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PSD Case Reference - CO/00245/18

REG 20 - COMPLAINT FINAL INVESTIGATION REPORT

Investigation information

Operation name (if applicable):	N/A
PSD reference:	CO/00245/18
Investigation type:	Complaint subject of special requirements (number 1) Complaint not subject of special requirements (numbers 2 to 33)
Investigator:	██████████
Supervisor:	██████████

The Investigation**Key issues to be addressed by the report**

1. Whether any potential criminal offences have been committed which the Appropriate Authority may wish to consider referring to the CPS.
2. Whether the subjects of the investigation have a case to answer for misconduct or gross misconduct, or no case to answer.
3. Whether the performance of any subject in this investigation has fallen below the standard expected of them.
4. Any lessons which may need to be learned by Sussex Police relating to the investigation.

Complaint allegations agreed with complainant	
Allegation No	Summary of complaints
1	Whilst held in the rolling containment, officers were rude and aggressive, using force in an untargeted fashion.
2	Crystal Palace Football Club (CPFC) fans were marched in a rolling containment to Brighton Railway Station taking an hour and a half, it should have taken no more than 30 minutes. This suggests a lack of planning by the match commander.
3	Along the route to Brighton Station, the group were repeatedly stopped to ensure more CPFC fans could be forced into the rolling containment.
4	Because the group were held in a rolling containment, CPFC fans were targeted with verbal and physical abuse from the Brighton and Hove Albion Fans (BHAFC). Pub locations for both sets of fans were known in advance, a pre-arranged route should have been identified with an adequate briefing given to staff to prevent CPFC fans being targeted.
5	When the rolling containment came to a stop (or corner), this led to fans jostling with officers who responded by drawing, and on occasion using, their batons against whoever was closest. This included strikes to the body.
6	It took 30 minutes for fans to be filtered through to the train.
7	There was a lack of verbal communication with CPFC fans.
8	On arrival at Falmer Railway Station, CPFC fans were immediately placed in a rolling containment, the progress to the Amex Stadium was very slow.
9	The rolling containment was brought to a stop beside a group of BHAFC fans who proceeded to shout abuse and throw objects at the group.
10	There was no process for checking match tickets despite there being arrangements in place for ticket holding fans.
11	Officers shouted and pushed CPFC fans who were held in the rolling containment.
12	Officers used force to prevent CPFC fans from entering the stadium, this included the deployment of police horses. CPFC fans were hit with batons and knocked over.

Complaint allegations agreed with complainant	
Allegation No	Summary of complaints continued
13	CPFC fans held in the containment were denied entry to the stadium despite showing officers their match tickets.
14	CPFC fans held in the containment were not permitted to leave.
15	There were no toilet facilities for the CPFC fans who were held in the containment; one fan was told by a police officer to urinate on a nearby wall.
16	Communication with fans who were being contained was poor. It was around half time (in the match) before they were told they would be taken back to Falmer.
17	That CPFC fans were marched in containment back to Falmer Railway Station taking 30 minutes, despite the short distance.
18	CPFC fans were forced onto a train heading to Brighton regardless of whether they intended to leave the area by those means.
19	CPFC fans were forced onto a Thameslink train heading to Bedford via London. Various fans had other destinations to go to, including Brighton, or they had vehicles to take home.
20	CPFC fans who had seen the match were made to wait for an hour outside the stadium before moving off to Falmer Railway Station.
21	There was insufficient segregation between the CPFC and BHAFC fans. BHAFC fans were allowed to shout abuse and threats at the waiting CPFC fans who were contained by the police.
22	CPFC fans were told to board a London bound service, regardless of whether they were staying in Brighton or lived elsewhere.
23	20 CPFC fans who persuaded police officers that they needed to wait for the next train (to an alternative location) were subjected to physical and verbal abuse and threats from BHAFC fans.
24	Sussex Police considered in advance that disorder was likely owing to a small number of known risk fans attending the match, intent on violence and anti-social behaviour. Sussex Police failed to manage the risk in a manner which would limit the impact on law abiding fans.

Complaint allegations agreed with complainant	
Allegation No	Summary of complaint continued
25	Front line officers did not have any awareness of the policing plan and had no idea what was happening.
26	Police did not use megaphones to communicate with CPFC fans who were contained by police.
27	Nothing was done to prevent BHAFC fans committing offences against CPFC fans.
28	Known or dynamic risk supporters were not taken aside and prevented from travelling to the match through the use of police powers.
29	Superintendent Nelson issued a press release on 29/11/2017 which was not a true and accurate reflection of the events. The press release received international attention.
30	Superintendent Nelson tweeted from his Sussex Police Twitter account referencing fans with knives and knuckle dusters which was not a true and accurate reflection of events. This received international attention.
31	Superintendent Nelson would have been aware that the statements he made on Twitter would cause CPFC fans heavy levels of policing and onerous restrictions at subsequent BHAFC matches and nationwide.
32	Superintendent Nelson knowingly made a false statement and then sought to direct blame rather than admit a mistake.
33	The source of the information to Superintendent Nelson re CPFC being in possession of knives and knuckle dusters has not been disclosed.

Chronology of events/timeline

5. This incident came to the attention of Sussex Police Professional Standards Department (PSD) on 10/04/2018.
6. On 28 November 2017 Brighton and Hove Albion played against Crystal Palace Football Club at the Amex Stadium in Brighton. This report details complaints made against Sussex Police and their management of the event, including the movement of CPFC fans from Brighton to the Amex Stadium and their subsequent treatment once there.

7. On 29 November 2017, Superintendent Nelson issued a press release which referred to CPFC fans with weapons. He also 'tweeted' from his official Sussex Police account referencing fans with weapons. It is alleged that he later made a false statement to direct the blame regarding his tweet.
8. These complaints were subject to a referral to The Independent Office of Police Conduct (IOPC): the first referral was made by Sussex Police on 16 April 2018; on this occasion the IOPC made the determination that the referral was invalid due to it being made by the Crystal Palace Supporters Trust and not a member of the public.
9. On 06 July 2018 the complaints were re-referred to the IOPC after a number of complainants were identified. The IOPC determined that the matter was suitable for a Local Investigation by the Sussex Police Professional Standards department.

Summary of the evidence

10. During this investigation a volume of evidence was gathered. After thorough analysis, I have presented the evidence I feel is relevant. As such, not all the evidence gathered in the investigation is referred to in this report.

Summary of account and statement of Mr [REDACTED] 'S' – dated 09/10/2018 and 23/11/2018

11. Mr [REDACTED] 'S' stated that on 28 November 2017 he and his brother arrived at Brighton railway station (no time specified) and along with the group of CPFC fans that had been on his train, made their way to Brighton city centre to meet with other CPFC fans.
12. Mr [REDACTED] 'S' stated that the group were very quickly joined by a police escort and there were various exchanges between CPFC and BHAFC fans as they walked past various pubs en-route. Mr [REDACTED] 'S' stated that the group arrived at the Bright Helm Pub without incident, other than some chanting and the odd heated exchange between rival fans.
13. At approximately 18:10 hours the CPFC fans were instructed to make the trip up to (Brighton) railway station. Mr [REDACTED] 'S' stated that he estimated the walk should have taken a maximum of 10 minutes, but instead it took well over an hour. During the walk to the station, he described witnessing several fans being struck by police officers using batons; although he himself was not struck.
14. During the wait to board the train, Mr [REDACTED] 'S' stated that the group of CPFC fans he was with were contained by police and given no other option. He described being pushed and shoved by Sussex and British Transport Police without provocation, the pushes being one and two handed on his chest and arm. Mr [REDACTED] 'S' stated that there was no communication whatsoever as to why the journey and the treatment of CPFC fans was as such.
15. Mr [REDACTED] 'S' stated that during the wait at Brighton railway station, both he and his brother (at different stages) were pushed to the floor; the pushing was by both the police and the public. Mr [REDACTED] 'S' was 'dragged out of the crowd' by an officer and warned of arrest, he added that his explanation of what had happened was ignored.

