three policemen in full riot gear coming through the second door in the lobby.

At this point I spoke to Mark saying, 'I'll go have a chat with them, and see what's going on' while Mark made his way to G7. As soon as the police saw Mark and myself, instead of asking us to leave or slowly walking over to talk to us, all three policemen charged at Mark and myself. We both ran to G7 followed by the police, Mark was grabbed by one policeman and carried out, while myself manage to get hold of the door to G7 which was locked. At this point i was grab to one maybe two policemen who were trying to drag me away, I refused to be dragged off and refused to let go of the door to G7. Because I wouldn't let go of the door, one officer decided to get me in a headlock which started to choke me, while I was in the headlock he was still trying quite violently to pull me from the door which I refused to let go off. At this point I was starting to be choked quite badly, and there started to be a bit of panic in G7. It was at this time to a student decided to unlock to door to G7, so I could try and get in. I manage to eventually get free of the headlock, and fell backwards through the doors. As soon as I in the room someone locked the door behind me. It was at this time that the police demanded everyone to leave G7 which they refused, so the police decided to break down the doors.

All throughout this incident I was never once asked to leave, and myself and Mark had wished to co-operate with the police. Instead we were assaulted by full riot police who had no peaceful intentions when entering the building.”

Ollie experienced a one-sided act of aggression: riot police “charged”; he retreated but failed to get back into the lecture room and clung onto its door. The method of his restraint, held in a headlock until his breathing was restricted, indicates either an escalation of the use of force by riot police positioned at Pavilion Parade or its unchecked use by an individual officer. One constant of police conduct on 24th November, however, is lack of communication with young people; Ollie's attempt to open a conversation with the officers who entered Pavilion Parade was cut off by their use of force (the “charge”) and nor did they try to talk to him. Another is the amplified effect of an act of violence; force deployed against one demonstrator is interpreted as a threat to all.

Tess, also a University of Brighton student, described what she saw from the corridor inside Pavilion Parade:

“I was amongst the students in the public meeting in pavillion parade university building. Upon entering the building peacefully, the police forced themselves in, breaking down a door inside the building (not yet fixed), and violently throwing out peaceful students. I'm not sure of the civil law surrounding the issue, but numerous lecturers were outside assuring the police we were welcome to be in our own university building, however the police felt the need to barge in heavy handedly, physically chucking people out. I myself was in the corridoor, and upon seeing the police treat my friends violently (one grabbed by the collar and thrown), I ran to another room and hid - not for fear that I had done anything wrong, but fear from being hurt/arrested (your mind gets scrambled when you see riot gear). I sat with a friend having a near panic attack, before coming out 20 minutes later to see that the police had left, after seeing a peaceful group of students and guests simply sitting having a meeting, in the room that they had broken a door to enter.”

Tom was outside Pavilion Parade. He had made his way back to the University of Brighton after being prevented from returning to Bartholomew Square and it was from here that he walked into the North Street-Bond Street kettle. He spoke to friends who had been part of the initial Pavilion Parade occupation. Tom writes:

“After that we approached a university building where a sitin was present, people were legally allowed to be in there and inside I was told by my mates who managed to get in before the police blocked the entrance, that inside people were just drinking tea and learning about the issue. Police then knocked down the door and very brutally shoved people out the building they had people in head locks and shoved people to the floor, these people weren't being violent towards the police, they simply had questioned why the police had entered the building. The group outside the university building then disbursed as police were becoming more brutal.”

Kettle at the Pier



Photograph by a student demonstrator posted to The Argus
© The Argus

Other student participants also characterise the closing moments of the 24th November demonstration in same way as Tom: police officers were increasingly violent. Matilda White, posting to *The Argus* comments page on the following day in response to representations of school student protesters as truants and trouble-makers, related her account of what happened at the Aquarium roundabout. She says:

“I was at this protest, I was one of the so-called kids doing it 'just to miss lessons.' This is all rubbish, the teens who did it did it because we can't afford the uni fees, we did it because it's a cause we believe in, not just so we could bunk. As for the teens 'starting trouble' and being 'unnecessarily violent', what kind of police force gets batons and dogs out to deal with kids? Roughly 60 people were boxed in by the pier and couldn't get away because the police were stopping them, numerous INNOCENT people were thrown to the floor or hit with batons. People witnessed a police man walk into the crowd and knock and woman to the floor and hit her with his baton, what kind of attitude is this towards kids who are attempting to fight for their education?”

When school students sum up their experience of demonstrating for the right to education and against cuts in education funding, they criticise their treatment by the police, how the police treated others, and the types of policing. Tom recalls that “I was shoved and pushed by the police many times” and Michael also reflects upon specific acts of violence: “During the march I saw many police officer being overly violent, for no reason, in ways such as hitting and pushing people, many as young as 12 years old.” Daisy weighs up the value of participating in a demonstration but even she is drawn back to the question of policing: “I am glad I went to this student protest but I am a bit annoyed that no decisions were changed, and the use of dogs I thought was extremely unnecessary.”

The course of events

30th November 2010: times, locations actions

From 1.30 pm Students begin congregating and the organisers begin to set up in Victoria Gardens. Reports on twitter and on local and national news noted that the student anti-fees demonstration in London has fragmented and that although the police have succeeded in containing protest in some areas, in most cases protestors are avoiding police containment tactics.

By 2.00 pm It begins to snow as about 150 protestors congregate in Victoria Gardens, with more expected from local schools (Dorothy Stringer, Varndean, Blatchington Mill and South Downs College, Lewes) shortly. Chief Inspector Laurence Taylor responds to twitter questions over whether the police tactics will be less aggressive than on the 24th. He replies, “police will respond proportionately to the activity of the protesters... and Officers will be keeping the [#brighton](#) marchers moving safely to minimise disruption ... Everything in place to support those who wish to march in [#Brighton](#) today.” Taylor adds that he “welcome[s] everyone with good intentions”. Twitter comments from Brighton, such as asphodelia Miss P., however, note that groups of police are already in place “protecting” Boots, Waterstone’s and other shops “from small group of ‘very young, peaceful students’”. Students object to being filmed by police officers outside Boots. At Victoria Gardens, police, in groups of three, are situated well back from the gathering protestors. Estimates of numbers of demonstrators vary but tweeters note the arrival of groups of school students.



© Tim Ridgeway

2.18 pm *The Argus* live feed announces that as the march is planned to end at Hove Town Hall, 'the council is telling staff to leave the building early to avoid being in the way should the same thing happen this time', that is, should students try to enter the building. Brighton and Hove buses have also rerouted their services to minimise disruption.

2.30 pm The march begins. The protesters cheer support as they march past the Brighton University occupation. Police close the A23 into Brighton. The protest divides and stops to allow traffic before turning up North St. The march turns up North St, and is joined by a further group coming from Kemptown. Estimates are that the march now numbers about 650, many of whom are thought to be around 13 or 14 years old.



© www.patrickkneaph.com



Youtube – freemanfilmsuk – BRIGHTON Student protest/demonstration 30th November 2010
www.youtube.com/watch?v=Fi9cVDN5Kwk&feature=player_embedded

By 3:00 There are twitter reports of a “small scuffle” at Churchill Square and some students, “60 kids”, who refuse to walk within the police lines. Shops including Vodafone have closed their doors and added extra security. *The Argus* live feed states that “drink cans were thrown” outside Santander but Chief Inspector Laurence Taylor notes only that there were “some very minor scuffles” and describes the march as “mainly peaceful” as it makes its way along Western Road towards Hove Town Hall.



YouTube – BenWindsorTV - Student protests Brighton 30/11/10
www.youtube.com/watch?v=m0rziolpUCM&NR=1



© Libby Fisher

3.15 pm The atmosphere intensifies as the protestors reach Norfolk Square. Chief

Inspector Laurence Taylor tweets that there are “Some reports of fireworks being let off at Norfolk Square”. One of *The Argus*'s ‘Independent onlookers’, photoyouevent tweets that “March has halted so that more police can get to the head of the march.” A version of this is confirmed by Chief Inspector Taylor when he states: “March currently halted by police at Brunswick Square to establish intentions.”

By 3.30 pm Police have stopped sections of the march three times on the journey to Hove Town Hall. The march is stopped outside the Brighton School of English and at Holland Road and Palmeira Square. A section of the march is in a ‘walking’ kettle. The front of the march slows down to avoid the march being divided and the back sections being subject to a ‘static’ kettle. Predominantly school, college and university students are behind the police lines. There are a number of reports on twitter of police pushing and hitting young protestors. At Palmeira Square, police officers move across the march and shout ‘hold the lines’. There is considerable confusion over whether the march will be allowed to continue on its agreed route. Student David Weeble states on twitter that there are whispers and fear that the police are planning to kettle the demonstration. Some demonstrators try to ridicule or circumvent policing by ‘kettling’ a police van. *The Argus* reports: “Protesters have stopped a police van by standing around it and are throwing cans at it”. A police van reverses into another police vehicle.



Youtube – kpreynolds1 – Brighton Protest Report 30/11/2010
www.youtube.com/watch?v=kIfCRNG7WPg&feature=player_embedded

3.45 pm The march arrives at Hove Town Hall which has been closed down. Police arrive wearing riot gear. A small group of protestors climb up the Norton Road car park opposite the Town Hall. The occupiers display a banner from the car park roof: "Education is our right, not a privilege." Other protestors intervene when some of the occupiers throw down objects from the roof. A small group of women and children hold a candle lit vigil next to the Town Hall. There is lots of chanting and singing outside the doors to the Town Hall, a group of students dance the hokey-cokey. Nomoregames tweets “Mexican stand-off with police. very tense. Not sure what's going to happen. Police chopper just arrived.” Protestors describe either a shift change, or the arrival of reinforcements, more riot police and more police vans.



© David Weeble

4:15 pm There is a sudden change of direction, the whole protest moves back to Church Road in what Dave Weeble describes as a ‘stampede’. Nomoregames tweets, “Ok not cool. Cops charging us with shields and batons. Why? It was calming down!”. Other protestors thought that the police were moving in to kettle the whole demonstration. At 4.17pm Chief Inspector Laurence Taylor responds to tweets that tasers were used at Hove Town Hall: “Despite reports, Tasers are not being used [#demo2010](#)”. The protestors return back up towards Western Road. Much less contained than previously, protestors walk through the traffic rather than march. Many agree that at this point the protest is ‘pretty confused’. No arrests have been made up to this point.

From 4.30 pm The march back down Western Road is fragmentary. There is a protest at Vodafone on Western Road. Students chant “Pay your taxes”. Another group of students briefly occupy the branch of HSBC on North St chanting “Where’s our money?” There are attempts to block traffic in North St, some students stage a sit down protest in front of police vans. Students move through North Laines and towards the London Road. Some enter Halifax on the London Road and repeat the “Where’s our money” chant. Chief Inspector Laurence Taylor urges protestors to ‘think about the impact of their actions’. Students march along the London Road. The doors of MacDonalds are damaged.

© Tim Ridgeway

Youtube – kpreynolds1 – Brighton Protest Report 30/11/2010

www.youtube.com/watch?v=kfCRNG7WPg&feature=player_embedded

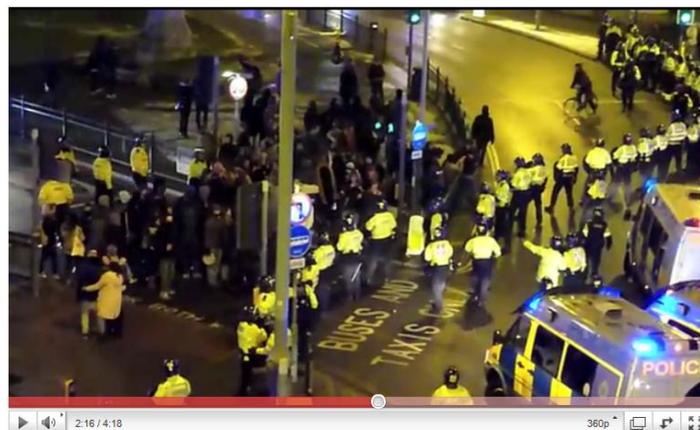


The Argus reports the next day that “a few protestors hit it with a bin” and that a 15 year old is arrested for criminal damage. Police in riot uniform line up in front of MacDonalds. *Argus* reporter Ruth Lumley, on her way home, reports that police on bikes sat either side of Preston Road and New England Road junction at Preston Circus. Police vans are reported to be along Lewes Road.



Youtube – kpreynolds1 – Brighton Protest Report 30/11/2010
www.youtube.com/watch?v=kIfCRNG7WPg&feature=player_embedded

5.15 pm The majority of protestors have drifted away, one group of students move up to the Circus Circus junction on London Road and one group move to the Level. Fifty students are kettled at Viaduct Road and then dispersed. A group of about 50 students head down to the seafront. A further group of up to 150 students are kettled at St Peters Church “under common law to prevent further breach of the peace” according to the Sussex Police live feed. They are contained on an island in the road, behind a line of approximately a hundred police officers with shields, with at least 15 riot vans and police dogs backing up the police lines. Traffic is stopped completely. The vans move closer to support the police lines. It continues to snow. It is dark and there are sirens, flashing blue lights and dogs barking.



