

Head of Professional Standards  
Sussex Police  
Malling House

Only by email to:  
[psd@sussex.pnn.police.uk](mailto:psd@sussex.pnn.police.uk)

10 April 2018

Your ref:

Our ref: LFP/30468

Dear Sir/Madam

## **Complaint against Sussex Police**

We write on behalf of the Crystal Palace Supporters Trust ('the Trust') in respect of the policing operation in place for the Brighton & Hove Albion Football Club ('BHAFC') and Crystal Palace Football Club ('CPFC') Premier League match on 28 November 2017, and in respect of the aftermath to the events of that day. The Trust makes this complaint as a representative of Crystal Palace supporters more generally and on behalf of individual Trust board members.

There are two aspects to this complaint. The first is in respect of the overall policing operation, and the second is in respect of the actions of individual officers. The only named officer against whom a complaint is made is Superintendent (previously Chief Inspector) Simon Nelson, in respect of his command of the operation, and in respect of the allegations he made about CPFC fans on 29 November and thereafter. However, in the main the identity of individual officers whose actions would give rise to complaints under the headings of Use of Force or Authority, Respect and Courtesy will be very difficult to ascertain, as the majority were white and male, with few distinguishing features. If in the course of your investigation, and on reviewing the footage taken by the Evidence Gathering Team, you identify actions which give rise to a case to answer for misconduct then these must be investigated.

## **Background facts**

We have attempted below to simplify the timeline of events in what was a long running and complex incident. This is not intended to be a definitive account of the events.

1. Arrangements had been put in place to ensure that CPFC fans would be denied entry to the Amex Stadium if they were not in possession of their membership or season-ticket card along with their match ticket. They were told that there would be checks at the turnstile to ensure that the name on the season/membership card matched the name on the ticket in order to gain entry. This was a sell out

event for away fans.

2. Fans were told that the away end in the South Stand would open two hours before kick-off, and that all fans entering the stadium would be searched, including any bags they had with them.
3. The first CPFC fans who were subjected to police control arrived in Brighton around 1pm. The 30 or so fans were informed that many pubs around the station would not accept them and were taken to the Bright Helm Wetherspoons pub on West Street; however, the staff refused them entry. The officers then took the group 'Buddies Bar' on the seafront. The atmosphere was not aggressive from the CPFC fans or coercive from the police. It could be said that the presence of the CPFC fans at this stage was being facilitated by the officers. That said officers from, or under the direction and control of, Sussex Police were stationed outside the bar filming on a fairly constant basis.
4. Some of those in the group had tickets and some of those did not. CPFC were showing the game on big screens at Selhurst Park (a so called 'Beam Back') and a number intended to head back to London before kick off. As you will know it is about an hour journey from Brighton to Norwood Junction so there was more than enough time to get there for kick off.
5. Other CPFC fans who arrived later by train were accommodated in the Bright Helm Wetherpoons pub or in the Yates' bar across the road on West Street.
6. More CPFC fans congregated the various pubs as the afternoon wore on. At around 5pm, the group at Buddie's bar indicated that they wished to leave and head towards the BHAFC stadium. At this point, the officers present forcefully created a containment and the attitude of some of the officers became aggressive.
7. The group was marched in a rolling containment to Brighton station on a circuitous route which took an hour and half. The walk should have taken 15 minutes, and even allowing for the slower speed of a group should have taken no more than 30 minutes. The route went to West Street and then through the North Lanes.
8. Along the route, the group was repeatedly stopped to ensure that more CPFC fans were forced to enter the rolling containment. The group became a target for verbal and physical abuse by BHAFC fans. Various officers were rude, aggressive, and used force against people in an untargeted fashion. There were approximately 250 -350 people in the containment now.
9. At a number of points as the rolling containment came to a corner or a stop, the momentum of the group led to jostling with officers, as there was no other direction for people to go in. Officers responded by drawing batons and on occasion using them against whoever was closest, including strikes to the head. Some officers carried their batons drawn for most of the march.
10. The group was marched into the back of Brighton train station at approximately 630pm. The officers present were slowly letting people through to the platform but there was no process of checking for match tickets, despite the arrangements that were in place for ticket holding fans. Some of those who did not have match tickets were forced through despite indicating they did not have tickets. Other fans who had arrived in Brighton Station from London around this time were also forced to join this group. It took approximately 30 minutes for the fans to be filtered through to the train. The atmosphere became agitated, as it was now likely that the group would miss kick off (7.45). The group was told to board the train to Falmer station.