16. Mr 'S' stated that the CPFC fans were not allowed to board the train until approximately 19:25 hours.
17. On arriving at Falmer railway station, Mr 'S' described the hostilities continuing. Having left Falmer railway station to begin the walk to the South Stand he stated there were several violent exchanges between groups of fans 'as the police stood back'. Mr 'S' described his brother being struck by a BHAFC fan without any sort of incitement and nothing was done about it by the police.
18. Mr 'S' stated that as the crowd got larger and more frustrated, they were surrounded by police officers, although nobody was able to explain what was going on.
19. Mr 'S' stated that everyone was now aware that the game had kicked off. As the CPFC fans demanded answers, Mr 'S' said that the police tactics seemed to get more aggressive. He described a police officer on a horse coming through the middle of the crowd which Mr 'S' estimated was now approximately several hundred strong.
20. Mr 'S' stated that they were held outside the entrance to the ground for over 45 minutes, there was no option to leave or use the toilet and no one provided any answers.
21. Mr 'S' described leaving the vicinity of the stadium, and the group being pushed and shoved by Sussex Police back towards Falmer railway station. Once there, Mr 'S' believed, they would be free to board a train and make the journey home; however, they were held until approximately 21:25 hours when they were then put on a train back to Brighton railway station. This train was not due to leave for another 20 minutes, despite those on board needing toilet facilities and refreshments.
22. Mr 'S' stated that he vehemently disagreed with some of the police treatment that he saw and received on the night, which he described as aggressive and unnecessary. He conceded that there were undoubtedly a minority of 'trouble makers' present on both sides that were set on causing trouble but felt that with the game arranged so far in advance, and with the history between the teams, there should have been more preparation for any issues that might arise.
23. Mr 'S' stated that he expects there to be compensation for what occurred, he had spent time and money travelling to the event and was denied entry into the stadium, despite having a valid ticket.

Summary of statement of Mr [REDACTED] 'G' – dated 13/09/2018

24. Mr 'G' stated that he suffers from Multiple Sclerosis (MS) and a condition called Idiopathic Thrombocytopenic Purpura (ITP) which is a disorder that can lead to excessive bruising or bleeding. Mr 'G' described that the MS makes it extremely painful for him to stand for long periods of time.
25. On 28 November 2017, Mr 'G' stated that he and his partner arrived at the Amex Stadium with plenty of time to spare.
26. On arrival at the stadium, Mr 'G' described a 'welcoming committee' of what appeared to him to be armed riot police. He stated he was already concerned about the policing and stewarding on the day of the match due to the rivalry between the two teams being 'hyped

- up' in the media. Mr 'G' added that he felt the presence of these police officers was completely 'over the top' and would only 'fuel the fire'.
27. Mr 'G' stated that he took his seat at 18:45 hours, and that due to the seating, they were relatively close to the Brighton fans, the nearest being 10 yards away. He described an 'air of tension' around the ground and stated that they were constantly verbally abused by the BHAFC fans.
 28. Mr 'G' stated that they began to learn that there was some sort of trouble outside the stadium and that CPFC supporters had been stopped from entering. He added that there was an 'unofficial entrance' into the stadium which was believed to have been by the 'Ultras'.¹
 29. Mr 'G' stated that flares and firecrackers appeared to be rife, accompanying the attendance and entrance (of this group). He added that it seemed to him that whilst the police filmed these individuals, there was no real attempt to stop them once they were in; however, the entrances were locked to prevent further ingress.
 30. The match ended at 21:30 hours and the Palace fans were ushered away from their seats by stewards. Mr 'G' stated that Brighton fans were intent on violence and were not being restrained.
 31. Mr 'G' said that they were held in the retail area (of the stadium), describing it as being 'penned like pigs' and they were not allowed to move. Having moved from his seat, he had no choice other than to stand for a long period of time, which he described as causing him incredible pain.
 32. After about 45 minutes, and with no information about what was happening, Mr 'G' described being 'penguin walked' around the stadium, moving no more than 20 to 30 yards at a time. There were still a substantial number of BHAFC fans nearby who were hurling abuse and making threats towards the group; no one did anything about this for the 20 minutes the group was walking.
 33. Mr 'G' said that they were 'detained' again outside Falmer railway station for a further 20 minutes, he described being surrounded on all sides by BHAFC fans who were acting aggressively and '*baying for our blood*'. Some of the Palace fans present were families with children.
 34. Mr 'G' stated that his partner was terrified; he did not know where the police were at this point, but commented that no attempt appeared to be made to clear the BHAFC fans and reduce the threat.
 35. Mr 'G' said that about 1000 Brighton fans had now been released from the stadium and were walking aggressively towards Falmer railway station. Stewards that were present tried to reassure the CPFC supporters and informed them that their train would be arriving soon. However, Mr 'G' was not travelling to London and wanted to get a train to Lewes. He

¹ Possibly a reference to the Holmesdale Fanatics (HF)

recalled that a group of about 20 CPFC supporters were now surrounded by BHAFC fans who were spitting and cursing and making sexual threats towards the women in the group.

36. Mr 'G' stated that he asked a steward where the police were and he was informed that they were over the other side of the station, the steward said he would tell the police what was happening.
37. Mr 'G' said that at this point the threat from the BHAFC supporters became physical, with pushing and shoving, with some of the group being slapped aggressively around the head; he described what was happening as 'very disturbing'.
38. Shortly afterwards 3 or 4 police officers entered the area, Mr 'G' spoke to one of the officers and explained the situation they were in. He stated that the officer looked 'genuinely horrified' and asked the 20 people in Mr 'G' group to leave their queue and to go to the front, and they were escorted onto the platform via a side gate.
39. Mr 'G' stated that a carriage on the train appeared to have been cleared for the CPFC supporters, he advised officers that they would need a police presence on the train, and added that the officers 'reluctantly' agreed. The train arrived at Lewes without incident.
40. Mr 'G' described the events as being '*like a return to the dark days of the 1980s*'. He added that he had never been 'corralled' in that way before, nor had to withstand the threat posed by opposing fans with so little protection.
41. Mr 'G' stated that he is unable identify any of the police officers present against whom a complaint has been made.

Statement of Mr 'W' – dated 07/09/2018

42. Mr 'W' stated he is on the board of the Crystal Palace Supporters Trust (CPST).
43. On 28 November 2017, Mr 'W' travelled by train to Brighton, arriving at about 17:15 hours, intending to go to one of the 'away' pubs. However, when he passed the pubs where fellow CPFC fans were gathered, he felt that the police presence was so oppressive, he decided to go elsewhere.
44. Mr 'W' stated that when he got back to Brighton railway station, there was about an hour and a quarter to go before the kick off, which he considered a reasonable amount of time as the journey to Falmer only took about 9 minutes. A police officer told him to wait and join a group of away supporters who were about to arrive; it transpired that they were the group who had been at the 'away' pubs and who had been escorted to the station.
45. Mr 'W' stated that he waited with other fans for about 30 minutes before he was allowed to board the train. He arrived at Falmer railway station at about 19:15 hours and the group were then moved from Falmer railway station towards the Amex Stadium; he described the progress as the 'slowest of slow walks'. He added that they were abused by a group of BHAFC fans who had been detained 'dangerously' close to them and no attempt was made to move them into the ground.
46. Mr 'W' described the officers (escorting them) as shouting and pushing people; he believed this was to keep the group moving.