Youtube – andyroper – Brighton Student Protests 30th Nov 2010
www.youtube.com/watch?v=7Zujsw0BBSw&NR=1

7.00-7.30pm The last St Peter's Church kettle protestors are released, each is photographed and identified by the police. A 15 year old girl is arrested. The final group is estimated to be of 15 school students. Some of those held are clearly distressed, are without coats and have been held in the cold for up to two hours.

On-line sources

<http://www.brightonandhovenews.org/2010/11/hundreds-join-brighton-student-protest-march-to-hove>

http://www.theargus.co.uk/news/8710679.Liveblog__Brighton_student_protests/

<http://twitter.com/asphodelia>

<http://twitter.com/cinsptaylor>

http://twitter.com/sussex_police

<http://yfrog.com/f/mod400j/>

The course of events

30th November: experiences and interpretations

Victoria Gardens to Western Road: peaceful beginnings



© Tim Ridgeway

Although the weather was very cold, the start of the march on the 30th November had a relaxed atmosphere. Photographs show a group of protestors at Victoria Gardens with police officers in groups of three standing well back at the edges of the grass. The beginning of the protest was good natured. Small groups of protesters milled around Victoria Gardens and shared bust cards, spare socks and jacket potatoes wrapped in foil to keep in their pockets for extra warmth. When University of Brighton students arrived from the occupied Pavilion Parade building, video footage shows demonstrators ambling along across the Gardens and into the road to begin the march. Edward, a university lecturer, describes the atmosphere when the school students and university students arrived to join the demonstration:

“snow-drops and lots of laughs - a 'let us move on' general mood, accentuated by the freezing cold. The demo started outside the King and Queen and soon moved on a procession through town.”

Churchill Square to Palmeira Square: the kettle and the fear of the kettle/inside and outside the kettle

The early stages of the march remained relaxed, with low key policing: a line of police officers, walking steadily, marked the front of the march but there were relatively few along its sides. Adult witnesses comment upon the composition of march, which was similar to that of the 24th demonstration that had taken place just six days previously; there were only a small number of adult marchers and a high proportion of school age students. They also noted, as on 24th, that the march began peacefully. Anna remembered that:

“Up until this point the march had been entirely peaceful. My impression was that the majority of the participants were of school age, the next largest group were students, and there seemed to be very few adults. The young people around me seemed cheerful, good natured and not at all aggressive. We walked passed several police officers and I didn’t see any attempt to goad or antagonize them in any way.”

Nancy, another adult witness, described the initial march as made up of :

“many young protesters in their school uniforms with witty or clear messages on their home-made cardboard placards. Police motorbikes advising buses to pull in and stop at the kerbside eastbound.”

Digital records, both films and photographs, confirm Nancy’s account of the predominance of home made placards. In fact, there only appear to be two banners that were professionally produced: one belonging to the University College Union and the other representing the Green Party. The rest were created by students and developed their own language of protest, ridiculing the narrow-minded nature of education cuts or expressing a sense of betrayal by the current Coalition Government. To take just two examples: there was a hand-painted white board that appropriated the opening line from a classic Motown anti-Vietnam war song to assert the value of broad educational curricula to read “ART WHAT IS IT GOOD FOR ABSOLUTELY EVERYFINK” and a piece of box cardboard held high on a baton carried the hand-written words “SHIT IS BROWNE.”



Youtube – kpreynolds1 – Brighton Protest Report 30/11/2010
www.youtube.com/watch?v=kIfCRNG7WPg&feature=player_embedded

However irreverent the wording of this latter placard may be, its author clearly understands the political process (the publication of Lord Browne's review) that recommended raising university fees and cutting arts and humanities funding. Such details are significant in a number of respects. The home made qualities of both the slogans and the boards on which they are displayed show a great personal commitment to the aims of the demonstration. Students did not turn up at Victoria Gardens and just assent to carrying the standard protest fare of ready-made placards nor simply repeat a party line or organisational position. Their own placards indicate their desire to have their own analysis, views and voices to be heard.



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weleftmarks.wordpress.com



© Melita Dennett

This is also evident in the songs and chants that can be heard even through low quality sound levels of YouTube postings: “No ifs, no buts, no education cuts”; “Nick Clegg, shame on you, you're a fucking Tory too”; “David Cameron, fuck off back to Eton.” Despite the absence of organisations on the march, student voices chimed together with great feeling: the sense of betrayal is perhaps most clear in the songs and chants and combined with emotion created by injustice. Individual students collectively swear at the abandonment of the promise not to raise university fees by the leading Liberal Democrats and the decision to cut public education made by the wealthy and privately schooled.

The peaceful atmosphere across the whole march created by students chatting between songs and chants as they walked along both the road and pavements changed as it reached the end of Western Road. There were earlier confrontations between some marchers and police over the presence of police cameramen. Video footage shows marchers asking police outside Santander “Why are you filming us?” and holding up a jacket across the view of the camera.



Youtube – Brightonstopthecuts – Brighton Stop The Cuts Demo
30/11/10 www.youtube.com/watch?v=qXtzX8oiars

A police officer pushes marchers, passers-by or both in an attempt to chase a demonstrator before returning to his line in front of the shop.

Other digital records of the march as it passed along the section of Western Road after the Montpelier Road crossing, reveals a police officer pushing marchers who were chanting “No ifs, no buts, no education cuts” in the back to move them forward. In doing so, they crash into other marchers.



Youtube – BenWindsonTV – Student protest Brighton 30/11/10
<http://www.youtube.com/watch?v=m0rziolpUCM&NR=1>

Nancy, as well as other passers-by, witnessed the use of force by police at a slightly later point:

“There was a line of police across the road marching along with the students and I noticed one policeman pushing the students who were in front of him with his big gloved hand. I walked over and called out to him: Stop pushing them; they are children. Will you stop pushing them. They are doing nothing wrong. A number of people on the pavement witnessed this and said: Shame. The students continued down to Palmeira Square where there were some police vehicles parked in the road and the students had to walk carefully through the small available space left in the road. I was really impressed at how calmly the students conducted themselves during this bottleneck. Then everyone carried on down towards Hove Town Hall, walking along peacefully.”

While Nancy observed that students were able to continue with their march and regain a sense of direction from the muddles of police lines, police vehicles, protesters and passers-by, it appears that the use of force led to the fragmentation of the demonstration in the same way as it had on 24th November outside Grand Parade. As the 30th November march approached Palmeira Square, some sections were moving and others halted. Desmond was at the back of the march, stationary and in crowded space. He writes:

“I found the police friendly and reasonable until we reached Palmeira sq. At the time I was at the back of the march, which had stopped moving. Three police vans suddenly reversed, one of them crashed into the one behind. Obviously the driver was not looking behind, unless he meant to hit the other van. If anyone had been behind him they would have been injured, luckily although the street was packed with people no one was hurt.”

From Desmond’s viewpoint, police manoeuvres did not have an obvious explanation. Anna, who was able to see the front of the march, also found them difficult to comprehend:

“The police tactics on the route of the march were peculiar to my mind – I’m not an expert on these things. Just before the march reached Palmeira Square the police attempted to block the road to prevent us moving forward. They held the protest up for a while, but in the end didn’t have the numbers to prevent the march passing. This seemed an odd tactic because it caused a direct confrontation between the demonstrators and the police which seemed unnecessary, and secondly because, with a route to the seafront open on the left, it was never going to successfully bring the protest to a halt. It’s also not clear what justification there was for attempting to do so. It appeared as though they attempted something similar at Palmeira square itself, but by the time we arrived it wasn’t clear what was going on.”

There is an expectation that a march should be able to move as a unified body. Indeed, the purpose of this type of protest is to collect people together in order to parade the size of the support for a particular political cause. Anna’s confusion (“it wasn’t clear what was going on”) is a response to a disorganised scene at Palmeira Square as well as to what she understood as a pointless intervention by the police to halt the march. The attempt to stop the march, or at least its back section, along Western Road on the approach to Palmeira Square by creating a line at Brunswick Square was interpreted by marchers as political opposition to the aims of the march itself. Anna certainly understood it to have caused “a direct confrontation between the demonstrators and the police.” Chants against education cuts become directed at the police and the demonstration at this point become one about the right to protest. Isolated calls to “break the line” that can be distinguished on uploaded video films are not heeded, however, and these records show dancing behind police lines followed by its withdrawal through demonstrators to their claps and cheers.



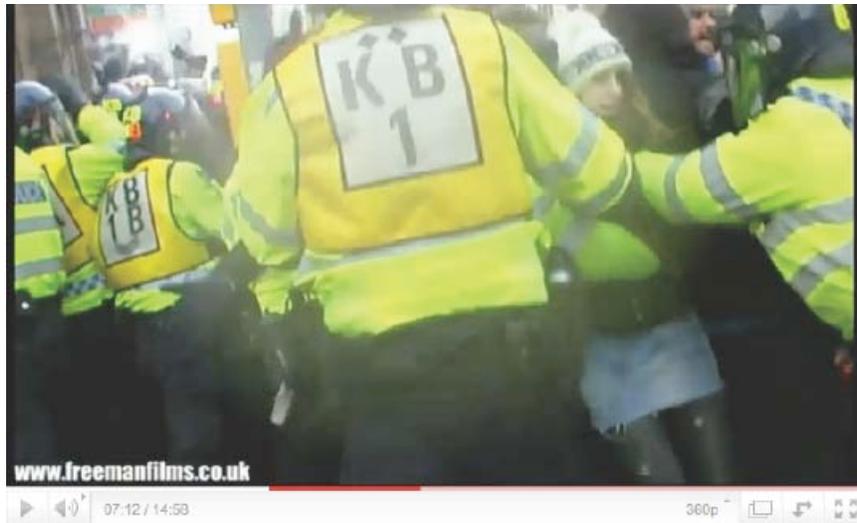
YouTube – Brightonstopthecuts - Brighton Stop The Cuts Demo 30/11/10
<http://www.youtube.com/watch?v=qXtzX8oiars>

Pushing, already noted by Nancy, as the march approached Palmeira Square was used against entire stretches of the demonstration as it neared the Square and riot police joined those already deployed. Larger and smaller sections of the march were encircled by police along the final one way stretch of Western Road. Force was used to establish these kettles. This repeated the violent process observed on 24th November at the Town Hall. Again, it is those at the front, facing police lines, which are subject to specific and direct acts of violence. One YouTube upload, entitled 'Brighton Student Protest/Demonstration 30th November 2010' shows a police officer leaning over a line of riot police to punch a young man in the face. He is helped to do this by another police officer who lends a hand, visible on the video footage, to give him an extra lift.



YouTube - Freemanfilmsuk - BRIGHTON Student Protest / Demonstration 30th November 2010
www.youtube.com/watch?v=Fi9cVDN5Kwk&feature=player_embedded - at=409

The same film shows a young woman being propelled forward by people behind her at the same time as she is pushed back by three police officers: one has a hand around her waist while the hands of the other two are on her chest just under her neck.



YouTube – Freemanfilmsuk - BRIGHTON Student Protest / Demonstration 30th November 2010.
www.youtube.com/watch?v=Fi9cVDN5Kwk&feature=player_embedded – at=409

A little further along the line a young man is pulled out by riot police and it is possible to hear him say “I’m walking, I’m walking”. He is pushed backwards by two officers; their arms outstretched, each with a hand on his shoulders close to his neck. One gives him an extra push towards a shop wall. He is surrounded by police officers and the view from the camera is obscured. A shout of “Police violence” can then be heard from people outside the kettle, watching it form. One steps forward and angrily asks why the demonstrator was punched. The point made in relation to kettling on the 24th November is illustrated here. The pulling, pushing and punching of these three student demonstrators is regarded not only as an attack upon their persons but also upon demonstrators more generally and the demonstration itself. The witness to the attempt to kettle and to the treatment of the demonstrator who was pulled out from behind the police lines may not have known or even set eyes on him before or since but in angry sympathy with him he swore at the police officers. Police use of violence against particular people has a widespread, general effect.

The use of kettling around Palmeira Square further fragmented the march and, rather than containing demonstrators, spread confrontations in a ripple effect. The creation of a kettle attracts groups of people shocked at the use of force who repeatedly appeal for restraint or question the validity of police actions. Concern for those contained and detained means that groups stay to observe. This was the case on 24th November student demonstration and also occurred at Palmeira Square. Here, however, police violence was more widespread, used against more demonstrators, and may have been a calculated response to the inability to ‘hold the line’ and halt the march higher up Western Road or, less rationally, to compensate or exact retribution for this failure. Police manoeuvres affected not only those immediately outside the kettle but also beyond the demonstration. Desmond explains:

“Moments later a friend told me that an elderly passerby had been knocked over by a line of riot police. I asked him where, and immediately rushed to assist the victim, who was 4 foot six inches tall had a walking stick, and told me she was 87 years old. I apologised to her, for if we were not demonstrating then she would not have had this experience. I then offered my arm for support, and asked if I could escort her away from the disturbance. She told me she was very grateful, but she wanted to go home and the police were blocking her way. I asked a police woman if we could pass through the police line, but was politely told we would have to wait. Moments later the police line moved off south, the sergeant in charge who was extremely big, over 6’6” praised his men and was about to step back onto myself and the lady. I put my hand out to stop him and he spun around, saw us both and did not attack. I told him his men had traumatised this lady, and they had not therefore done a good job. He offered no apology.”