11. The train arrived at Falmer train station around 20 minutes later, and as the group disembarked they were immediately contained again. The rolling containment slowly made the very short journey to the away end at the Amex Stadium. During this time, the containment was brought to a halt beside a group of BHAFC fans, who proceeded to shout abuse and throw objects at the group. The group was then marched to the away end, finally arriving at approximately 7.45pm. During this time officers were shouting at and pushing CPFC fans on the inside perimeter of the containment.
12. When the group arrived at the away end other CPFC fans were queuing to get through the turnstiles. BHAFC seemingly made a decision to close the turnstiles.
13. Some CPFC fans then broke through the cordon and ran up the steps and into the ground. Smoke flares/devices were let off. The remaining group were then prevented from going further by officers using force and the deployment of police horses. A number of CPFC fans were hit with batons or knocked over.
14. Over the next 45 minutes or so, fans made pleas to enter the ground and showed officers their match tickets or at least be released from the containment. There was very little information about what would happen. One turnstile was later opened to allow CPFC fans not in the containment to enter the stadium.
15. There were no toilet facilities for the fans, and one was advised to urinate on a nearby wall. It was only at around half time that an officer announced that they would be taken back to Falmer train station and on to Brighton.
16. The group were marched to the station, a journey which took approximately 30 minutes despite the short distance, and then were forced on to a train heading to Brighton, regardless of whether they intended to leave the area by that means or not. On arrival at Brighton train station, the group were then forced on to a Thameslink train heading to Bedford via London. Various CPFC fans either had other destinations to go to, including homes in Brighton, or had vehicles to take them home. Pleas by these fans to be allowed to leave by other routes were treated inconsistently. Many fans reported having to make pleas to numerous officers and being threatened with arrest when they became annoyed at being ignored.
17. Fans were greatly inconvenienced by the blanket approach taken by Sussex Police. It should be noted here that the officers on the ground, and by implication the senior officers in charge, were aware that this group contained people of varying ages, many of whom had match tickets, and were therefore not likely to be the people who had contributed to the disorder at the Amex Stadium.
18. For those who had made it in to the ground, their experience of leaving at the end of the match was similarly disorganised. Fans were made to wait for approximately an hour outside the stadium before moving off to Falmer station. During this time there was insufficient segregation of the two fan groups. BHAFC fans were allowed to shout abuse and threats at the waiting CPFC fans who were contained by the police.
19. BHAFC had made arrangements for a special train to take people back to London that would depart at 2241, which was approximately an hour after the game would have finished. As this train came in to Falmer station, all fans were told to board it, regardless of whether they were staying in Brighton or lived elsewhere than London. There was a great deal of pushing by officers to force people onto the trains.
20. A group of about 20 CPFC fans who had persuaded officers that they were heading to other locations, were told to wait for the next train. At that point

though, BHAFC fans who had been held back were allowed into the station, leading to the CPFC group being verbally abused and threatened. They were shepherded away but again this was into the path of other BHAFC fans. Eventually this group was kept safe and then later put on to a train.

21. You will be aware that the first Press Release issued by Sussex Police on 29 November in which Supt. Nelson, the Match Commander, was extensively quoted, included reference to numerous CPFC fans arming themselves with knuckledusters and knives. This was further amplified by Supt. Nelson on his corporate Twitter account.
22. When queried on this statement by the CPFC Fanzine Five Year Plan, Supt. Nelson replied on Twitter to say that enquiries should be directed to BHAFC because their stewards had found the offending items at the stadium. When journalists sought confirmation from BHAFC they were in turn directed back to Sussex Police. Later that same day, Sussex Police corrected the record, and stated that the allegation had been made because of information passed to them. An apology was issued.
23. It is unclear who passed the information to Sussex Police or what was done to verify that the items had actually been found before the incorrect information was put in the public domain and then widely repeated in national and international press.