47. Within his group (being escorted to the grounds), there were about 30 men who Mr 'W' identified as looking like Holmesdale Fanatics (HF). He described the HF as a group of CPFC fans who dress in a particular way and are noted for their boisterous support and singing; he added that they are not known for any violent behaviour.
48. Mr 'W' said that eventually the police officers allowed them through and they approached the turnstiles: at this point it was only 5 minutes until the game kicked off. There were no stewards on the turnstiles to check tickets and photo IDs.
49. Mr 'W' stated that 'some people' let off two smoke bombs in CPFC colours and 'some people' rushed the entrances. Whilst he did not know who these people were, he stated that they were dressed in a similar fashion to the HF group. There was two or three minutes commotion before police officers with mounted support, who heavily outnumbered the group who had rushed the entrance, pushed them to one side. During this commotion, Mr 'W' saw CPFC supporters being pushed and shoved, and a few people were knocked over.
50. The entrance to the ground had now been locked and the 200 'ordinary' fans, including Mr 'W' were locked out and did not see the match.
51. Mr 'W' stated that he and other fans waved their tickets in the air to show they were there legitimately but it was ignored. When he asked the police officers why they could not go into the ground, the officers told them they did not know.
52. Mr 'W' stated that after it had become apparent that they would not be allowed into the ground, some of the fans tried to leave to go home or to use the toilet, but they were prevented from doing so. Mr 'W' described being completely encircled or 'kettled' and unable to move anywhere regardless of sex, age, infirmity or anything else.
53. At half time (in the game), Mr 'W' stated the group were moved again, this time away from the entrances, for about 15 minutes. When it became apparent that they would not be seeing any of the game, they were moved back to Falmer railway station; again he described the walk as the 'slowest of slow walks' which took about 30 minutes.
54. At 21:15 hours, the group was held at Falmer railway station as there were no trains. At about 84 minutes into the game, a train arrived and everyone, regardless of their own personal needs, was made to get on.
55. At Brighton railway station, the group were made to board a Thameslink train, again without any consultation as to what individuals intended to do. Mr 'W' stated that it actually suited him to get the Thameslink train, but other fans voiced their objections as they wanted to get to parked cars or hotels but were prevented from taking any other course.
56. Mr 'W' stated that the way the fans were policed was totally abnormal, the heavy police presence and overbearing behaviour just encouraged 'tribal' behaviour amongst fans. He added that it should have been obvious to the police that the group (of fans) who had been 'kettled' contained various age groups who were not responsible for any disorder whatsoever.
57. Mr 'W' said that the policing operation was poorly planned and although police officers were filming almost constantly, there was no information or communication provided. He added that one megaphone instead of one of the cameras would have helped. Some of the

conversations between fans and front line officers, confirmed they had no idea what the overall policing strategy was.

58. Mr 'W' commented that if the police thought that certain supporters were high risk, they could have easily managed this small element. In addition, he added that there seemed to be little or no action taken towards BHAFC fans who were abusing and goading CPFC fans.
59. Mr 'W' stated that the next day he found out that Superintendent Nelson had given statements to the press and 'tweeted' alluding to 'a return to the dark days of football violence' and referring to CPFC fans with 'knives and knuckle-dusters' which was reported in the national press. Mr 'W' stated the comments were not accurate and not in accord with what he had experienced. The false statements were subsequently retracted and, around 10 days later, an apology was issued by Sussex Police.
60. The consequence of the statements made by Superintendent Nelson is that 'general' CPFC fans are now routinely subjected to more restrictions, stricter match controls and searches on a regular basis through no fault of their own.
61. A Freedom of Information (FOI) request was made to elicit the source of the misinformation; however, no clear or satisfactory response was received. Mr 'W' added that as far as he is aware, BHAFC had indicated that the information did not originate from them. Mr 'W' stated that only Superintendent Nelson appeared to be aware of the source, but has not disclosed it.
62. Mr 'W' stated that he is unable identify any of the police officers present against whom a complaint has been made.

Account of Mr [REDACTED] 'B' – dated 26/09/2018

63. Mr 'B' stated that he arrived at Brighton at about 16:00 hours with the intention of having a few beers before the match and then being directly escorted to the Amex Stadium.
64. Mr 'B' added that he was in the rolling containment that took an hour and a half (to get to Brighton railway station) and every so often they were subjected to being held still to allow other people to join (the group). The escort walked past places where Brighton fans were able to abuse them.
65. Mr 'B' described being 'staggered' by the level of rudeness and aggression shown by the police force that night which continued throughout. He added that he was on the edge of the escort and was shoved aggressively despite his hands being held in the sky to declare no intention to cause any issues. He added that officers used 'any force they could', particularly on him as he was on the edge of the group and that the lack of communication was extremely frustrating.
66. At the Amex Stadium itself, Mr 'B' stated that there was 'no order on the Brighton fans', they were freely able to throw cans of beer, lighters and coins towards the CPFC fans. He added that the police failed to structure the entry point at the turnstiles which allowed supporters without tickets to gain entry; this resulted in those with tickets, like Mr 'B' to be refused entry.

67. Mr 'B' stated that they were 'marched' back to Falmer railway station around 70 minutes after the match had started, having not gained entry (to the ground). Once at Falmer railway station, the police wanted to put the Crystal Palace fans on the first train to Brighton. Mr 'B' who lives in ██████ said he politely asked an officer if he could go onto the other platform to take the Lewes line, to which the officer replied "tough". Mr 'B' then saw an officer whom he recognised from Sussex Police HQ, having attended there for work reasons, approached him and ask if he could get a train from a different platform. Mr 'B' stated that this officer allowed him to go to the other platform adding "that's fine but I never saw you". Mr 'B' added that he felt this was a nice gesture from a nice person, but clearly orders from above tried to dictate otherwise.
68. Mr 'B' stated that he was so disappointed with the event and with the police treating him like a criminal.

Account of Superintendent (Supt) Nelson Silver Commander – dated 08/11/2018

69. Supt Nelson stated that he is an accredited Public Order Commander who has attended regular courses and training enabling him to work as a Police Match Commander. He added that he first had command of football match operations when BHAFC played at the Withdean Stadium.
70. Supt Nelson stated that he had been responsible for the police match command or tactical command of many football policing operations, including the Police Match Command of the home championship and FA Cup matches with CPFC in 2013, which is where he first became aware of the extent of the derby rivalry between both sets of supporters.
71. Due to this experience, he volunteered to be Silver Commander² for their first Premier League fixture during the 2017-18 football season; he recognised that it would be a challenging operation and likely to require significant resources. He chaired the first planning meeting in July 2017 and these continued monthly until the final meeting the day before the match.
72. A media plan was produced by the Bronze Media Relations Officer, which contained agreed objectives and key messages.
73. The initial intelligence assessment, created by the Football Liaison Officer, included a completed National Football Policing Unit (NFPU) Risk Assessment Matrix, which assessed the fixture as having the highest possible risk category for a football match.
74. Supt Nelson agreed police resources with the Gold Commander, these included mounted officers and specialist public order teams. Many of the resources were provided by mutual aid (officers from neighbouring police forces).