Nancy had already noticed that along the approach to Palmeira Square people on the pavement who witnessed police pushing students called out “shame”. Kettling and its attendant violence thus widens the remit of the demonstration: what is seen to be, quite literally, heavy-handed police tactics solicit responses from passers by; this policing of demonstration includes, implicates and involves observers who might otherwise have had little to do with the intended politics of the march.

Thus far, police strategies of forming lines across the march and creating kettles had disrupted a peaceful collective into sectional confrontations, extended the demonstration geographically (onto the pavements and engaging passers by turning them into witnesses) and politically (adding the demand for the right to protest to that of equal access to higher education). For those students who were behind the lines and within the kettles, who were being physically prevented from reaching their political goal or agreed destination, Hove Town Hall, it seemed that the policing tactics were in fact designed to incite them, to create the condition for arrests.



YouTube – freemafilmsuk - BRIGHTON Student Protest / Demonstration 30th November 2010.
www.youtube.com/watch?v=Fi9cVDN5Kwk&feature=player_embedded - at=409

Brighton and Hove News reporter, Sarah Booker, who was with the police line “saw no incidents of unrest or agitation until the groups were split.” Pete messaged *The Argus* live twitter feed to say that up to this point “there was nothing wrong from where I could see. This was probably the turning point to violence.” Johnnyknows, in a post to *The Argus* online comments page, described his experience of Palmeira Square:

“I saw of the policing was aggressive, confrontational and completely over the top. Even when there was trouble at was about 15 to 20 people who were causing it. If the police hadn't been so busy trying to kettle and intimidate peaceful protestors they could of arrested the small group of idiots and left the rest of us to get on with peaceful protest. The actions of the police incite trouble at demos and the tactics used must be looked at.”



Youtube – pebbleface2's channel - www.youtube.com/user/pebbleface2

The arbitrary nature of the kettle causes demonstrators to question the legitimacy of their containment and, indeed, the authority of the police officers themselves. This is evident in the responses to kettling on 24th November. The idea, presented by Johnnyknows, that kettling intentionally aggravates protestors, entraps them in fact, suggests that any adverse side effects of kettling are deliberate. This view is shared. Kybble, another demonstrator, commenting on the *Brighton and Hove News* story:

“I was in the march and from what I saw the police were unnecessarily violent, in some cases brutal and I saw them, multiple times, wrestle schoolchildren toward their colleagues saying ‘They want to talk to them about what they’ve been saying about the police officers’ when they’d been saying the same chants as everyone else.

They wouldn't allow the march to speed up or anyone to leave. It was like a walking kettle. I saw children younger than myself, about 15 or 14 years old being picked up and thrown back into the march by officers when they managed to get through. After a while many people, including myself

moved around the line of police and began to march ahead of them. I turned around and at one point saw an officer punch a boy of around 14 in the chest. The police were aggressive and angry, they were very unhappy about the group of people who were marching outside of their lines and were becoming increasingly violent.”

Kybble’s observations about the specific acts of violence, young people being “picked up and thrown back into the march” and his or her account of witnessing “an officer punch a boy of around 14 in the chest”, deserves the same attention as other observations of the pushing, pulling, punching by police and of general effects of violence upon particular persons. However, Kybble’s commentary also adds to the earlier interpretations of police violence. He, or she, observed that the police targeted young demonstrators for their participation in collective acts and indicated the inherent injustice of such a decision; schoolchildren who joined in chants audible on digital records of 30th November, such as “Boys in blue, it’s your jobs too” or “There are many, many more of us than you” and “No justice, no peace, fuck the police”, were isolated for a collective action that was, at that moment in the demonstration, part of the poetry of protest. Kybble describes the attempts to circumvent the kettle as a delayed reaction (“After a while”) to attacks upon other demonstrators that he or she does not name and in all likelihood did not know and as an attempt to protect these younger people. The demonstration is now not only about rights to education and rights to protest for them but a matter of overcoming police interference. Kybble, sixteen years or older, according his or her description of younger demonstrators as “15 or 14 years old”, considers the policing of the demonstration and counteracted it by moving ahead of the walking kettle. Those less able to assess how they were being policed (less able to read the behaviour of either other demonstrators or the police), identified here as the younger, remained inside. On both 24th and 30th November, it is noticeable that the kettles contained the youngest participants in the protest. 14 year old Isaac describes kettling on the Western Road on the 30th. He observed, as Kybble, acts of violence against particular persons but his view is from the inside:

“They also kettled us as we were walking along western road the police were kettling us. To be honest I didn’t really mind it, it felt exciting but the only thought at the back of my mind was how long are they going to keep us here? I saw the police manhandling a few people when they weren’t doing what the police wanted them to do.”

Young people who marched on 24th November also recalled their excitement, which was followed by fear after the use of force at Grand Parade and deployment of dogs at the Town Hall. For Isaac, excitement and fear are the simultaneous effects of kettling. Isaac’s question to himself (“how long are they going to keep us here?”), an unspoken anxiety, confirms, as on the 24th demonstration, that containment is understood as detention and understood as such from the very start. It is a trap. The kettle as a means of raising temperatures not stabilising them, heightening tensions not diffusing them, is evident again. Indeed, the post from Johnnyknows to *The Argus* online insists that police officers monitor the overheating of the kettle and are therefore fully aware of the aggravated situation of which they are the cause:



“Unfortunately the tactics employed by the police do not help the situation as kettling and then attacking non violent protestors will obviously make people angry and incites disorder. They block everyone in, attack anyone trying to leave, they watch the anger and frustration building and wait with their cameras until it kicks off and then film what happens.”

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With another half a mile yet to travel to Hove Town Hall, the march was fragmented: some sections had been stationary while others walked freely; some walked in kettles and others around them. The use of force by the police to speed the march and then to halt it, to form lines or kettles and hold people behind or within them, unmistakably altered the atmosphere of the demonstration and added to its aims: a march against education cuts was being pursued against police attempts to prevent it, a demonstration for the right to education was extended to the right to take political action. The increased use of violence by police officers seemed to be a bid, supported by riot police, to assert authority over a march after the withdrawal of police lines along Western Road. For marchers, making their way to Hove Town Hall in friendship groups from different schools, colleges and universities, police manoeuvres were difficult to understand except as political interference and physical provocation. There was now no longer a unified march but an awareness of the differential treatment of groups within it, particularly the observation that police officers had directed violence towards its youngest participants, encouraged adults to remain on the demonstration if only to follow its movements and observe it.

Hove Town Hall



Youtube – kpreynolds1 – Brighton Protest Report 30/11/10
www.youtube.com/watch?v=kIfCRNG7WPg&feature=player_embedded

Arriving in stages in Norton Road, the march fans out into the space between the entrance to the Hove Town Hall and the multi-story car park opposite. Video footage captures a sense of relief. For some students, arriving at the Town Hall offered an end to the frustration of the frequently delayed passage along Western Road and a moment of freedom, others, perhaps those less affected by the confrontations of the journey, were in carnival mood while small groups were quietly reflective. The different models of protest that were adopted by students resulted from experiences of a disrupted and disjointed march. There was no single, unified focus at Hove Town Hall. The building had been shut down and a police line positioned in front of it.



© Melita Dennet

One group of students ran to top floor of the Norton Road Car park. Nancy described what she saw happen and her feelings about the way in which it was later described the following day:

“Some of the students ran into the multi-storey car park and onto the roof, where they unfurled their banner: Education is a right, not a privilege. Some of them were very young – I saw one of them throw down a Frisbee which landed near me, closely followed by a small burning effigy of Nick Clegg which had been one of the banners during the march. The protesters below called up to stop more objects from being thrown down and some of the older students ran up onto the roof to get the young ones down as they were concerned that the police could corner them up there. A young man dancing near the line of police on the roadway saw a Foster’s can land near him. Apart from these items I saw nothing else being thrown from the roof.

(I was therefore later very surprised to read in the Guardian that ‘missiles’ had been thrown from the roof of the car park: the word ‘missiles’ implies one purpose and clear intent, whereas the three items mentioned above which I saw, clearly were not missiles).



© Melita Dennet

‘Missiles’ is a term used by the police in their tweets. Digital records, tweets from participants in the protest and uploaded films, show older students on the top floor stopping younger ones from throwing objects. They made it clear that they were seeking to maintain a peaceful protest, to create a roof top spectacle rather than cause damage or hurt. It is important to note that students did successfully regulate their own protest and for the rest of the duration of the demonstration at Hove Town Hall students simply stood in a line behind the highest wall of the car park. Below, a small group of women and children held a candlelit vigil and a larger one of students danced outside the doors of Hove Town Hall, in front of the line of police. Many demonstrators wandered in the road or stood in it, talking to each other. There were occasional surges towards the police lines under the canopy over the doors to the Town Hall, which appear on video footage to be rather like movement of a crowd at music festival. A chorus of “Who let the dogs out?” was sung in response to the deployment of dog handlers.



Youtube – kpreynolds1 – Brighton Protest Report 30/11/10
www.youtube.com/watch?v=kIfCRNG7WPg&feature=player_embedded

The relaxed and free movement of people in Norton Road lasted for around twenty minutes. Samuel, a sixteen year old student who had who left the march early to arrive at Hove Town Hall ahead of it, had noted that:

“By the time the march arrived the police were unable to kettle it because it had fragmented into many small groups.”

Anna, who arrived much later than Samuel, had observed increased police numbers and the donning of protective headgear:

“When we arrived at the town hall, some protestors had already gone inside the car park and were standing on the roof. At this point a greatly increased police presence was evident. Several police vans arrived depositing additional police, these ones in riot gear for the first time. I saw one policeman who had been wearing a standard peaked cap and who wasn't in riot gear, go back to a police car and get himself a riot-police type helmet. So it seemed clear at that point that a decision had been made to change the approach to the protest.”

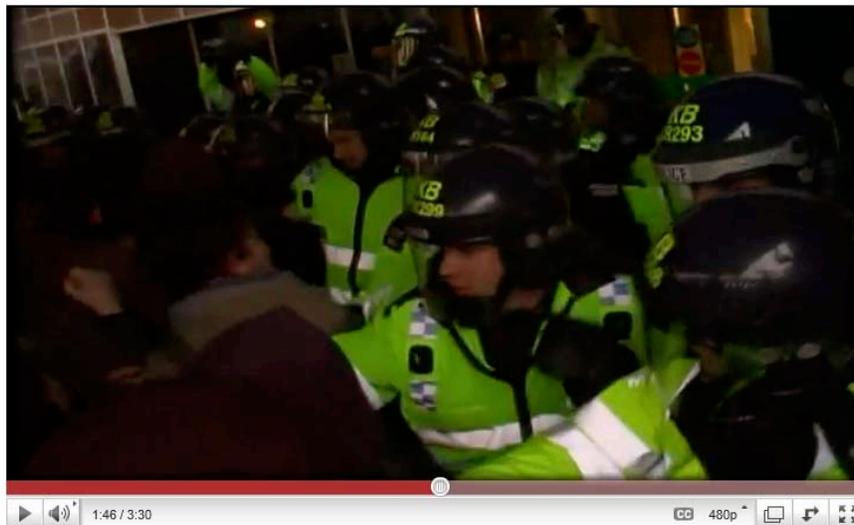


© Melita Dennet

Nancy also saw a shift in policing:

“I noticed a line of police northwards beyond the Town Hall standing across the width of the road. There were loads of police vehicles behind this line.”

Digital records show police filing down Norton Road and around Hove Town Hall. It is also possible to distinguish some police officers in the line in front of its doors pushing back students dancing and jumping under the canopy despite photographers obscuring a complete view.



Youtube – kpreynolds1 – Brighton Protest Report 30/11/10
www.youtube.com/watch?v=kIfCRNG7WPg&feature=player_embedded

Then, the dancing students turn and walk away to join the demonstration on Norton Road itself that is moving back towards Church Road. Some walk, some run. One female voice can be heard to say: "At least we've found you. What's everyone doing?" Another asks "Now where are we going?" Nancy described what she understood to cause the change in direction:

"Everything became a little confused at this point: I saw police begin to mass outside the entrance to the Town Hall; two dog handlers with dogs and circular shields walked round the side of the building; two columns of police began to move from the back of the car park and all of a sudden someone shouted 'Kettle!' and all 1,500 students turned round and ran into New Church Road, leaving absolutely no-one in Norton Road apart from some of us older women and three young girls who were huddled standing on a bench - but when two police dog handlers rushed by with dogs these young girls jumped down and ran away shouting: It's so scary. One of the older women consoled them, saying: You have done nothing wrong. You are allowed on the bench. Then we all lit candles and held a candle-lit vigil; some of the students came to join us."