### **Complaint about the policing operation**

This complaint falls under the Duties and Responsibilities heading of the College of Policing Code of Ethics. It is relevant to Supt. Nelson as the match commander but may well apply to other officers in the hierarchy who approved or sought to execute the policing plan or failed to question the significant deficiencies of the policing plan that we suggest are apparent. Please confirm the names of the officers who occupied Gold, Silver and Bronze responsibilities.

The relevant excerpt from the Code of Ethics is as follows:

Heading – “I will be diligent in the exercise of my duties and responsibilities.”

Paragraph 6.1 – According to this standard you must:

- carry out your duties and obligations to the best of your ability
- take full responsibility for, and be prepared to explain and justify, your actions and decisions

Examples of meeting this standard are when you:

- demonstrate an efficient and effective use of policing resources

The central concern of this complaint is the belief that the events as they unfolded and the significant disquiet arising from law-abiding fans, were avoidable had there been better planning and communication. It is understood that Sussex Police considered in advance that disorder was likely to occur due to small numbers of known risk fans attending the match intent on violence and anti-social behaviour. This risk should have been managed in a way which limited the impact on law abiding fans. Sussex Police are well versed in using intelligence to target known trouble makers and to make targeted

arrests if necessary, and the failure to manage this situation speaks to the absence of a well thought through plan.

Underpinning a number of the issues that arose was the fact that throughout the evening, there was very little meaningful communication to explain:

1. Why fans were being placed in a containment;
2. Why the route to the station was circuitous;
3. Why there was a delay which was likely to lead to missing the beginning of the match;
4. What the plan was once the turnstiles had been closed; and
5. Why fans were being forced back on to trains.

This lack of communication to the ever expanding group who were being escorted to the Amex Stadium caused concern and sometimes anger. This was significantly compounded by the lack of knowledge of the policing plan that was apparent in front line officers. Numerous accounts by witnesses indicate that front line officers had no idea what was happening, and that they themselves had questions for their superiors. This absence of understanding by all parties on the ground led to a feeling from CPFC fans that they were being 'treated like cattle' or 'like criminals' when the vast majority had committed no offences whatsoever. This sense of injustice could have been avoided by clear communication and a clear route to the station. It is noted that, none of the many witness who have come forward have said that they saw an officer in possession of a megaphone through which communication could have been made much easier. Please confirm whether this resource was allocated and to which officer(s).

The circuitous route taken from the seafront to the train station over a period of an hour to an hour and half strongly suggests insufficient planning on the part of the Match Commander. It was known in advance that the pubs closest to the station would be closed to away fans, and that the only two central pubs open to home fans would be on West Street. Therefore, given the intelligence picture, a rolling containment was always likely in order to escort CPFC fans past or in the vicinity of the 'home' pubs. What was required was a pre-arranged route, with adequate briefing to officers manning the containment, and clear communication to those within the containment. This would have achieved a more efficient movement to the station.

Instead, the slow moving rolling containment became a target for BHAFC fans who were intent on causing trouble and led to verbal and physical abuse. A perception arose that nothing was being done to stop BHAFC fans from committing offences against CPFC fans, which steadily increased the tension.

As referred to above the slow moving and meandering nature of the rolling containment led to a number of congestion points. The jostling that naturally occurs when a moving crowd comes to a sudden halt or a significant slowing down was dealt with by way of batons and abuse. There is no evidence that CPFC fans were seeking to break out of that cordon as they believed they were being taken to the game: their desired objective. The use of batons was in part no doubt because frontline officers were unaware of what was required of them or exactly what route they were following.