² Command Structure: Gold Commander – Overall strategic command of the operation. Sets the overarching strategy that all plans must take account of.

Silver Commander – Coordinates the individual strategies developed by the public order strategic commanders (Bronze) to ensure they reflect and contribute to gold's overarching strategy.

Bronze Commanders (as above) Public Order Strategic Commander, responsible for developing the public order strategy.

75. Prior to the match, Supt Nelson stated he was aware that CPFC fans had travelled to Manchester United on 30 September 2017 where there had been significant disorder, including pyrotechnics being set off; this was also filmed and posted online. Within Brighton and Hove, a large number of stickers had started to appear, including those from home fans and CPFC 'Palace Till I Die' (PTID) stickers. A Detective Inspector had oversight of any relevant intelligence and led the intelligence team on the day of the event, this included the monitoring of open source media.
76. Prior to the event, an Operational Plan was distributed to officers which included the strategy from the Gold Commander, Supt Nelson's risk assessment and tactical plan, as well as the tactical parameters for the appropriate use of police containments.
77. On the day of the policing operation, Supt Nelson stated he was located within Sussex Police Headquarters, Tactical Command and Control room (known as the Silver Suite) with the support of Airwave controllers, a tactical advisor, a media officer, the Football Liaison Officer (co-ordinator of the Football Spotters) and the intelligence team. Supt Nelson stated that all the officers were briefed personally by himself with briefing slides that he had prepared, these included: key points from the operational plan, legal powers, policy, appropriate use of force and his direction in terms of preferring a neighbourhood style policing approach, and his assumption being that a majority of supporters were law abiding. The briefing also included the ten key principles governing use of force, and three core questions officers should consider before using force (both detailed later in this report).
78. During the evening, the Bronze Commander in Brighton city centre reported that there were two significant groups of away fans that had been located, as well as a large group of BHAFC fans that were at risk of coming into contact. Supt Nelson stated that he decided to allocate more officers to Inspector Cummings's command to mitigate any increased risk presented by large numbers in the city. Superintendent Nelson stated that he used the National Decision Making Model (NDM)³ when making these tactical decisions.
79. Supt Nelson stated that during the final hour before the match was due to start, large groups started to head towards (Brighton) railway station and it was essential that opposing groups were protected from each other. Police vans were used to block the line of sight from the traditional home fan pubs, and in consultation with British Transport Police, the most suitable escort route to the station was agreed by the City Bronze.
80. Supt Nelson stated that officers had to work hard to keep the two groups away from each other and that he witnessed supporters, not all of them 'risk supporters', intent on causing disorder. He added that the pace and arrival times were influenced by the levels of compliance within those groups, and communications from British Transport Police regarding their readiness to receive, and the availability of trains. He added that all the fans were escorted to the station without any serious disorder, damage or serious injuries.

³ The National Decision Model is a police framework that is designed to make the decision making process transparent, rational and consistent. It is to be used by all officers, decision makers, and assessors that are involved in the whole decision process.

81. Supt Nelson said that PSU officers had to remain on trains with the travelling supporters. However, on arrival at Falmer railway station, the integrity of the escorting cordons were not maintained which resulted in 'away' supporters confronting a group of home supporters who were being held back by another police cordon. Supt Nelson added that CCTV captured this confrontation as well as the discharge of pyrotechnics.
82. The 'away' group was eventually moved on and escorted via a pre-designated route designed to keep them safe, to the entrance of the South Stand. At this point, Supt Nelson stated that many of the group sought to overrun stewards who were searching and checking tickets; some were successful and two stewards were injured in the process with one sustaining fractured ribs.
83. Around this time, Inspector [D] who was at the Amex Stadium, communicated via the Airwave radio to report that a steward had directly informed him that they had discovered discarded knives and knuckle-dusters. Supt Nelson added that this was noted by several people within the Command (Silver) Suite and a note was made in the (CLIO⁴) log. Supt Nelson added that he has worked with the club for many years and had always come to rely on the professionalism and capabilities of the stewards they employ; he added that he had no reason to doubt the truthfulness of the information he had received.
84. Supt Nelson said that he considered whether it would be appropriate to authorise Section 60 of the Criminal Justice and Public Order Act⁵ but decided that the broad search powers this provided were disproportionate to the many law abiding football supporters at the match.
85. Supt Nelson stated that BHAFC decided to close the (away) doors and after a period of time, the Police Match Commander notified him that the club would not allow the group of supporters outside the ground to attend the match. He added that this presented a new challenge as the group would not be able to remain there due to the risk of others within the stadium seeking to facilitate their entry via emergency exits at half time.
86. Supt Nelson stated that he consulted with the Football Liaison Officer and they agreed that the Football Spotters would identify those within the group who were obviously low risk and invite them to leave the containment and make their own way home. The rest were escorted to Falmer Station to catch a train to Brighton railway station.
87. Supt Nelson said that he spoke to City Bronze and instructed him that the large group was not to exit (Brighton) station as the risk of serious disorder was too high, particularly as the match was being televised in Brighton city centre. However, he added that if individuals could prove they lived in the city, they should be allowed to pass through. Supt Nelson believed that this took place without further problems on the train or at the station.

⁴ CLIO – a computer based management system used by police and other emergency services to plan for and manage a wide variety of critical incidents and event planning.

⁵ Section 60 of the Criminal Justice and Public Order Act 1994 allows a police officer to stop and search a person in a defined area, during a specific time period when they believe, with good reason, that serious violence will take place and it is necessary to use this power to prevent such violence; or that a person is carrying a dangerous object or offensive weapon; or that an incident involving serious violence has taken place and a dangerous instrument or offensive weapon used in the incident is being carried in the locality.

88. Supt Nelson stated that at the end of the match, the away supporters were assembled and escorted safely to the 'special train' that had been arranged through the club with Southern Rail. He added that it had taken a lot of negotiation to agree a suitable time which allowed time for a safe escort, whilst not causing the supporters to stand in the open for a considerable length of time. The train had also been widely advertised through CPFC and was the safest means of allowing supporters to leave Brighton and change further up the line should they need to travel to London.
89. During the latter part of the evening, the Bronze Media Officer made Supt Nelson aware that he had been in discussion with the BHAFC Communications Manager who had requested a delay in releasing any information to the press, until the following day. The contents of the press release were discussed, which included the level of disorder and the abandonment of weapons; the only comment from the club was a suggestion that those details (regarding the weapons) were unnecessary.
90. The following day, Supt Nelson stated that he was telephoned by the Bronze Media Officer who was under significant pressure from news agencies to provide a press release and he had been unable to make contact with the Gold Commander. The Bronze Media Officer sent a draft press release to Supt Nelson which he agreed, this subsequently resulted in a significant amount of national press coverage due to the levels of disorder experienced, and the mention of weapons.
91. On 07 December 2017 whilst away from work on annual leave, Supt Nelson stated that he received a 'tweet' from the 'Crystal Palace Fanzine' asking him to provide proof of the weapons found at the away end of the stadium. Supt Nelson stated that he genuinely believed that BHAFC were in possession of the weapons, pending their destruction and so he directed them (to speak) to the club and included BHAFC in the tweet.
92. Supt Nelson stated that he was shocked and upset to discover that BHAFC had denied any existence of the weapons mentioned that night which had resulted in widespread negative media coverage.
93. As the tactical lead for the operation, Supt Nelson stated that he believed it was appropriate for him to apologise for the information after the suggestion that it had been inaccurate; Sussex Police also issued an apology. He added that the national press criticism and sustained 'trolling' on social media had a profound effect on not only him but also his family. This continued for nearly a year and resulted in him closing his Twitter account.
94. Along with the above response, Supt Nelson has also provided answers to each of the complaint points. These will be included in the 'Conclusion' section of this report.