Nomoregames reports, via twitter, a baton and shield charge and also suggests that the demonstrators were seeking to avoid being kettled. It is also at this point that twitterfeeds and protestors report the use of tasers by the police. Brightnnocuts announces "Tazers being used [#unity](#) [#solidarity](#) [#brighton](#)" and "i got tazerd :(" reads one post to a YouTube site run by 'neofabrication' entitled 'Students face policemen at Hove Town hall armed with Tazers'. When similar reports circulated on 24th November, the police responded immediately and this was repeated on the 30th. Both Chief Inspector Laurence Taylor's twitter and that of Sussex Police carried the disclaimer that no tasers had been used. Isaac, the fourteen year old school student who had been kettled along the Western Road heard the rumour about the use of tasers while he was still on the demonstration and described its effect:

"when we went to hove town hall, the police were guarding the entrance but all we were doing was dancing and such. I heard somewhere that the police had taser guns, i'm not sure its true but if they did then I felt a bit worried"

Regardless of whether there is evidence that tasers were used against protestors, the belief that they had been used informed the rest of the protest.

Hove Town Hall to London Road

Students retrace the route of the march, initially moving in the same direction back down Western Road but the fragmented demonstration becomes more dispersed. Demonstrators walk in the road and on the pavements; they generally keep to the left, holding up the flow of traffic, including police vehicles, rather than blocking the road completely. At Vodafone on Western Road, where earlier students had objected to police filming the demonstration, a small group halts outside and some bang on the windows to a repeated chorus of “Pay Your Taxes”. Internal shutters are brought down. Digital records show a hole in the lowest section of the front window, where it meets the pavement, created by the back heeling action of one demonstrator.



Youtube – kpreynolds1 – Brighton Protest Report 30/11/10
www.youtube.com/watch?v=kIfCRNG7WPg&feature=player_embedded

At different paces and now with fairly large expanses of road between them, groups of students make their way down North Street. A group dances into HSBC, chanting “Where’s our money” to the same repetitive tune as “Pay Your Taxes.” A few clap hands above their heads and circle around the foyer. Bank staff watch and are ignored by demonstrators who dance out after a few minutes.



freemanfilmsuk – BRIGHTON Student protest/Demonstration 30 November2010 www.youtube.com/user/freemanfilmsuk - p/u/2/Fi9cVDN5Kwk

On North Street itself, other protesters are still walking in the road while police try to keep to clear it for traffic. Desmond reports:

“Later I was at the very back of the demonstrators as we walked back down North St. As we approached Bond St a young girl, I estimate sixteen years of age, was peacefully blocking the progress of a police van. This van was less than ten metres behind another police van, so could not go far, but a policeman violently pushed her such that she was going to fall backwards over a bike chained to a lamp post. I was ideally positioned such that I was able to move forward, arrest her fall, then spin around so I ended up between her and the policeman, who then poked me in the back. I told him not to touch me and he complied. I then saw the girl who had been pushed swearing at a policeman, who screamed at her, threatening her with arrest for swearing. Sadly I did not challenge him, I believed after what she had been through her anger perfectly understandable.”

The differential treatment of young protestors compared to older students and particularly adults that was observed on the 24th November demonstration is also evident on the 30th. Janey, who had attended the candlelit vigil at Hove Town Hall with her children, noticed:

“how the police could converse politely with myself but were hostile in response to a young protestor in front of me, who had heard me chatting. He asked a polite question about the situation as he had heard a normal conversation with myself and the policeman. I was truly shocked at the policeman’s curse dismissive response, as 2 seconds previously he had been chatting away to me. Should the young boy aged about 16 wished to seek help or advice or have removed himself from the situation, I do not think he would have felt able to have approached the policeman again.”

A comment sent by Josh to the online *Brighton and Hove News* the morning after the 30th demonstration makes a very similar but more serious point about the police treatment of young protesters:

“I was not part of the protest and was cycling by on my way to a work meeting when I saw a police van sreece to a halt and a large number of officers jump on a young man who was just walking with a group of people on the pavement. Another cyclist who was passing by also saw this and asked me to stop and observe what was happening. She asked me if I had a pen to note the number of one police officer who she was concerned had been unnecessarily violent in arresting the young

man. I went over to look at the PC's number and he turned and hit me on my left arm – it is still aching now 16 hours later. To his credit he did subsequently come over to me and apologise – though I wonder if he was just worried when he realised he had assaulted a passer by. It suggested to me that the police were not in control of themselves and from what I saw the man who was arrested was not causing a disturbance nor was he resisting arrest as the officers claimed at the time.”

He witnessed what he believed to be a false arrest of a young man, a lack of restraint in the use of force and its use without need. He received a blow, which drew an apology, showing both an acknowledgment of inappropriate conduct and a far greater degree of consideration to an adult passerby than the person of a young protestor. This occurred, from the time of Josh's post and the hours noted in it, towards the end of the demonstration.

By the time the march of dispersed groups through the traffic of North Street had turned into the North Laines and walked down either Church Street or North Road onto the London Road, it was dark, cold and had started snowing. Many students began leaving in small groups, making the direction of the remaining demonstration and its size difficult to assess. Edward, the university lecturer, had stuck with a group of students. He recalls that they were debating strategies of protest and were, at this point, undecided about what to do:

“we reached the start of London Road outside Aldi - by that time we knew that the main demo had split into different groups - we did not know what proportional elements of it were still with us. Police appeared forcefully at that moment, to protect McDonald, creating a shield outside - more sirens were heard approaching. That is when we moved back towards the church. What I remember vividly is the fact that we met a lot of kids that were obviously excited for experiencing their first protest and who were fiercely debating the different approaches that the demo should/could take.”

Some demonstrators ahead of this group had moved further up London Road and had entered the Halifax, danced in and out as at HSBC, to more choruses of “Where's our money?” Some enter and immediately leave, others stay less than a minute and all take little notice of either staff or customers. A bin was thrown at McDonald's doors. Uploaded films also show riot police running south down London Road to assemble three or four deep in front of McDonalds and young man is pushed off the pavement as they do so.



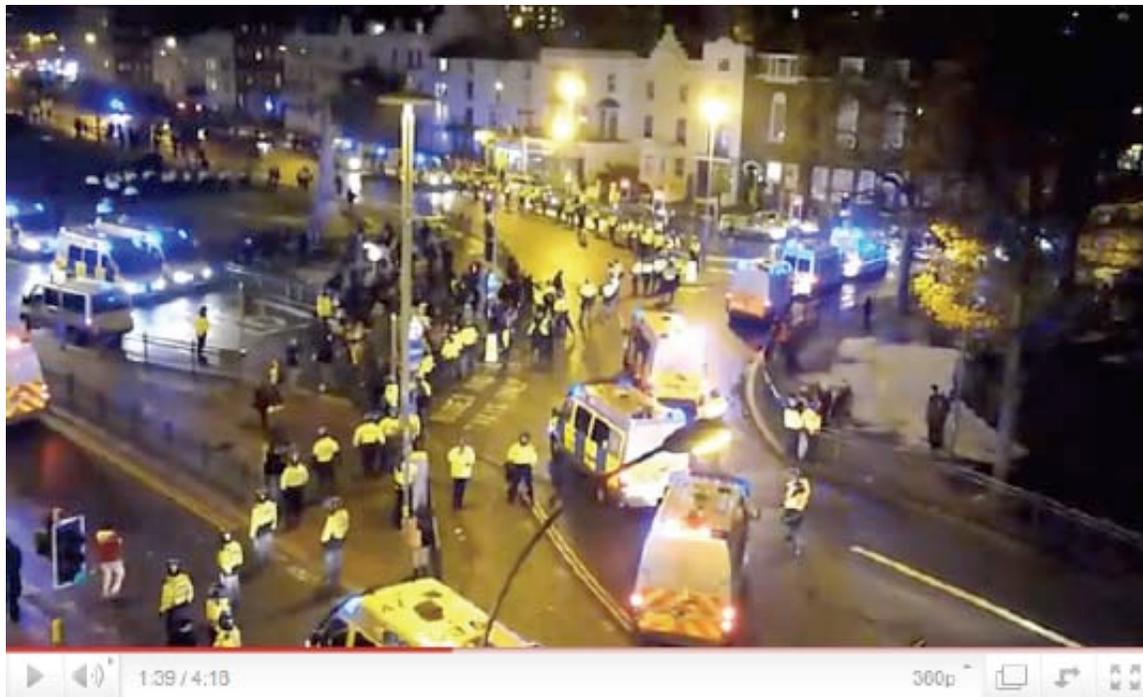
YouTube – brightonstopthecuts - Brighton Stop The Cuts Demo 30/11/10 www.youtube.com/watch?v=qXtzX8oiars

Officers are also shown running north up London Road. A line is formed at the top of Viaduct Road, with raised batons. The group of demonstrators chant: “We are people, why aren’t you?” and one repeatedly lowers his arms in a gesture requesting the police to do the same. Riot police also move down Baker Street and south down London Road behind the stragglers of a group of students.



YouTube – MrFirstworldproblems - BRIGHTON FIGHT THE FEES PROTEST 30/11/10
www.youtube.com/watch?v=vRU44CcDJTc&NR=1

One YouTube film, shot from above just south of Trafalgar Street and London Road, shows what can only be described as an amassing of police personnel and vehicles: around a hundred police and fifteen vans can be seen in one film shot. Dogs bark throughout. This is the beginning of the St Peter’s Church Kettle, described by the police through their twitter and on *The Argus’s* live feed as a “dispersal”.



YouTube – andyjroper – Brighton Student Protests 30th Nov 2010
www.youtube.com/watch?v=7ZujswobBSw&NR=1

The St Peter's Church Kettle

By 5.30 pm a group of students, many of whom are more accurately described as schoolchildren, are kettled near St Peter's Church. The establishment of a kettle at this point simply rounded up those who had sought to continue to demonstrate for as long as possible, regardless of the forms of protest in which they had participated. Formed by riot police moving north and south along the London Road it may have contained students from different parts of the dispersed march including: those at the front of the march who were halted by the line of officers with batons raised at Viaduct Road and then returned to join what was left of the demonstration; those at its very end who had not reached much further than St Peter's Church nor played a great part bar following the movements of the march; those who were simply watching its very last stages; those who were trying to go home. Thus the arbitrary nature of kettling evident on the 24th demonstration is manifest again at St Peter's Church. Furthermore, it tends to capture the very youngest protesters, those least aware of the situation around them, including how they are being policed. For example, as the demonstration drew to a close 'drb' sent this comment to *The Argus's* live feed:

"As the protest past my house I witnessed a large group of agitated protesters running along. 3 teenage girls were giggling and walking along, A police officer was continually shoving them in the back and pushing them with him truncheon. This is NOT keeping the peace it is provocation. Thank goodness the girls appeared to be in great spirits as they completely ignored him and continued chatting and giggling."

Much video footage reveals young people focussed upon the actions and exchanges of their peer group. They do not, for example, heed the warnings of people on the pavement of London Road shouting "Look behind you", "Police behind you", "Mind the police" and amble quite aimlessly into the kettle.

Others were pushed in. Ivan, a Year 10 school student, and therefore aged either 14 or 15 years, describes how he ended up kettled at St Peter's Church:

"I was walking down the old steine, just by st.peters church at 5:20 and I stopped to tie my shoelace, as I knelt down I was kneed in the head with no warning and told to 'get up and move on' I got up and I heard the officer who had kneed me's colleague say 'there getting out of control surround them' I then got hit again by the same police officer with his shield, he said 'move faster'. We then got moved onto a little traffic island made to fit about 20 people at a maximum and there were at least 100 people crowded onto it. At 5:40 I asked a police officer how long we would be held for he said he had no idea a couple of hours at the least. I then saw an adult, clearly not part of the protest, begging for his 10 year old son who had been caught in the kettle to be let out. I was let out of the kettle at 6:50 with loads of people, in separate groups, still blocked in by the police officers."

Ivan's experience is now quite familiar: violence against particular protesters is used to impose a kettle upon a collective body of protestors; police give little or no information to people inside the kettle, especially if they are young; those kettled feel trapped, 'blocked in' as it is described here; and they measure the severity of kettling in time, as detention. What distinguishes the St Peter's Church kettle from others that have been widely reported upon, such as that on Westminster Bridge on 9th December, is the age of those contained and detained. Its closest comparison is that at the Pier, which brought the 24th

demonstration to an end. The young age of the kettled students is repeatedly commented upon, as is the recognition that they are only children. When *The Argus's* live feed coverage of the demonstration ended at 6.02pm, one mother, Claire, leaves the following post, “whats happening now though... has the blog stopped... son's kettled by the Pavillion”.

The artlessness and helplessness of the last demonstrators who were surrounded at St Peter's church provides a stark contrast with the kettling operation: small huddles of students are contained in the geometry of police formations, their circles and lines.