At the station itself, there was no organised process of ensuring that the now significantly expanded group of people only contained ticket holding fans. It would have been straightforward to announce that fans would only be allowed through the barrier or on to the relevant platform on production of a match ticket, as well as their train ticket. Senior officers should have been aware that there were no tickets on sale at the ground for away fans and therefore have isolated a problem that would soon occur. We refer you above the comment in respect of the lack of megaphone. There has also been no evidence put forward that at any point on the march, or at the station, that known or dynamic risk supporters were taken aside and prevented from travelling to the match through the use of other police powers.

It is accepted that the actions of a few in the group after the closure of the turnstiles at the Amex Stadium created an issue for BHAFC and the police to resolve, but the inconvenience to the escorted group should have been kept to a minimum and clearly communicated. While it is accepted that it would be incumbent on the club to have a policy on what to do in this kind of situation, it is left to the police to manage public order outside.

The great lack of communication, along with the perception of some officers that the group were predominantly ticketless, led to significant anger. At one stage, the vast majority of the group waved their tickets in the air to demonstrate their right to be at the ground. The presence of police horses and officers in personal protective equipment naturally causes concern amongst the public. No effort was made to calm that concern and instead jostling and aggression from a number of officers only amplified the tension.

Furthermore, once it was decided that there would be no further entry to the ground, the decision to again use coercive tactics to forcibly march the group to the station was unnecessary. There was nowhere else for people to go but the station, if they were heading back to London via Brighton. There were sufficient resources present to react with a containment if the decision was received very badly by the group, but by pre-emptively assuming aggression unnecessary force was used, and the atmosphere continued to darken.

In addition, the failure to foresee the need for, or to put in place, a mechanism to ensure that fans who did not come from London or who were staying in Brighton, were able to leave the containment caused aggravation and arguments. Again, this was compounded by front line officers having no understanding of their orders or in what circumstances they could exercise their discretion. As referred to above, a number of people had to speak to multiple officers, and some were threatened with arrest, before they were allowed to leave the containment at Falmer or Brighton.

Lastly, the movement of CPFC fans from the stadium at the end of the match and the manner they were dealt with at Falmer Station was chaotic and disorganised, and again plagued by a lack of communication or a mechanism for filtering people with other destinations.

The failures of the policing operation engendered a situation that was avoidable. Once the situation arose, the inconvenience to fans transformed into tension because of the continued failure to communicate with fans and the apparent lack of a cogent plan or a sufficient briefing to frontline officers. The then application of a blanket approach led to

many people, who had caused no trouble whatsoever and who had match tickets, to be subjected to extremely coercive policing, without any mechanism for identifying and dealing with those individuals suspected of wrongdoing.

The effect of the events of that night has been to significantly damage the trust and confidence of CPFC fans in Sussex Police. The CPST request that the failures as outlined above are investigated thoroughly and that those officers responsible for these foreseeable failures are appropriately disciplined.

### **Complaint about the allegations made against CPFC fans by Supt. Simon Nelson**

This complaint falls under the Honesty and Integrity, and Conduct headings of the College of Policing Code of Ethics. The relevant excerpts from the Code of Ethics are as follows:

#### Honest and Integrity

Heading – “I will be honest and act with integrity at all times, and will not compromise or abuse my position.”

Paragraph 1.1 - According to this standard you must: act with honesty and integrity at all times.

Paragraph 1.3 - The more senior in rank, grade or role you are, the greater the potential for harm as a consequence of any misuse of your position or any failure to meet the standards required by the Code of Ethics.

Examples of meeting this standard from the Code of Ethics, include:

“do not knowingly make false, misleading or inaccurate oral or written statements in any professional context”

#### Conduct

Heading – “I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing.”

Paragraph 9.2 - “You should ask yourself whether a particular decision, action or omission might result in members of the public losing trust and confidence in the policing profession.”

As you will be aware Sussex Police issued a press release at 13.33 on 29 November in which Supt. Nelson was extensively quoted including the below.