Account of Inspector [REDACTED] 'D' – dated 24/09/2017 & Transcript of radio communication dated 28/11/2017

95. Inspector [REDACTED] 'D' stated that he was standing within the concourse of the South Stand, by the entrance turnstiles. He stated that he was approached by a steward who mentioned 'off hand' how bad the Crystal Palace fans had been and that "*they've got knives, knuckle dusters and flares*"
96. Inspector [REDACTED] 'D' stated that he asked (the steward) whether he had seen this and he replied "yes" but when asked if he could provide more information to identify the individuals, or any

descriptions of the weapons, the steward replied *"no they were masked up and looked similar"*.

97. Inspector [D] added that the steward was not able to provide any further detail regarding what he had allegedly seen and did not come across as entirely reliable, he based this on the manner in which the steward had approached him and provided the information. For this reason, Inspector [D] stated that he did not take the steward's details because he was unable to provide any more information than his limited statement and there was nothing evidential (to support it). Inspector [D] added that so officers would be aware he relayed the information that had been passed to him, over the radio (this is recorded at 20:10 hours).
98. The call from Inspector [D] to the communications department was timed at 20:09 hours, he relayed the following message: *"report from stewards, there's a couple of people with knives, knuckle dusters and flare guns. They can't pull them out cos they had balaclavas on"*
99. The call handler replied *"confirm they've identified them and they are in the crowd?"*
100. Inspector [D] replied *"no no, there's three men but they can't identify. So they have seen them going in with those weapons, but can't identify them."*

Account of the Gold Commander – dated 09/10/2018

101. On the night, the Gold Commander stated that he spent a little time in the Silver Suite, he recalled being advised about general public disorder by a specific group, some minor assaults on stewards, the throwing of 'pyros', storming of a gate and the mention of knives, knuckle dusters and pyros being found. He added that he was not overly concerned as the activity was relatively contained and there were no significant injury assaults or threats with weapons.
102. At the end of the operation, he stated that he spoke to the Bronze Media Officer and Supt Nelson and advised that there would be no media release that night and that Supt Nelson would not do a requested radio interview the next morning.
103. The Gold Commander said that he was off the next day but was aware a media release had eventually gone out, he added that he understood there was pressure from the press for comments.
104. He stated that he spoke to Supt Nelson a couple of days later in relation to his Twitter comments and instructed him to remove them.

Operational Plan, Public Order/Public Safety Command Logs and CLIO

105. The Operational Plan details the strategy set by the Gold Commander and reports every aspect of the operation including resources, threat assessments, strategic intention and resourcing.
106. Public Order/Public Safety Command Logs are used to ensure that all decisions are documented during the event in order to provide a clear audit trail. Contemporaneous notes are taken on behalf of the Bronze Commanders who in this case were situated at various locations within Brighton city centre and at the Amex Stadium.
107. CLIO is an electronic incident management system used by police which can be used to plan and subsequently manage any type of event or pre planned operation. The system records

what takes place and provides an auditable record of decisions made and the circumstances as they unfold including the critical decision making of the Command Team. I will make reference to these documents where necessary, within the Conclusion section of this report.

Summary of Evidence Gathering Team (EGT) Footage – dated 28/11/2017

108. As part of the investigation, video footage taken on the night by the EGT team, has been scrutinised.

109. I will refer to the EGT footage within the 'Conclusion' section of this report.

College of Policing, Authorised Professional Practise – Public Order and Policing Football & Use of Force Principles

110. Individual Officers have responsibility for their use of Force. However, it is recognised that commanders must consider the likely use of force which may result from certain tactics.

111. Section 3 of the Criminal Law Act 1967 - A Person may use such force as is reasonable in the circumstances in the prevention of crime or in the affecting or assisting in the lawful arrest of offenders or suspected offenders or persons unlawfully at large.

112. Section 117 of the Police and Criminal Evidence Act 1984 provides the authority for the use of force when executing the powers found in the act.

113. Common Law powers - Common Law recognises that there may be circumstances in which one person may inflict violence on another without committing a crime. It recognises as one of these circumstances the right of a person to protect himself/herself from attack and to act in defence of others and if necessary to inflict violence on another in doing so. If no more force is used than is reasonable to repel the attack such force is not unlawful.

114. Ten key principles governing the use of force by the Police Service:

- (1) Police officers owe a general duty to protect persons and property, to preserve order, to prevent the commission of offences and, where an offence has been committed, to take measures to bring the offender to justice;
- (2) Police officers may, consistent with this duty, use force in the exercise of particular statutory powers, for the prevention of crime or in effecting a lawful arrest. They may also do so in self-defence or the defence of others, to stop or prevent an imminent breach of the peace, and to protect property;
- (3) Police officers shall, as far as possible, apply non-violent methods before resorting to any use of force. They should use force only when other methods have proved ineffective, or when it is honestly and reasonably judged that there is no realistic prospect of achieving the lawful objective identified without force;
- (4) When force is used it shall be exercised with restraint. It shall be the minimum honestly and reasonably judged to be necessary to attain the lawful objective;
- (5) Lethal or potentially lethal force should only be used when absolutely necessary in self-defence, or in the defence of others against the threat of death or serious injury;

- (6) Any decision relating to the use of force which may affect children, or other vulnerable persons, must take into account the implications of such status including, in particular, the potentially greater impact of force on them;
- (7) Police officers should plan and control operations to minimise, to the greatest extent possible, recourse to lethal force, and to provide for the adoption of a consistent approach to the use of force by all officers. Such planning and control will include the provision to officers of a sufficient range of non-lethal equipment and the availability of adequate medical expertise to respond to harm caused by the use of force;
- (8) Individual officers are accountable and responsible for any use of force, and must be able to justify their actions in law;
- (9) In order to promote accountability and best practice all decisions relating to the use of force, and all instances of the use of force, should be reported and recorded either contemporaneously, or as soon as reasonably practicable;
- (10) Any decision relating to the use of force by police officers must have regard to the duty of care owed by the relevant police service to each individual police officer in the discharge of his duties. Deployment of police officers in a public order context where force may be used can carry grave risks to their own safety, and so must be the subject of rigorous control for that reason also.

116. The three core questions for police (as to when force may be used, and to what extent)

- (1) Would the use of force have a lawful objective (e.g. the prevention of injury to others or damage to property, or the effecting of a lawful arrest) and, if so, how immediate and grave is the threat posed?
- (2) Are there any means, short of the use of force, capable of attaining the lawful objective identified?
- (3) Having regard to the nature and gravity of the threat, and the potential for adverse consequences to arise from the use of force (including the risk of escalation and the exposure of others to harm), what is the minimum level of force required to attain the objective identified, and would the use of that level of force be proportionate or excessive?