YouTube - andyjroper - Brighton Student Protests 30th Nov 2010
www.youtube.com/watch?v=7Zujsw0BBSw&NR=1

Kettling is a planned operation. In fact earlier in the day, at the Town Hall, Anna had thought that the police might try and kettle the whole demonstration:

“My impression was that the police were preparing to do something more dramatic, possibly to attempt to confine all the remaining protestors, who were gathered around outside the car park. To me it looked like quite a lot of people had left by this point. The remaining group looked fairly small”

This situation occurred at St Peter's Church: “all the remaining protestors” were confined. Miriam, an adult who observed the kettle, described what she saw:

“I counted 20 police vans blocking all road routes at St Peters and effectively creating a wall around the incident, itself quite menacing. Within this the tight ring of riot police seemed to me – an adult – to be carrying out their role in a fairly low key way, but to fifteen year old school children with no previous experience whatever of police tactics this would not be so. It was freezing cold and that alone should have moderated the tactics being used. Keeping people immobile and threatened for two hours was quite unacceptable. I witnessed two young men being bundled away under arrest. The first was taken by four officers into a car, the second I could see better, and there were more police around him and he was put in the back of a van. He was very distressed and I would say scared. This is what I kept coming back to, these were – self-evidently – school children, not students, not adults. How did the situation come to this? I and other adults – as well as a number

of school children who seemed to have avoided the kettle – felt obliged to maintain a watching vigil in case things deteriorated, because the idea that no-one could see what was going on – no traffic, few pedestrians – could add to their sense of isolation.”

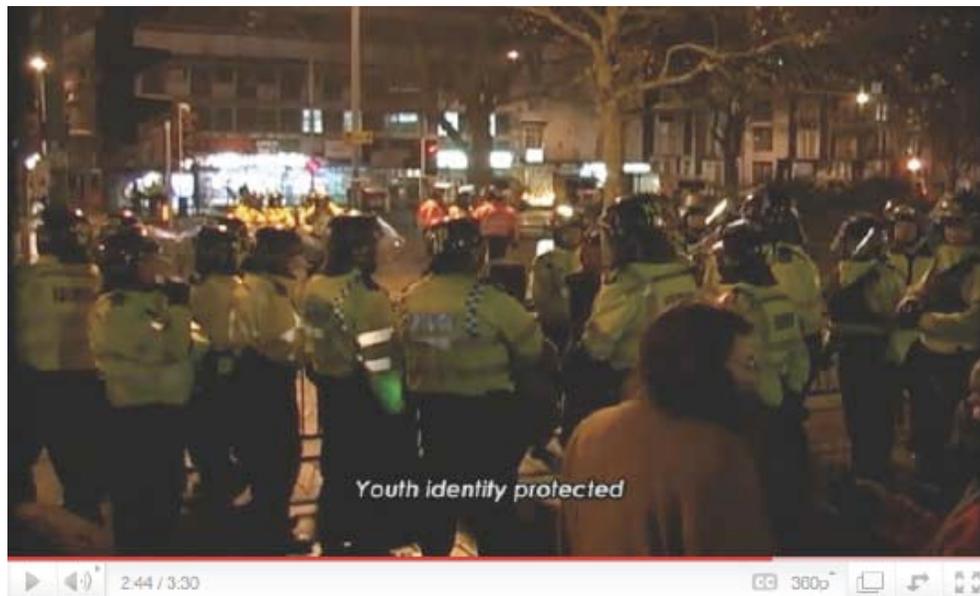
It is important to note Miriam’s shock at the strangeness of the scene she witnessed: “How did the situation come to this?” To see children penned in by adults is a reversal of contemporary morality based upon the responsibility of the latter to protect the former. Miriam shares the concern with the adult witnesses of the 24th November to remain close to the kettle, “maintain a watching vigil”, over the young people within it. She takes up the duty to witness, a fundamental imperative of human rights work, to monitor and by doing so attempt to prevent abuse. Another adult witness, Mary, shares her sense of shock but is less certain about the role of the witness. She explains how she came to watch over the kettle:

“I thought the demonstration was over and had called into work to tidy my desk. Then a friend called and asked whether my kids were on the protest because there were loads kettled at St Peter’s. I recall she said they looked tiny, maybe just twelve years old. I walked up there pretty fast but when I got there I just stopped, my jaw dropped like a character in a cartoon. I pass by the traffic island where the church is nearly every day but this was like watching a film instead being in a place you know. Police had ringed off about hundred children but between them and another ring of police were police dogs, on leads but straining at their leads and barking. There were a few people around the outside of the kettle, behind the barriers of the filter for traffic going towards Lewes not London. I walked around this edge. Before I could check to see if my children were there I saw a young lad being bundled into a van by four coppers. His trousers had fallen below his pants and it looked like a scene from a film about the bad old days of corporal punishment. I called home and finally my son picked up. When I knew all of mine were safe and sound I thought I should stay with the kettle. I was trying to work out what was going on. On one edge of the kettle about four boys were arguing with a policeman. I could see that there was shouting going on but above the barking and across the distance between my line of police and theirs, I couldn’t make out what was said. Then one lad was pulled out into the space between us and four police officers surrounded him. He kept turning his head this way and that saying “What’s section four? What’s section four?” None of them replied. I don’t know if he had noticed that his trousers had slipped below his knees and he couldn’t have done anything about it anyway as the four coppers around him were holding his arms under his elbows so they crossed his chest. I felt so sorry for him. In front of all those people, kids in the kettle and older folk outside, he couldn’t be seen to break down but I think he was bewildered about what was happening to him and scared. Somebody next to me said ‘They’re letting them go, but filming them.’ I remember thinking they have already made a spectacle of them, like parading people through a medieval village in the stocks. I almost didn’t want to keep on watching. I could see there was a queue of a kind inside the kettle of penitent protesters. I went home after about an hour of watching, looking away and wondering what to do. I felt pretty helpless and that’s why I walked away. Going along the Level was weird. No cars at all. They had blocked the road as far up as Union Street.”

Mary’s observations of the isolating effects of the kettle helps understand its effect upon anyone kettled but especially the young. Physical barriers are created between those inside and outside: an interior tight circle of police, a sterile area patrolled by dogs and their handlers, another exterior wider circle of police. This is the standard architecture of imprisonment (wall, void, wall) in makeshift human form. Police vehicles are parked at or near junctions. They were lined up along St George’s Place, Gloucester Place and the A270 during the St Peter’s Church kettle. Police motorcyclists also re-directed traffic from the junction of Elm Grove and the A270, which suspended the flow of traffic around the

kettle and reduced the number of witnesses to pedestrians. The enclosure, which makes demonstrators feel “stuck” or “blocked in”, ensures that they are immediately vulnerable in the face of the police: access to the everyday world outside (to use the toilet, to find your friends, to return to normal life, go home and warm up or make apologies about lateness) is completely dependent upon their judgment, for good or ill, or upon their instructions from their chain of command. The kettle asserts the power of the police in practice, at that moment whoever happens to be kettled cannot leave in safety without appealing for their permission and thus they immediately acquire political power: they assume, without any judicial or even administrative procedure, the authority to decline or allow freedom of movement.

Around St Peter’s Church on 30th November, the power of the police was achieved not only by the ability to manipulate the space, to control the area of the kettle and isolate it from its surroundings: they used their greater numbers and larger physical size. They tended, as adults, to be taller than the students they had kettled and, with their forms enlarged by protective clothing, towered over many of them. This is illustrated in the treatment of a fifteen year old female school student, a girl. Video footage shows her isolated inside the St Peter’s Church kettle, surrounded within the existing enclosure by ten police officers in riot gear, her head only just visible below their helmets. Another four riot police officers look on. She is arrested for failure to provide an address. Whilst her arrest is distinguished by the extraordinary level of police intimidation, it is typical of the conditions in which a number of arrests took place on both 24th and 30th November demonstrations.



Youtube – kpreynolds1 – Brighton Protest Report 30/11/10
www.youtube.com/watch?v=kIfCRNG7WPg&feature=player_embedded

Miriam observed two earlier arrests of “young men” whom she also noted were, as the rest of the kettle, just “school children.” Mary saw the same arrests. Kettling, as has been noted, institutes confrontation. Olivia, a student who accompanied the demonstration almost until its end, posted her responses on *The Argus* live feed: “I just left the protest after people were trapped around the level area. Everything has stopped going towards

there. Most protesters felt that the police tactics were poor and unreasonable. In the end the protest turning into one against the police.” The physical force through which the kettle is created becomes a constant threat used to maintain it. Such a situation ensures that the subject of the protest, which on both 24th and 30th was to assert a right to higher education against plans to cut its funding, are subsumed by immediate problem of being prevented from protesting. To try to continue means coming up against, quite literally, the police.

The confrontation caused by the kettle is exacerbated by absence of explanation of containment and lack of information about the length of detention. Whilst the police tweeted that students are held at St Peter’s Church “under common law to prevent further breach of the peace”, other written and digital records make no mention of this and those kettled are clearly confused about why they are there. They question their detention and appeal for their release. At this late point in the demonstration, they are simply asking to be allowed to go home. Police officers answer only vaguely, if at all. Just as at the Town Hall on 24th November, they cannot explain why one student or another is held in the kettle because kettling is arbitrary, a logistical decision that does not relate to past actions or future intentions of particular persons. The injustice of inexplicable detention cultivates impatience, fosters frustration and eventually anger. Just like the metal vessel for accelerating towards the tipping point of liquid into gas, the human kettle heats up and boils over. Some of the detained students, or kettled kids to put it more bluntly, argue with officers who form the interior circle of the St Peter’s Church kettle; they raised their voices and perhaps they swore. Mary could only “see that there was shouting going on” followed by an arrest for breach of the peace. Thus policing produces the condition for an arrest; it creates a reaction that is considered an offence. Then, if the person being arrested challenges their arrest just as they have tried to appeal their detention in the kettle, the seriousness of the charge increases. The student repeatedly asking “What’s section four?” had been given some indication about why he was taken away. The reference to legislation of which he had no knowledge did not reassure him however, and may even have had an intimidating effect as an equivalent of saying that we have a hold on you and it is of no consequence that you do not understand why. At the risk of mixing metaphors the kettle becomes a vicious circle that closes in upon the person who dares to question whether they should be inside it at all. Escape from the circle is predicated on compliance with its suspicious logic: the person detained, albeit arbitrarily, is a suspect of an action that is not yet known and can only end their detention if they accept the necessity of their surveillance and submission of personal details.

The function of the final kettles on both 24th and 30th November also appears to be a re-assertion of police control over the protest. They have the last word, so to speak. The students who have been kettled, arrested or both in these closing stages are caught up in a wider strategy of regaining the ground lost to the demonstration; their treatment, including any subsequent criminal charges, could be seen to be expedient since it serves a wider strategy of geographical and political control. Arrests from the kettles are also exemplary: comply with the conditions of release (be filmed as you give your name and address) or you will be taken away too. Edward described how the St Peter’s Church kettle ended. He saw the police let the students “go one by one, humiliated and almost ashamed for having demonstrated.” Miriam, initially shocked at the sight of schoolchildren in a kettle, struggled as it ended to understand the reasons for its

existence:

"I was there until it ended, as if by magic – shift change? Don't know, they just started to melt away and the vans disappeared."

For kettled students and those who avoided kettling this time, policing defined their experience of the 30th November demonstration. Michael concluded his written testimony with this:

"I wasn't kettled on this march but I was the victim of many acts of unneeded and over violent actions along with many of my friends, I was pushed and barged out of the way with riot shields along with the hands of the police officers. I also noted the use of taser or stun batons was a perfect example of the phrase 'using a hammer to crack a nut'. I also think the amount of police needed was either greatly over estimated or was an attempt to intimidate the protesters, which is not the job of the police; it is to make sure the protesters are safe. I think it was inappropriate to take photos of people during the march because you should have permission to take photos of someone especially children."

He signed off:

"Yours sincerely a child protester".

Police Tactics 1: Kettling and Violence



Kettle, Brighton, 30th November 2010: just visible is a young person, encircled by seven police officers

In this section, we deal with these two police tactics, each of which can take a range of forms:

*violence – batons, CS spray, punches, use of dogs
kettling - walking kettle, stationery kettles, kettles for medium term containment, kettles for dispersal, kettles for the sake of recording protestors' personal details, kettles for collective punishment.*

Violence and kettling are examined together because, as the Course of Events on 24th and 30th show, there is violence inherent in the process of establishing and maintaining a kettle.

KETTLING

1. Legal Situation - Containment

i. Legal Status of containment: the UK context

In 2009, the House of Lords ruled that the tactic of containment of protestors could be legal in certain specific circumstances. The Court dismissed a challenge brought by protestor Lois Austin that kettling was unlawful because it infringed Article 5 of the

European Convention on Human Rights (ECHR), which enshrines the right to liberty and security.⁶

- Ms Austin argued that the cordon imposed around her and other protestors in Oxford Circus for approximately seven hours on May Day 2001 amounted to a deprivation of liberty. The kettle prevented protestors from leaving the immediate area or accessing food, water or toilet facilities. Despite this, the House of Lords held that when assessing whether or not a particular crown control measure engaged Article 5 the Court was entitled to take into consideration the purpose of the measure. In this case, the Court accepted the police's justification in that they argued the kettle was necessary to prevent personal injury or damage to property. The House of Lords therefore found that kettling would be permitted in law, provided that it was resorted to in good faith, its use was proportionate and it was enforced for no longer than was reasonably necessary. This ruling is currently being challenged in the European Court of Human Rights.