I have been involved in football policing at all levels and have been a match commander for Albion matches for 12 years, but I have never come across such concerted attempts to cause disorder and engage in violent behaviour. By late afternoon, groups of masked people, apparently linked to both Albion and Palace, were seeking confrontation with each other and police around Brighton... Outside the stadium, we dealt with a number of public order incidents, particularly amongst a contingent of away supporters who were being escorted from the railway station. We are aware that a significant number of people attempted to enter the ground with pyrotechnics, knives and knuckledusters,

which were found following efforts to gain access through fire exit doors in the south stand... This was a return to the dark days of football and is not acceptable.

Supt Nelson then tweeted from his corporate Twitter account (then @ciSimonNelson, now @SuptSimonNelson) at 8.53pm that evening a link to a Daily Telegraph article, which explicitly referenced fans 'with knives and knuckledusters'.

On 7 December 2017 the Five Year Plan CPFC Fanzine tweeted Supt. Nelson seeking clarification of evidence of 'knives and knuckledusters.' Supt. Nelson replied from his Twitter account at 11.33 on 7 December 2017 to say "Please contact @OfficialBHAFC [the Twitter account of BHAFC] as it was their staff who found those items in the away end of the stadium."

Supt Nelson then tweeted at 12.03 that he was now on annual leave for a few days.

At 16.50 the same day Sussex Police issued a press release correcting the record and apologising:

The reference to weapons being found discarded at the stadium following the Brighton v Crystal Palace match on November 28 was based on information logged by our officers on the night and done so in good faith.

Subsequently, it has been established that no such items were physically recovered at the stadium or in the city. We accept that this information was incorrect and the tweet published earlier today (December 7) by one of our officers was wrong.

Sussex Police apologises to both clubs and their supporters.

The original press release was then amended to remove the reference to 'knives and knuckledusters.'

Supt Nelson then issued his own apology via his Twitter account at 11.33 on 8 December 2017, quote tweeting a tweet from the Sussex Police main account:

I personally add to this apology - the information regarding discarded weapons and pyros in the away end of the stadium was passed to us and believed to be true - this was clearly not the case.

You will be aware that the original press release was extensively covered by the national and international press in the following days. In particular, the allegation about the presence of knives and knuckledusters was prominent in the headlines, and understandably a cause for public concern. It was only after pressure from the Five Year Plan fanzine and subsequently journalists that the record was amended.

There has never been a public explanation for the source of the incorrect information promulgated by Supt. Nelson both in the press release and then in his tweets. It is unacceptable for an officer, and a senior officer no less, to put forward very serious allegations without evidence to back them up. Supt Nelson would have known that as a result of his statements CPFC fans would be subjected to a heavy level of policing and onerous restrictions would be placed on them at subsequent matches at BHAFC and nationwide in order to ensure that no weapons ever made their way in to the ground. Anecdotally fans have reported that this may already be happening with an increase in searches and police presence occurring at away matches, though not at home.



The fact that BHAFc has denied being the source of the information leaves open the suggestion that Supt. Nelson made a knowingly false statement, and then sought to deflect blame, rather than admit his apparent mistake, when challenged by members of the public. His actions have resulted in members of the public, not only CPFC fans, losing trust and confidence in the policing profession. Supt Nelson, and any officer who may have provided false information to him, should be investigated in respect of Honesty and Integrity, and Conduct.

We also note that Sussex Police have refused to answer questions about the chain of events regarding the press release made in an FOI request by the Five Year Plan fanzine. The failure to be fully transparent about this issue is lamentable and further damages trust and confidence in Sussex Police. You are requested to consider the circumstances that have led to this refusal with a view to establishing whether any Sussex Police officer has sought to place pressure on the FOI officer, Roger Brace.

Lastly, please confirm whether your force has conducted, or is conducting, any internal review of the policing operation on 28 November, or in respect of the press release and comments made by Supt. Nelson. If so, please confirm that you will provide the documents generated by the review(s) and the final report(s).

We look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink, consisting of the letters 'ITN' in a stylized, cursive font.

**Irvine Thanvi Natas Solicitors**