Conclusion - Complaints subject of special requirements

117. In relation to complaint number 1 (*whilst held in the 'rolling containment', officers were rude and aggressive, using force in an untargeted fashion*).
118. A complaint is subject to special requirements when there is sufficient evidence upon which a reasonable panel properly directed, could find that the conduct of the person under investigation fell below the standard of behaviour expected of them. During this investigation, I have been unable to identify any actions which would constitute conduct attracting the provision of special requirements to any officer. Likewise, other than Mr 'B' who reported being 'aggressively pushed' there have been no other complaints made to Sussex Police

Professional Standards Department reporting officers using excess force and no complaints from anyone reporting they had been inappropriately struck with a baton.

119. I have reviewed the EGT footage available, this shows officers using either a one handed or two handed push away tactic, this is used as a trained and protective measure to allow the officer to regain distance from a subject and to maintain control of the crowd. This generally occurred in areas where people were attempting to breach the escort cordon or were threatening towards the police officers.
120. The police officers were required to preserve the escort cordon to ensure public safety was maintained and to prevent any disorder. Given the numbers present and the nature of the event, it is reasonable to expect that at times this would have required a level of force to be used.
121. Whilst no specific officers or actions were identified, it is accepted that the EGT footage does not show the entirety of the operation and police and public contact; however based on the evidence available, I am unable to substantiate this complaint.

Conclusion - Complaints not subject of special requirements

122. In relation to complaint number 2 (*CPFC fans were marched in a 'rolling containment' to Brighton Railway Station taking an hour and a half, it should have taken no more than 30 minutes suggesting a lack of planning by the match commander*). Supt Nelson covered this complaint point in his account (paragraph 80) where he stated that the pace and arrival times (of the CPFC fans) was governed by the levels of compliance within the groups and communication from British Transport Police regarding their readiness to receive (the fans) and the availability of trains.
123. Supt Nelson's account is corroborated by the public order log of the City Bronze who noted that of the three pre-agreed routes (all of which had been ratified by British Transport Police), one was later abandoned after a large group of BHAFC fans were identified as congregating close by, prompting the decision to switch to one of the alternative pre-agreed routes. This was to avoid taking a large group of CPFC fans closer to the BHAFC fans.
124. Whilst I can appreciate the frustration of the CPFC fans, the action taken by police was to maintain the safety of both groups during their movement to the railway station. Supt Nelson noted that all the fans were escorted to the station without any serious disorder, damage or serious injuries. Based on the evidence available, I am unable to uphold this complaint.
125. In relation to complaint number 3 (*along the route to Brighton Station, the group were repeatedly stopped to ensure more CPFC fans could be forced into the 'rolling containment'*). In relation to this complaint point, Supt Nelson stated that due to the number of police resources available in Brighton city centre at that time, it was deemed more appropriate to protect the CPFC fans as one group as they made their way to the train station. This is corroborated by the public order log of City Bronze "*all 4 PSUs would then escort the combined group to the railway station. This would enable police resources to effectively keep opposing groups apart and facilitate movement to the station*".

126. Whilst frustrating for the CPFC fans, this decision was made to maintain public safety and to prevent disorder. Based on the evidence available, I am unable to uphold this complaint.
127. Regarding complaint number 4 (*because the group were held in a 'rolling containment', they were targeted with verbal and physical abuse from the BHA fans. Pub locations for both sets of fans were known in advance, a pre-arranged route should have been identified with an adequate briefing given to staff to prevent CPFC fans being targeted*). Supt Nelson stated that several route options were agreed with British Transport Police in advance and that the route chosen on the night was deemed to be the safest one possible.
128. Whilst the routes were pre-agreed, they would have been subject to a dynamic risk assessment to ensure they were fit for purpose; information and intelligence received over the course of the event would continue to inform the ongoing threat assessment. Even with previous experience or meticulous planning, it is accepted that it is not always possible to predict and plan for every eventuality.
129. Officers located in Brighton city centre were responsible for reporting information back to the Command Centre in relation to the movements of the groups of fans around the city centre. Supt Nelson moved resources according to the information he was receiving, and this would have been an ever evolving process. It is regrettable that during this period, the complainants felt targeted by BHA fans; however, the purpose of the escort cordon was to ensure their safety.
130. In the EGT footage, there is evidence of both groups of fans singing and shouting abuse at each other. Whilst this sort of behaviour is not condoned, it is always anticipated that there will be a certain amount of verbal chanting and taunting between rival fans. Based on the evidence available, I am unable to uphold this complaint.
131. In relation to complaint number 5 (*when the 'rolling containment' came to a stop this led to fans jostling with officers who responded by drawing, an on occasion using, their batons against whoever was closest. This included strikes to the body*). In relation to the use of batons, the College of Policing (CoP) guidance states that batons must be used by appropriately trained officers in order to protect officers, demonstrate that force is about to be/may be used and to facilitate dispersal and/or arrest. The CoP further adds that '*an individual officer has the right to draw and use their baton in order to protect themselves, colleagues or members of the public*' and that '*the decision to strike is for the individual officer and must be justified by them in each instance*'.
132. Officers were required to maintain the escort cordon to ensure the ongoing safety of the public and to prevent disorder and at times this may have required officers to use a level of force. The primary use of force rests with individual officers who must consider the use of force principles (paragraph 111 to 116). Based on the evidence available, I am unable to uphold this complaint.
133. Regarding complaint number 6 (*it took 30 minutes for CPFC fans to be filtered through to the train*). Although I appreciate the frustration felt by the CPFC fans, there were large groups of people, all requiring trains to Falmer railway station and so the progress of their journey was dependent on the availability of the trains. Therefore based on the evidence available, I am unable to uphold this complaint.

134. In relation to complaint number 7 (*there was a lack of verbal communication with CPFC fans*). Communicating with large crowds presents practical challenges, particularly from elevated crowd noise. The CoP recognises that *'failing to adequately communicate with a crowd can lead to the perception that information is being withheld which may result in raised tensions between the police and the crowd that could ultimately lead to public disorder. Regular communications by a variety of means, even if it is only to deliver messages of no change, can be useful in managing crowd behaviour'*.
135. Supt Nelson stated that the police commanders did all they could to communicate with the crowd; however, he will ensure that there is more consideration into the provision of megaphones and alternative methods of communication, during future policing operations. This complaint is upheld on an organisational basis (see paragraph 186).
136. Regarding complaint number 8 (*on arrival at Falmer Railway Station, CPFC fans were immediately placed in a 'rolling containment', the progress to the Amex Stadium was very slow*). The route from Falmer railway station to the Amex was deemed to be tactically the most appropriate route and one which was also endorsed by BHAFC.
137. There had been numerous reports of disorder including large groups of masked CPFC and BHAFC fans making their way to the stadium. Supt Nelson stated that the use of an escort cordon was to maximise the safety of the CPFC supporters until they reached the South Stand and to minimise the risk of disorder between the opposing groups.
138. Although I can appreciate that the situation was frustrating for the group, the escort cordon was ultimately used to maintain public and officer safety and to prevent disorder. I do not uphold this complaint.
139. In relation to complaint number 9 (*the 'rolling containment' was brought to a stop beside a group of BHAFC fans who proceeded to shout abuse and throw objects at the group*). There had been reports of disorder at the stadium and so the decision was made to maintain the movement of CPFC fans within the escort cordon. There is no evidence to suggest that the cordon was purposely or maliciously brought to a stop close to groups of BHA fans.
140. EGT footage at the stadium showed groups from both football clubs taunting and goading each other. The police continued to utilise cordons to maintain the separation between these groups; however, it is recognised that it was the actions of a small group of people which had significant ramifications for the majority of the CPFC fans within this group. Ultimately the police were successful in maintaining control and avoided any physical clashes between the two groups. Based on the evidence available, I am unable to uphold this complaint since the tactic can be seen to be effective and appropriate.
141. Regarding complaint number 10 (*there was no process for checking match ticket despite there being arrangements in place for ticket holding fans*). The checking of match day tickets and corresponding ID is a matter for the football club in accordance with their ticketing rules and restrictions. Police officers are not involved in the checking of match day tickets, their role is the safety and security of the public, crowd control and protecting property. I am unable to uphold this complaint.