Liberty is currently challenging the use of the tactic against children (and a 19 year old adult) on the 24 Nov 2010 London student protest. Liberty contend that the treatment of their clients violated their European Convention rights on at least four counts, including false imprisonment, and being subject to inhumane and degrading treatment. Further legal challenges are being brought to the kettling of children on Westminster Bridge on 9th December 2010. If these challenges are successful, it could lead to similar actions against other police forces. Given the apparent parallels between the treatment of children in London on the 24th November and 9th December, and in Sussex on the 24th and the 30th, Sussex Police risk being subjected to a similar challenge.⁷

The Law Lords findings have been glossed for use by the police by Her Majesty's Inspectorate of Constabulary:

The police use of containment has recently been considered by the House of Lords, who have found that the tactic of containment will not infringe the right to liberty of individual members of the crowd whose freedom of movement is restricted by the containment provided that the following criteria are met:

- i) the tactic is resorted to in good faith;
- ii) the tactic is proportionate to the situation which has made the measure necessary and;

⁶ House of Lords, 'Judgments - Austin (FC) (Appellant) & Another v Commissioner of Police of the Metropolis (Respondent)' <http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090128/austin-1.htm> (accessed 3.3.11).

⁷ Mark Townsend, 'Metropolitan Police Face Legal Action for Kettling Children during Tuition Fees Protest, *The Observer*, 26 December 2010, <http://www.guardian.co.uk/uk/2010/dec/26/metropolitan-police-lawsuit-student-protest> (accessed 3.3.11).

- iii) the tactic is enforced for no longer than is reasonably necessary.⁸

In its second report in November 2009, HMIC further elaborated on these legal requirements:

On one level, the British policing tactic of containment of protesters can be defined as ‘strategic incapacitation’. However, when exercised lawfully, the decision to ‘incapacitate’ protesters through the tactic of containment is taken in response to disorderly or violent behaviour of members of the protest crowd, rather than in response to a particular protest issue or political position. Concerns around the legitimacy of the tactic arise where containment appears to become a standard policing response or is implemented to pre-emptively incapacitate protesters. The tactic then moves into the realm of arbitrariness and unlawfulness.⁹

ii. Questioning the legality of kettling in Brighton

There were six successfully established kettles in Brighton across 24th and 30th November. There were a further two attempts to establish kettles, which failed. It is estimated that 1,400 people, of whom the majority were under 18 years of age and a large proportion less than sixteen years old, were kettled.

The following observations can be made on the basis of evidence gathered:

- Attempts to establish kettles at Norfolk Square and Palmeira Square on 30th November took place prior to any significant “disorderly or violent behaviour of members of the protest crowd” and, according to a Chief Inspector, “to establish intentions” suggesting that this tactic has been used pre-emptively, and therefore arbitrarily and unlawfully.
- There are also concerns about other containment actions, notably the containment of 150 protestors at St Peter’s church at 5.15 on 30th November. Concerns are as follows:
 - Tactic applied to a group of people who were already dispersing [disproportionate, and unnecessary]
 - Many of whom were not involved in the original protest [arbitrary and disproportionate]
 - The tactic was apparently arbitrarily applied to a sub-group of the people present – many protestors remained outside the kettle
 - Given that the group was dispersing, holding the group for any length of time is a prima facie case of holding people “longer than was reasonably necessary”
- This raises concerns as to whether the deployment of this tactic on this occasion meets the Law Lords criteria for legality.

⁸ Her Majesty’s Chief Inspector of Constabulary (hereafter HMIC), *Adapting to Protest*, HMIC, June 2009, p. 43-4.

⁹ HMIC, *Adapting to Protest*, November 2009, p.43.

- At the Town Hall kettle on the 24th protestors were told that a kettle had been established to prevent breach of the peace and a Sussex Police live feed carried a similar message as an explanation of the St Peter's Kettle on the 30th.
 - Breach of the peace is not a criminal act. As such it is unclear whether it is a sufficiently serious legal ground for imposing a kettle (contrast the much more serious examples of damage to property and personal injury, which are the two examples we have of the legally sanctioned use of kettling).¹⁰
 - In the case of the St Peter's kettle, there are also grounds for questioning officers' belief that a breach of the peace was *imminent*, given that the crowd was peacefully dispersing. If no breach of the peace was imminent, there was no legal justification for interfering with protestors.¹¹

- Experience in Brighton raises concerns that kettling has become a standard police response to protest. On the protest of the 30th, for example, kettling was in near constant use, in addition to being both the first and the last major intervention employed. Attempts to create a walking kettle on Western Road were followed by attempts to create a stationery kettle at Palmeira Square, and apparent attempts to kettle protestors at Hove Town Hall, a short-lived kettle on Viaduct Road before a final kettle was established at St Peter's Church.
 - HMIC comment that: "Concerns around the legitimacy of the tactic arise where containment appears to become a standard policing response", resulting in kettling entering the realm of illegality.
 - On the evidence collected here, kettling does seem to have become precisely "a standard police response" – rooted less in specific tactical responses to particular situations (as the law requires) and more in a desire to maintain a feeling of control over those exercising their democratic rights on the streets. As such the tactic as used in Brighton appears open to legal challenge.

- There are also legal ramifications to the apparent use of kettling as a form of collective punishment – ***See section on Ethical and Political Concerns, below***

¹⁰ See Esther Addley "Police 'illegally' kettled peaceful G20 protesters for four hours, court hears" *The Guardian* 22 March 2011.

¹¹ House of Lords, 'Judgments – R (On the Application of Laporte ee Laporte) (FC) (Original Appelant and Cross respondent v. Chief Constable of Gloucestershire Constabulary. (Original Respondent and Cross-appellant, ', <http://www.publications.parliament.uk/pa/ld200607/ldjudgmt/jd131206/lapor-1.htm> (accessed 3.3.11)

2. G20 Protests – Learning the lessons about Containment

HMIC's June 2009 report on the G20 protests made the following "immediate recommendations" on the use of containment:

Where containment is deployed the police should moderate its impact by ensuring where practicable:

5. **No surprises.** Protesters and the public should be made aware of likely police action in order to make informed decisions.

6. **A release plan to allow vulnerable or distressed persons or those inadvertently caught up in the police containment to exit.** The MPS should consider scenarios where observers may be employed to identify vulnerable people – this has implications for planning and training.

7. **Easy access to information** for protesters and public regarding the reason for, anticipated duration of, and exit routes from any police containment. This has clear implications for the training and briefing of frontline officers. The MPS should also urgently explore new ways of engaging with protesters by utilising all available media technologies.

8. **Clear signposting to basic facilities and amenities** where needed. This has implications for planning in advance of events.

9. **Awareness and recognition of the UK press card** by officers on cordons, to identify legitimate members of the press and ensure application of associated ACPO guidelines for use.¹²

Sussex police do not appear to have followed these recommendations:

No surprises/easy access to information

- Police introduced containment tactics without warning protestors of the likelihood of their detention in this way, nor the reasons for it.
- Many protestors, both young and old, were genuinely shocked by police tactics, including but not limited to containment.
- The splintering of the protest on 30 November appears to have come as a direct result of crowd uncertainty over police tactics, with some believing they were being charged, whilst others thought they were being kettled.
- Protestor testimonies reveal a pattern (though not a uniform pattern) of poor communication between police and particularly younger people, who were seeking information about the situation.

Clear signposting to basic facilities and amenities where needed

- There is at least one documented case of children being denied exit from a kettle in order to urinate. This is counter to the principle of this measure which clearly implies that basic facilities should be available (and therefore also clearly signposted). In this case, they were unavailable, and unsignposted.

A release plan to allow vulnerable or distressed persons or those inadvertently caught up in the police containment to exit

¹² HMIC, *Adapting to Protest*, June 2009, p.10-11.

There are particular concerns over the use of containment of vulnerable groups, expressed by both HMIC and the Association of Chief Police Officers (ACPO). In its response to the HMIC report on the G20 protests, ACPO suggested that one option to mitigate the effects of containment would be that “legal observers could be put in to any containment and liaise with officers on the ground regarding any vulnerable people who may need to be extracted.”¹³

- It is clear from witness testimonies that many distressed and vulnerable people were not released from the various containment areas established by police on the 24th and 30th. Nor did there appear to be a release plan in place to allow this process to occur. This can be considered, at the very least, a breach of the duty of care owed by the police to those they had contained – a duty recognized by both HMIC and ACPO.
- There is a very strong case (not least a legal case) for under 16s to be considered vulnerable by definition. Given that vulnerability is considered by ACPO to be a ground for extracting people from containment, there are strong reasons to suggest that containment is not a tactic that is suitable for the policing of under 16s.
- In Brighton, very little consideration seems to have been given to the deployment of containment tactics against children, nor to making provision more broadly for the extraction from containment of distressed or vulnerable people – as recommended by the HMIC, and ACPO.

¹³ ACPO, ‘APPENDIX 2’, *Public Order and Public Safety Briefing Learning Outcomes: Climate Camp (Blackheath)* AUGUST 2009 in HMIC Nov 2009, p.187.

VIOLENCE

1. Policing and the use of violence: 24th and 30th November – What happened?

From the various sources used to compile this report, it is possible to identify when the police used violence tactically and strategically, that is to say, when violence was used to achieve a particular end or implement a plan and to impose conditions advantageous to policing. In practice, the creation and maintenance of kettles involves violence, and this is exacerbated when the guidelines on the use of the tactic are not followed. The formation of police lines in and around public buildings also relies upon violence: people are forcibly kept out. Both written testimony and digital records illustrate the range and severity of the police's use of physical force, for example:

“Kid in school uniform beaten in priory house” (p.29)

“you were unlucky to be at the front of the crowd the riot police were pushing people very hard and lashing with their batons” (p.28)

“all three policemen charged at Mark and myself” (p.38)

“people were thrown to the floor or hit with batons. People witnessed a police man walk into the crowd and knock and woman to the floor and hit her with his baton” (p.40)

“I was pushed and barged out of the way with riot shields along with the hands of the police officers” (p. 72)

“I heard somewhere that the police had taser guns” (p.62)

“as I knelt down I was kneed in the head with no warning and told to 'get up and move on' I got up and I heard the officer who had kneed me's colleague say 'there getting out of control surround them' I then got hit again by the same police officer with his shield” (p.67)

“young people were assaulted by the police, who used batons, kicked people and set their dogs on children” (p.29)

“ramming 16 year olds” (p.33)

“pushing young children” (p.33)

“one officer decided to get me in a headlock which started to choke me” (p.38)

“heavy handedly, physically chucking people out” (p.39)

“grabbed by the collar and thrown” (p.37)

“shoved and pushed” (p.40)

“hitting and pushing people, many as young as 12 years old” (p.40)

“in some cases brutal and I saw them, multiple times, wrestle schoolchildren toward their colleagues” (p.55)

“turned and hit me” (p.65)

Two sets of related concerns are raised by this evidence. The first relates to the suitability of violence as a tactical measure in the policing of crowd events. We deal with this below. The second concerns the ethical and political dimensions of police violence, and we will address this in the following section.

2. Crowd Control, or Crowd Incitement?

i. The scientific consensus on crowd control: the Stott Report

In the wake of the G20 protests in London, Clifford Stott was commissioned by HMIC to produce a report on “Crowd Psychology & Public Order Policing: An Overview of Scientific Theory and Evidence”.

The following quotations summarize his central findings:

- *“The disproportionate and indiscriminate threat or use of force can create psychological processes in the crowd that draw into conflict those who had come to the event with no prior conflictual intention. Therefore, police strategy and tactics should be oriented toward proactively avoiding the production of these processes during crowd events.”¹⁴*
- “The scientific literature overwhelmingly supports the contention that collective conflict can emerge during crowd events as a consequence of the indiscriminate and disproportionate use of police force.”¹⁵
- “Most importantly of all, if and when the police are required to use force that they differentiate between groups and individuals within the crowd and above all avoid the indiscriminate use of force.”¹⁶
- “It is evident from the research literature that during crowd events police use of force should be informed by the circumstances in which it takes place so as to avoid interventions directed at crowds or others who happen to be present in the vicinity of the incident. **This use of force must be targeted only at those individuals who have brought about an incident and who have adopted aggressive and violent attitudes. It should not be exercised on the basis of**

¹⁴ Clifford Stott “Crowd Psychology and Public Order Policing: an overview of Scientific Theory and Evidence” *Submission to the HMIC Policing of Public Protest Review Team* (14/9/2009) p.2.

¹⁵ *Ibid.*, p.1.

¹⁶ *Ibid.*, p.11.

a presumption that crowds pose a uniform threat to public order when only a small number within the crowd are judged to actually be posing risk. In this respect policing should be based upon the actual behaviour of individuals within the crowd but whole crowds should not then be subjected to the use of coercive force because groups within them seek to or have already transgressed limits of acceptable behaviour as defined by the police.”¹⁷

- As an alternative, the Stott Report recommends the use of targeted interventions, dialogue and low-level force “in the first instance”. The experience of policing Euro 2004 suggests that these tactics if deployed almost entirely eliminate the need for more aggressive “paramilitary” police action.¹⁸

ii. Applying Stott to Brighton

The known effect of the indiscriminate application of force to crowds is to increase the likelihood of crowd disorder by destroying the perceived legitimacy of the police. In this context there are clear concerns that in the Brighton cases police tactics, foreseeably, generated any violence and disorder they sought to contain:

November 24th

- March otherwise peaceful until it arrives at Grand Parade. Police then pull child off railings, and are seen to be deployed in ranks with batons
- Escalation of violence appears to come from police:
 - Deployment of dog units and riot police against peaceful occupation of Priory House
 - First significant use of violence seems to come from the police in evicting students from Town Hall, and then kettling students outside
 - Sending of riot police in to attempt to end the peaceful occupation of Brighton University

November 30th

- Use of containment tactics against peaceful crowd in Norfolk Square, Palmeira Square and Church Road
 - On each occasion marchers witnessed or experienced what they felt to be arbitrary violence and aggression on the part of police
 - Some were intimidated either by the kettling tactic or the threat of the tactic
 - Members of the crowd and passers by not directly affected by the violence or the containment were upset and angered by the use of the tactic on children.

¹⁷ Ibid., p.19. Our emphasis.

¹⁸ Ibid., p.20

- Escalation of predominantly peaceful situation outside Hove Town Hall through extensive deployment of riot police
 - Fear of either a police charge or a kettle prompts crowd to scatter, causing confusion and fear on the part of protestors.

The protestors who reported that police tactics seemed designed to anger and provoke the crowd are making claims entirely consistent with the current scientific understanding of crowd behaviour. Police tactics on the 24th and 30th model the warnings contained in the Stott Report.

- Protests were proportionately more heavily policed than the student protests in London – indicating an aggressive posture.
- Significant disruptive behaviour from the protestors began only after the *indiscriminate use of force* by the police
- The alleged crowd misbehaviour on the 24th and 30th November - described as “disappointing” by Sussex police - can therefore be seen as the *foreseeable consequence* of police tactics.

KETTLING AND VIOLENCE

Implications for arrests made on 24th and 30th

- 9 of the 11 people arrested over the two days were arrested whilst being kettled.
- There are significant questions about the legality of the tactic of kettling as used in Brighton.
- There are grounds to believe that the police failed to follow their own guidelines for the safe and responsible use of the tactic.
- There are grounds for believing that the use of violence by the police on the 24th and 30th was likely to actively promote confrontation between officers and demonstrators.
- There is a real possibility that those who the police officers believed to have committed an offence were responding reasonably and justifiably to unreasonable police behaviour.

ETHICAL AND POLITICAL CONCERNS

1. Disproportionate and arbitrary violence

- a) The report records protestors being struck with hands, batons, and shields, being kicked, pushed to the ground, thrown, placed in headlocks, threatened and attacked by dogs.
- b) 1400 protestors were kettled in the course of both protests.
- c) Yet there are no recorded incidents of protestors harming or threatening members of the public, or other protestors.
- d) The police use of violence and coercion (including containment) in Brighton, therefore, seems disproportionate to policing these relatively peaceful protests.

2. Lack of accountability, stifling of democratic freedoms

- a) Overwhelmingly, the violence on the 24th and the 30th was perpetrated by the police against those exercising their democratic right to protest.
- b) Individual officers are almost never held legally accountable for improper treatment of protestors, including for acts of violence.¹⁹
- c) As a result of a) and b) protestors in Brighton have real cause to fear the arbitrary use of coercive tactics by Sussex police, and little reason to believe that any officer will be held accountable for improper or unlawful behaviour.²⁰ Protestors on these two days learned to fear arbitrary, unaccountable, police violence.
- d) This has been called a “de facto criminalisation” of the right to protest.²¹ People, including children, now know that if they exercise their lawful right to protest they risk being assaulted and/or injured by the police.
- e) This situation is likely to have a chilling effect on the democratic freedom of individuals to protest against their government.

3. Treatment of children - Violence

- a) The police have an ethical and legal duty to seek to protect children from harm.
- b) The use of containment in freezing conditions, dogs, and the threat of CS gas, combined with direct violence involving baton strikes, pushes and kicks do not appear to be tactics which are consistent with this moral and legal duty.
- c) The use of these measures against children should be considered ethically reprehensible except in the most extreme of circumstances.

¹⁹ See Joanna Gilmore , ‘Policing Protest: An authoritarian consensus’, *Criminal Justice Matters* 82, 1, 2010, p. 23. She states: ‘the relationship between the police and protest groups is based upon grossly unequal power. They do not stand before the law as equals. Whilst those who engage in protest activity are subject to increasing criminalisation, the police in public order situations act with relative legal impunity.’

²⁰ Ibid.

²¹ Victoria Ridler, ‘Kettling and the Rule of Law’, <http://www.criticallegalthinking.com/?p=2017> (accessed 3.3.11).

- d) On the police's own reports of the damage to property and violence against the person there are no grounds for thinking that either Brighton protest represented an extreme circumstance.
- e) Therefore the police's treatment of children on November 24th and 30th should be condemned as ethically unjustifiable.

4. Treatment of children – The UN Convention on the Rights of the Child

- a) Any child in the United Kingdom since 15 January 1992, the date of the ratification of the United Nation's Convention on the Rights of the Child (UNCRC), has a set of rights and protections. One governmental summary of children's rights is: 'to have their views respected, and to have their best interests considered at all times.'
- b) The treatment of children on the 24th and 30th demonstrations as persons of lesser significance than adults does not accord with the enhanced rights and special protections under the UNCRC
- c) Specifically, it contravened Articles 13,14, 15, 16, 19, 37, 40 that provide for:
 - i. the rights to liberty, free expression, privacy, humane treatment in accordance with age,
 - ii. freedom of association and freedom of peaceful assembly,
 - iii. 'appropriate assistance' in respect of any legal proceedings,
 - iv. protections from 'physical or mental violence, injury or abuse',
 - v. and from being 'compelled to give testimony or to confess guilt'.

5. Collective Punishment.

- a) In several reported instances, police appear to have been particularly unwilling to respond to the requests and questions of younger people, the more vulnerable protestors, a failing which will have served to further increase the vulnerability of children on the march due to their inability to obtain good reliable information (as well as heightening their levels of fear).
- b) There are examples of the police refusing to allow children out of containment to urinate and of a refusal to allow drinks and food to be passed to kettled protestors.
- c) Police tactics in Brighton have resulted in the arbitrary detention of protestors regardless of wrongdoing.
- d) In some cases (such as the St Peter's Church kettle) protestors were forced to reveal their names, addresses and do so while being filmed before leaving the kettle – despite having not been arrested or charged with an offence.
- e) These tactics – arbitrary detention, denial of basic facilities (food, liquid, warmth shelter and information) plus the violence of their execution appear to amount to a *collective punishment* of protestors (many of whom were children).
- f) Given that the containment of individuals was *arbitrary*, this collective punishment appears to have been enforced for no other reason than to intimidate those who had *the temerity to protest*. This is further evidence of the *de-facto* criminalisation of democratic protest in Sussex.

Police Tactics 2: ASBOs and Surveillance



Police cameras, Student demonstration, Brighton, 24th November © Peter Jenkins

In this section, we examine the effect of policing that relies upon legislation relating to anti-social behaviour alongside existing provisions in successive Public Order Acts combined with technologies of surveillance. Children seeking to protest against education cuts in Brighton on 24th and 30th November were subject to all these controls. ASBOs have attracted controversy when used or threatened in everyday situations, especially involving children, but have been increasingly used to punish political protestors. In Brighton, kettled child protestors were forced to comply with Section 50, an amendment to initial anti-social behaviour legislation, which requires a person to surrender their personal details.

What is an ASBO?

Anti-Social Behaviour Orders were originally introduced in the Crime and Disorder Act (1998) and subsequently amended by the Police Reform Act (2002) and the Anti-Social Behaviour Act (2003).

1 Anti-Social Behaviour Orders

The 1998 Crime and Disorder Act sets the process of applying for an ASBO and defines anti-social behaviour in the following way:

An application for an order under this section may be made by a relevant authority if it appears to the authority that the following conditions are fulfilled with respect to any person aged 10 or over, namely—

- (a) that the person has acted, since the commencement date, in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself; and
- (b) that such an order is necessary to protect relevant persons from further anti-social acts by him.²²

In effect ASBOs can be used to ban an individual from taking part in a specific act or activity, or from entering a particular geographical area for between two and ten years. They can be applied by the police, local authorities, house action trusts, magistrates and county courts as well as social landlords. The only criteria that the magistrate must use in deciding to impose an ASBO is that the individual has behaved in a manner ‘that caused or was likely to cause harassment, alarm or distress’ or that such an order is necessary to ‘protect relevant persons from further anti-social acts’ by that individual. ASBOs thus regulate behaviour that may be understood as a persistent nuisance, for example, but falls short of being categorised as criminal. But breaching an ASBO is a criminal offence. Thus ASBOs criminalise behaviour that is not criminal, especially that of the young. Groups such as ASBO Concern and Liberty recognised ASBOs as disproportionately directed at the young, stigmatising of young people, and as a form of moral regulation of the socially disadvantaged.

2. Children and ASBOs

The Children's Commissioner, Professor Sir Al Aynsley-Green, gave evidence to the Select Committee on Education and Skills in 2007. He asked:

Why are we so intolerant of children and young people, especially for the things we might have done when we were young ourselves? How many of us in this room can put our hands on our hearts and say that we never did anything that we would rather our friends, now that we are pillars of society, did not know about? We are intolerant. We have creeping

²² National Archives, *Crime and Disorder Act 1998*, <http://www.legislation.gov.uk/ukpga/1998/37/section/1> (accessed 4.3.11).

criminalisation of children, the propensity of ASBOs, dispersal orders and the fact that we lock away more young people and children in this country than most other societies.²³ ASBOs can be given to young people from the age of 10.²⁴ This is despite a more relativist (case by case) assessment of 'competence' operating in almost every other sphere of a child's life. The age they may be left unattended is a matter of their competence, for example, and thus the age at which a child is understood to be able to act alone or without guidance is not fixed at 10 years. Furthermore, children are the subjects of ASBOs rather than protected by them. Children are not part of the adult networks through which information is exchanged enabling anti-social behaviour to be reported to 'an authority.' One campaign flier sums up some concerns with the use of ASBOs against individuals that is particularly worrying when the subject is a child: 'ASBOs are a punitive measure that can criminalise people for behaviour that is not criminal. They are often imposed solely on the basis of hearsay evidence'.²⁵

3. Protest and ASBOs

ASBOs have been used to fulfil multiple purposes: their use has been extended from social situations to political protest while their social applications, particularly as a means of moral chastisement of children, are contested. When applied in protest situations, the punitive nature of ASBOs, their disproportionate use against young people, the way in which ASBOs mask the political rationale for conduct, such as standing in the road or shouting at a building, and the economic and social reasons for such political actions and that they can be enforced without adequate evidence all combine to criminalise political protest.²⁶ School student protesters are all too easily seen through the ASBO lens of the unruly child. As soon as they leave the school gates to join a protest, they become trapped in the broad and loose definitions of 'anti-social'. Conduct that may, arguably, be called uncivil ('teenagers hanging about') but is certainly not criminal ensures that child protesters, are regarded as a problem requiring policing. Any child protestor at any point in a public demonstration, which tend to take place on the streets and involve assembly (or 'hanging about') in groups potentially could be threatened with an ASBO.

A number of cases involving political protestors, albeit adults, have already raised concerns over civil liberties. For example, two women were given ASBOs for leafleting against a major arms company in Richmond town centre in 2004.²⁷ In 2009 an organiser of the demonstrations against Huntington Life Sciences was served an ASBO that prevented him attending demonstrations with fewer than 300 people present and from

²³ Select Committee on Education and Skills, 'Minutes of Evidence' Common [http://www.publications.parliament.uk/pa/cm200607/cmselect/cmeduski/789/7062502.htm](http://www.publications.parliament.uk/pa/cm200607/cmselect/cmselect/cmeduski/789/7062502.htm) (accessed 4.3.11).

²⁴ *The Violent Crime Reduction Bill, Research Paper 05/49*, 17 June 2005.

²⁵ Asbo Concern, Asbo Concern Flyer, <http://www.users.waitrose.com/~secretworld/docs/statement.pdf> (accessed 4.3.11).

²⁶ Statewatch, 'ASBOWatch: monitoring the use of Anti-Social Behaviour Orders', <http://www.statewatch.org/asbo/ASBOWatch.html> (accessed 4.3.11).

²⁷ Christian Bunke, 'ASBOS – Making Peaceful Protest Illegal' *The Socialist*, 373, 4 December 2004, <http://www.socialistparty.org.uk/campaign/Youth/ASBOs/6105> (accessed 4.3.11).

carrying or using cameras or megaphones at any time.²⁸ In 2010 two members of the English Defence League were barred from protesting in, or controlling protests, outside their home town of Birmingham for ten years.²⁹

However, when ASBOs have been ordered through a court, magistrates have not given them to protestors. In 2005 District Judge Anderson refused to give out an ASBO to a peace protestor, Quaker Grandmother Lindis Percy. Anderson ruled that ASBOs were intended for use against 'oafish and intimidating' behaviour and that there was no evidence that Percy had demonstrated this behaviour.³⁰ This case drew a distinction between police assertions of potential harassment, alarm and distress causing a public order offence of a breach of the peace, and the behaviour covered by ASBOs. Anderson was prepared to sanction Percy, imposing a curfew and tag, but was 'firmly of the view courts ought not to allow anti-social behaviour orders to be used as a club to beat down the expression of legitimate comment and the dissemination of views of matters of public concern'.³¹ Political protestors are still threatened with ASBOs with the knowledge that a magistrate may refuse to give them out in response to protest situations. ASBOs were envisaged by the government under six loose categories 'vandalism and graffiti, litter, teenagers hanging about, drugs, alcohol and rowdy behaviour, and noisy neighbours'.³² The application of these categories to political protest, to the temporary disruptions everyday life, such as demonstrations that attempt draw attention in inequality or injustice re-defines political action as anti-social and raises the question of the right to dissent.