142. In relation to complaint 11 (*officers shouted and pushed CPFC fans who were held in the 'rolling containment'*). I refer to my response in relation to complaint number 1 (paras 118 – 119) which refers to the use of a one handed and two handed push away tactic.
143. The safety of members of the public and police officers and the prevention of disorder were the key objectives in maintaining the escort cordon. There may have been times when officers would have shouted instructions and directions to the crowd, this was deemed to be necessary in order to keep the group together and to maintain their safety. Based on the above evidence, I am unable to substantiate this complaint.
144. Regarding complaint number 12 (*officers used force to prevent CPFC fans from entering the stadium, this included the deployment of police horses. CPFC fans were hit with batons and knocked over*). The Bronze Footprint 2 at the Amex Stadium, recorded in his Command Log that a large group of CPFC 'risk' fans had arrived at Falmer railway station, with a significant group wearing face coverings and masks. As this group drew level with the crowd control barrier, they attacked the barriers and pulled them apart making a concerted effort to enter the ground without showing their ticket or being searched.
145. He also documented that this group then began to assault the stewards, he recorded that it was clear they were intent on violence and had demonstrated this by assaulting staff and when Police and stewards intervened (to prevent the group from entering the ground) they were verbally abusive and violent towards them.
146. The CLIO log noted that a group of CPFC fans had managed to force their way into the ground, this is also corroborated by EGT footage. The Bronze Footprint 2 noted that smoke bombs and thunder flashes were thrown at police and stewards and so he implemented a cordon.
147. The EGT footage showed the mounted police moving their horses into the crowd to block the entrance which had already been breached; this was also recorded in the Bronze Footprint 2 log as "*mounted officers deployed to a wedge/half arrow to focus fans away from the wall and doors of the south stand*".
148. It was after these events that the CLIO log noted that the '*stadium doors are now closed*' and that the CPFC fans would be escorted back to Falmer train station.
149. There is no evidence on the EGT footage which supports the allegation that people were inappropriately struck with batons, I refer to paragraphs 131 and 132.
150. It is unfortunate that fans who were not engaged in disorder became contained within this cordon; however, at that time the situation was frenetic and required the police to gain immediate control to prevent the risk of further more widespread violence. Based on the evidence, I do not uphold this complaint.
151. In relation to complaint number 13 (*CPFC fans held in the containment were denied entry to the stadium despite showing officers their match tickets*). It is regrettable that the fans who were not participating in the disorder were refused entry to the ground. This decision was made by BHFC in consultation with the Police Match Commander. This decision was made after a group of masked CPFC fans forced their way through the entrance, injuring stewards, I am unable to uphold this complaint.

152. Regarding complaint number 14 (*CPFC fans held in the containment were not permitted to leave*). Supt Nelson stated that he had to ensure that there was no reoccurrence of a breach of the peace whilst ensuring a proportionate plan was put in place to keep everyone safe. He added that efforts were made to differentiate between those fans who were not involved in the disorder and allow them to move out of the cordon; this is also recorded in the CLIO log.
153. In his Command Log, the Bronze Commander (Amex - Footprint 2) noted "*due to the demographic of the group we attempted to differentiate and allow some of the fans wishing to leave via roads and park and ride. This was attempted but a concerted surge of fans to push through the police lines meant that we had no option but to re-introduce a full containment*" He added that a plan would be put in place to keep the park and ride fans in a separate group after the main group had been escorted to the train station.
154. As the main objective was to maintain public safety and prevent disorder, and taking into consideration the Bronze Footprint 2 justification to maintain the containment, I do not uphold this complaint.
155. In relation to complaint number 15 (*There were no toilet facilities for the CPFC fans who were held in the containment; one fan was told by a police officer to urinate on a nearby wall*). Supt Nelson stated that he assessed that the containment was unlikely to be sustained for any great length of time and so he did not consider the need for special facilities (to be brought in), therefore I do not uphold this complaint.
156. Regarding complaint number 16 (*communication whilst CPFC fans were being contained was poor. It was around half time (in the match) before they were told they would be taken back to Falmer*). Supt Nelson stated that once BHAFC had denied entry, a proportionate plan had to be agreed and put in place which brought with it new challenges. He considered that the group might try to make its way back into Brighton city centre where the game was being televised, and that this may have caused further conflict. This is documented in the CLIO log which stated '*containment only to be maintained for as long as necessary which in this case is for Silver (Supt Nelson) to agree a plan with BTP Silver.*'
157. It is likely that during this time, officers on the ground would not be aware of what was happening as dynamic decisions were having to be made. I can appreciate the frustration and distress this would have caused; however, at that point the command team were responding to unforeseen events and were completing appropriate risk assessments with other force commanders to ensure the ongoing safety of the public. Complaints 7, 25 and 26 also refer to a lack of communication and I refer to paragraph 134 which details the importance of communication in matters such as these. This complaint is upheld on an organisational basis (see paragraph 186).
158. In relation to complaint number 17 (*that CPFC fans were marched in 'containment' back to Falmer Railway Station taking 30 minutes, despite the short distance*). Supt Nelson stated that the group would have been escorted at a pace suitable to the whole group to keep them safely together and to accommodate all present including slower walkers. I do not uphold this complaint.
159. Regarding complaint number 18 (*CPFC fans were forced onto a train heading to Brighton regardless of whether they intended to leave the area by those means*). At 20:30 hours the CLIO log recorded the following update: '*following consultation with (the) Safety Officer,*

contained group will be escorted using dispersal powers' and 'Silver direction is that dispersal powers will be used to remove from the footprint and exclude return to (the stadium) and / or (Brighton) city centre'. At 20:31 Supt Nelson made a decision to put a Section 35 Dispersal Order in place⁶.

160. At 20:35 the CLIO recorded that the group held outside the South Stand were made up of CPFC fans as well as 'risk' fans and that group would need to be assessed and moved to (Falmer) railway station. The CLIO log recorded *'those assessed as risk will be removed from the ground under Section 35 and escorted to trains. Police spotters will be utilised to identify risk individuals vs non risk fans to support a proportionate use of Section 35 powers'*.
161. I have sought an account from the Football Liaison Officer in relation to the above direction; he stated that from his recollection, it became very difficult to identify the 'risk' fans as opposed to those not involved in disorder, particularly as tensions were now running high amongst the whole group due to the preceding events. I refer you to paragraph 153, which recorded the Bronze Footprint 2 unsuccessful attempt to separate the group. Therefore it appears that in order to facilitate the dispersal, the group was placed onto the first trains to arrive at Falmer railway station. Whilst this decision was well intentioned, the direction from command to identify and remove non-risk supporters was simply not practical under the circumstances and could not be applied which resulted in the group being placed on trains they did not wish to use. Whilst I sympathise with those who were placed on trains they did not wish to take, this was considered the quickest and safest way to disperse the group given the time and resources available. This complaint is not upheld.
162. Regarding complaints number 19 (*CPFC fans were forced onto a Thameslink train heading to Bedford via London. Various fans had other destinations to go to, including Brighton, or they had vehicles to take home*) and complaint number 22 (*CPFC fans were told to board a London bound service, regardless of whether they were staying in Brighton or lived elsewhere*). At 20:35 hours the Section 35 was widened to include Brighton City Centre (the justification of which is detailed in paragraph 67). BTP Silver stated that the Section 35 that had been put in place by Sussex Police, prevented CPFC fans from leaving Brighton railway station and entering the city. He added that BTP facilitated the onward travel of CPFC fans to other rail destinations. As with the previous complaint, Supt Nelson stated that once at Brighton railway station, attempts were made to try to identify the location fans needed to travel to; however, this direction was not successful when applied in Falmer, and also appeared to be unsuccessful in Brighton due to the logistical impracticalities of separating individuals from a large group (see paragraph 161). The actions taken by police were to ensure that the group of CPFC fans could be dispersed quickly and safely. Both these complaints are not upheld.
163. Regarding complaint number 20 (*CPFC fans who had seen the match were made to wait for an hour outside the stadium before moving off to Falmer Railway Station*). Supt Nelson stated that an hour was not considered a long time (in an operation and event of this kind). He added