The Violent Crime Reduction Bill discussion paper of 2005 notes criticisms that 'ASBOs blur the boundaries between civil and criminal law, with implications ... for human rights'.³³ Indeed, the overlap between public order and anti-social behaviour legislation, the simultaneous appeal to sections of different acts (particularly Section 4 of Public Order Act 1986 and Section 50 of Police Reform Act 2002), was evident in the way in which the 24th and 30th November student demonstrations were policed. From a policing perspective, such a legislative combination in a kettling or containment situation is illogical according to one contributor to an online police forum:

Deploying S50 in this situation would be inappropriate!

1. The person is detained because it is suspected that they're going to commit a [Breach of the Peace].
2. Therefore, they can't leave.
3. But they can leave if they provide their details.

²⁸Indymedia, NECTU using ASBO to prevent SHAC protest'

<http://www.indymedia.org.uk/en/2009/04/427714.html> (accessed 4.3.11).

²⁹ Birmingham Mail.net, Birmingham EDL members banned from Protesting Outside of City' 17 December 2010,

<http://www.birminghammail.net/news/birmingham-news/2010/12/17/birmingham-edl-members-banned-from-protesting-outside-of-city-65233-27846031/#ixzz1DqyytClo> (accessed 4.3.11)

³⁰ Wainwright, Martin 'Anti-war protestor escapes ASBO' *The Guardian*, 18 May 2005.

³¹BBC News, 'No Asbo for Protest Grandmother',

<http://news.bbc.co.uk/1/hi/england/humber/4555131.stm> (accessed 4.3.11).

³² David Wilshire, *Hansard* 18 Jan 2007 : Column 992.

³³ *The Violent Crime Reduction Bill, Research Paper* 05/49, 17 June 2005, p.27.

4. Therefore, providing details must remove the officer's suspicion that they're going to commit a BoP.³⁴

From the point of view of the kettled protestor, public order and anti-social behaviour legislation enhances police powers to such an extent that they can manufacture offences and acquire personal information without making a formal arrest.

4. Section 50: the vicious circle

Subsequent amendments to ASBO legislation make it increasingly likely to be applied to protesters and also continue to emphasise perception of behaviour over actual actions and engagement with procedures over the importance or otherwise of an original act. Section 50 gave the police the power to require a name and address '[i]f a constable in uniform has reason to believe that a person has been acting, or is acting, in an anti-social manner.' It made an offence of the refusal to give these details, or inaccurate details, to the police. This intensified the issues raised by the original ASBO legislation; it criminalised previously non-criminal behaviour, and did not rely on objective evidence. The offence stops relying on evidence of anti-social behaviour; instead the starting point is the 'belief' of a police officer. Furthermore, under Section 50, whether an individual actually behaves in an anti-social manner becomes irrelevant, the offence is the refusal to engage with the processes and procedures initiated by a police officer's 'belief', rather than in the anti-social behaviour of the individual protestor. This was the scenario on 24th and 30th November student demonstrations in Brighton, in the final kettles at the Pier and St Peter's Church. Students rounded up in kettles were required to give their personal details as a condition of release. There is a circular explanation here: whilst protestors are being held until they give their details, they are giving their details because they are being held. To question their entrapment, to ask for the basis of a police officer's 'reason to believe' that their detention or surveillance was a necessity, to seek an answer to "Why am I being held here?" or "Why do you need to know my name?" is an understandable response to being kettled. However, it was construed as disorderly or anti-social and led to arrests under Section 4 of the Public Order Act 1986 and Section 50 of the Police Reform Act 2002. The vicious nature of the circle is most clearly illustrated by Section 50: the demand to give personal information under ASBO legislation leads directly to challenges to police procedures under the same legislation; a refusal to accede to the request to give personal information provides the premise for an ASBO, thus the request itself causes the behaviour defined as anti-social.

5. Naming, filming and shaming: ASBOs and kettling

For kettled demonstrators, it is unclear whether they were being detained to prevent a breach of the peace, or whether they were being detained until they give their details under Section 50. Both were indicated as the reasons for kettles in Brighton. The way in which the giving of personal details and submission to being filmed was a pre-requisite for young people to be allowed to leave the kettle continues a wider concern about ASBOs more generally; local authorities and newspapers have used photographic

³⁴ Police Specials.com, Forum, <http://www.policspecialchars.com/forum/index.php?showtopic=113688> (accessed 4.3.11)

images to 'name and shame' young people.³⁵ There is the wider issue of the role of any police evidence gathering or surveillance teams on protests. Section 25 of the 1998 Crime and Disorder Act may be used to require that a person removes any items that might conceal his or her identity but not that he or she must submit to being photographed or filmed and such persons could, in fact, lawfully cover their face or turn away from the camera.

6. Filming children and filming the kettle

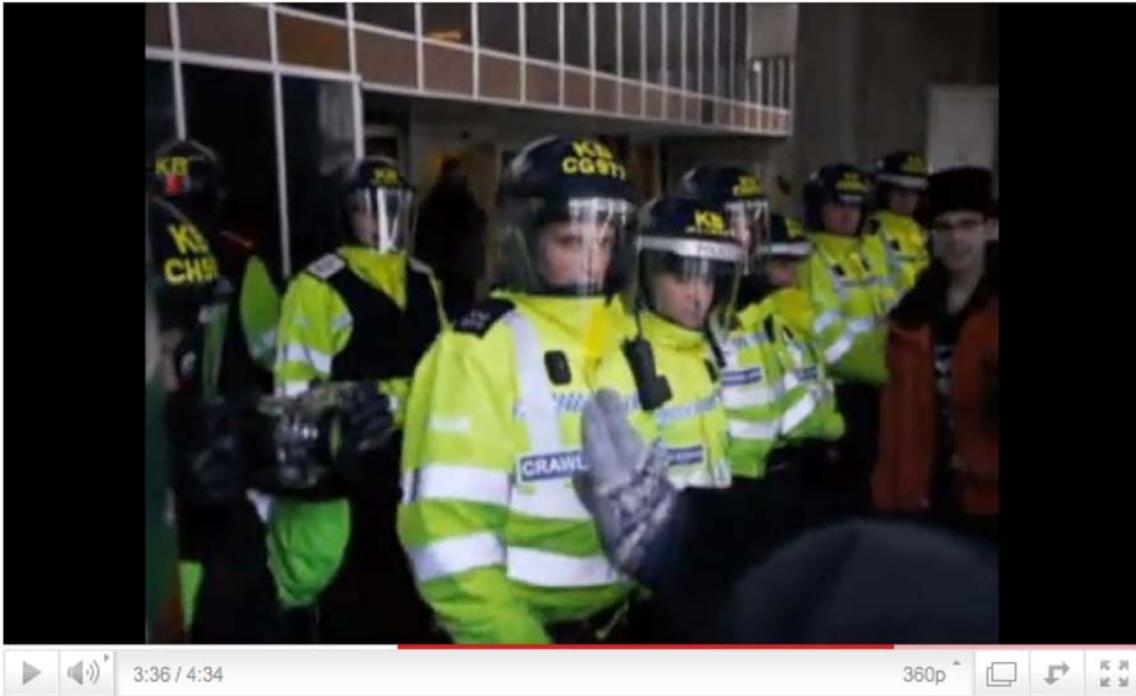
It has become normal practice for representatives of adult organisations (community groups, sports clubs, schools) to acquire written consent to photograph or film children from the child's carer. This is considered best practice or ethical practice and has developed from concerns that range from an acknowledgment that the child subject of an image may not be able foresee or control how that image may be used to the recognition that taking and viewing an image of a child may interfere with children's rights of privacy (as, for example, detailed in Article 16 Convention of the Rights of the Child).³⁶ Photography and film can exploit the unequal relationship between adults and children: all types of images of children circulate for adult consumption.

Children and young people regularly take pictures of each other and did so during the 24th and 30th demonstrations, often using their mobile telephones. These images are texted and posted within children's on-line communities to report events, rather like exchanging gossip, and are utilised in the process of creating identities and friendships. They are shared. The photographing and filming by the police is of an entirely different order and must be questioned. For what reason were children and young people filmed by the police? What happens to those films? Who views them and why?

A number of adult witnesses at the 24th and 30th demonstrations remarked upon the intrusiveness and criminalising effect of filming children. Student demonstrators and child protestors also objected to being filmed as it happened. They did not consent to their images being taken, far from it. On 30th November, for example, students objected to the police filming the demonstrations from shop doorways as they made their way to the assembling point in Victoria Gardens and as they marched along Western Road. At Hove Town Hall on 30th November two students danced in front cameras, obscuring the view of those behind them. A police officer shouted "You are obstructing a constable and shall be arrested if you continue to do so".

³⁵ *The Violent Crime Reduction Bill, Research Paper 05/49*, 17 June 2005, p.27.

³⁶ Office of the United Nations High Commissioner for Human Rights, *Convention on the Rights of the Child*, <http://www2.ohchr.org/english/law/crc.htm> (accessed 31.3.11).



YouTube- pebbleface2- Brighton against cuts protest 30th nov 2010
<http://www.youtube.com/watch?v=3sKpv51WxHg&feature=related>
Police cameras, Student demonstration, Brighton, 30th November

'Obstructing a constable in the execution of his duty' is an offence under Section 51 of the 1964 Police Act. But what duty is being executed? Is filming really a duty? What is being investigated by the officer with the camera? Police films were rolling throughout the 24th and 30th demonstration. For what purpose? We have to ask again: why were children being filmed?

Requiring children and young people to submit to being filmed as a condition of release from the kettles of 24th and 30th November must be challenged with even greater urgency. Whole groups within the demonstrations were kettled, but those protestors, all young people if not children, could not turn their faces away into the crowd and avoid the camera. They were surrounded until their image was taken. However, Section 50 of the Police Reform Act that allows a police officer who believes a person is acting in an 'anti-social manner' to require that person to give an accurate name and address, there is no requirement to be filmed. Children and young people were filmed as they supplied their personal details as if this was an integral part of the ASBO procedure or as simply the price of a ticket out of the kettle. The creation and keeping of an image likeness is substantially different from that of a noted down name and address. This is recognised in the widespread adoption of best practice or ethical practice in the photography and filming of children outlined above. An image can intrude upon the integrity and privacy of a person and can be used to exploit the young. It is not necessary under Section 50 but were the kettled young people and children led to believe that they had to be filmed under ASBO legislation? Were they coerced into submission to the filming process? Where are these films? Who has viewed them?

If the filming of the kettles in Brighton on 24th and 30th November was undertaken for reasons other than the requirement of personal information under Section 50, what were those reasons? Were the children captured in a kettle filmed as part of an evidence gathering process? In the case of the Brighton demonstrations, if such an evidence gathering process was the justification for the police cameras it involved filming hundreds of children to find the one whom police believed to have thrown food or dropped the piece of paper or broke the window. This raises two important questions aside from those about the ethics of filming children: are the police strategies of surveillance justifiable and are kettles, especially the final ones, created for purpose of gathering evidence? While Sussex Police insisted that detention in kettles was “to prevent a further breach of the peace” in fact children were held until they supplied, on camera, their name and address. This is not a pedantic confusion about the purpose of a kettle. It is a key issue. A kettle is currently lawful only as long as it is in place for a legitimate purpose: to prevent injury or criminal damage. It ceases to be legal if it is imposed for longer than necessary, or solely in order to gather intelligence.

We would like to indicate the seriousness of this situation. The deployment of technologies of surveillance and kettling strategies alongside legislation that makes an offence of the refusal to supply personal information without any other offence known to have been committed allows the police greater powers than those under the notorious Section 4 of the Vagrancy Act 1824 or ‘sus’ law that allowed for stop and search on suspicion that an offence might take place, which was repealed over thirty years ago as a result of Lord Scarman’s investigation of the causes of the 1981 Brixton Riots.³⁷

³⁷ *The Brixton Disorders 10-12 April 1981: Report of an Inquiry by the Rt Hon. The Lord Scarman, O.B.E.*, London: HMSO, 1981, Cmnd. 8427.

Political Protest and the Police: Young People in Brighton
A report on student demonstrations in Brighton, 24th and 30th November 2010

Afterword

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The authors of the report, Thomas Akehurst, Louise Purbrick and Lucy Robinson are continuing to collect and analyse accounts of young people's experience of the policing of political demonstrations in Brighton. If you would like to participate in our research, please email:

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