⁶ A Dispersal Order provides the police with powers to disperse individuals in order to remove or reduce the likelihood of members of the public becoming "harassed, alarmed or distressed" or "the occurrence of crime or disorder" in a particular area. Officers can direct people to leave the area and not return for up to 48 hours.

that arrangements were made to maximise safety and to minimise possible inconvenience. Therefore I do not uphold this complaint.

164. In relation to complaint number 21 (*there was insufficient segregation between the CPFC and BHAFC fans. BHAFC fans were allowed to shout abuse and threats at the waiting CPFC fans who were contained by the police*). Supt Nelson stated that the police priority at the match was to focus on keeping people physically safe. The EGT footage showed both BHA and CPFC fans shouting abuse at each other, including BHAFC fans being dealt with by police for doing so. Supt Nelson added that it would be tactically difficult to separate the fan groups further with the resources and space available. I do not uphold this complaint.
165. Regarding complaint number 23 (*that 20 CPFC fans who persuaded police officers that they needed to wait for the next train (to an alternative location) were subjected to physical and verbal abuse and threats from BHAFC fans*). Supt Nelson stated that specific public transport plans were agreed to keep all the supporters together and as safe as possible.
166. The escort cordon and the decision to keep the CPFC fans together had been made to ensure they had the maximum police resources to maintain public safety and to prevent disorder. Officers who allowed the small group to remain at Falmer station, should have been aware that this would have exposed the group to a significant amount of risk as there were not enough resources present at that time to ensure the groups safety. As these officers have not been identified, I am unable to approach them for accounts in relation to the threat and risk assessments they made in discharging their duty of care towards this small group. This complaint is upheld on an organisational basis (see paragraph 186).
167. In relation to complaint number 24 (*Sussex Police considered in advance that disorder was likely owing to a small number of known risk fans attending the match, intent on violence and anti-social behaviour. Sussex Police failed to manage the risk in a manner which would limit the impact on law abiding fans*). Supt Nelson stated that it was widely recognised by everyone, including the clubs, that the general threat between both supporter groups was high. He added that as a 'derby' match, the risk of spontaneous disorder extended beyond the risk groups and across a wider fan base.
168. Whilst it is possible to plan for known or likely eventualities, public order events are ever evolving. Supt Nelson reacted dynamically, placing his resources where required in response to updates from officers on the ground. This complaint is not upheld.
169. Regarding complaint number 25 (*front line officers did not have any awareness of the policing plan and had no idea what was happening*). Supt Nelson stated that all of the officers were briefed by the Tactical Commander. As with all public order events, those plans are adaptable and flexible; however, it is vital that the police responses are communicated as soon as possible. As stated previously, it is clear that there was an issue with communication during the evening, this complaint is upheld on an organisational basis (see paragraph 186).
170. Regarding complaint number 26 (*police did not use megaphones to communicate with CPFC fans who were contained by police*). Supt Nelson stated that the Command Team did all they could to communicate effectively. However he acknowledged that there would be more consideration into the provision of megaphones during future policing operations. This complaint is upheld on an organisational basis (see paragraph 186).

171. Regarding complaint number 27 (*nothing was done to prevent BHAFC fans committing offences against CPFC fans*). Supt Nelson stated that there were a substantial number of police interventions which prevented any serious assaults or disorder. This is corroborated by the EGT footage which showed a number of BHAFC fans being dealt with by police officers. Supt Nelson added that, as far as he was aware, there were no ambulances required, except for the ones which treated the stewards at the Amex ground. For these reasons this complaint is not upheld.
172. In relation to complaint number 28 (*known or dynamic risk supporters were not taken aside and prevented from travelling to the match through the use of police powers*). Supt Nelson stated that there was no legal power to prevent 'risk' supporters from travelling to the match unless a football banning order was in place. The Football Liaison Officer stated that the definition of 'risk'⁷ is often confused with a person who is subject to a banning order.
173. He added that within the group of CPFC supporters who were escorted up to the stadium and that were not allowed into the ground were individuals that he would describe as 'risk' based on their behaviour at the time, as well as those who are known by CPFC spotters as 'risk'. He stated that there was one BHAFC fan arrested during the day for a breach of a football banning order, but there were no individuals identified who were subject to a football banning order within the escorted group or outside the ground. This complaint is not upheld.
174. Regarding complaints number 29 (*Superintendent Nelson issued a press release on 29/11/2017 which was not a true and accurate reflection of the events. The press release received international attention*) and complaint number 30 (*Superintendent Nelson tweeted from his Sussex Police Twitter account referencing fans with knives and knuckle dusters which was not a true and accurate reflection of events. This received international attention*). In his account, Supt Nelson stated that the contents of the press release were discussed and the only comment from BHAFC was in relation to whether the mention of weapons was necessary. He added that the information (regarding the weapons) was passed to him by a police ground commander (Insp **D**) via a BHAFC employee and that he understood the information to be true and had no reason to believe otherwise.
175. I have reviewed the radio communication between the control centre and Insp **D** and the CLIO log which was updated at 20:11 hours which both record that a steward had seen masked CPFC fans taking weapons into the ground.
176. I am satisfied that Supt Nelson released information which he honestly believed was accurate at the time. Nevertheless, there are some discrepancies in the information released compared to that relayed by Insp **D** and recorded on the CLIO log and that which was ultimately released to the media before it was subject to verification. Likewise the tone of the tweet went beyond the information released by the Sussex Police media team.
177. Sussex Police Social Media Policy states that any genuine mistakes should be rectified as soon as possible and both Sussex Police and Supt Nelson issued apologies.

⁷ 'risk supporter' - a person known or not, who can be regarded as posing a possible risk to public order or antisocial behaviour, whether planned or spontaneous, at or in connection with a football event.

178. In relation to both these complaint points, Supt Nelson will receive management action (detailed in paragraph 185). Inspector 'D' failed to record the details of the person reporting the matters to him and so the information could not be corroborated further. In the recording of the call made by Inspector 'D' he gave no indication that he doubted the reliability of the information that had been passed to him. Inspector 'D' will also receive management action for not adequately recording the source of this information. These complaints are upheld.
179. In relation to complaint number 31 (*Superintendent Nelson would have been aware that the statements he made on Twitter would cause CPFC fans heavy levels of policing and onerous restrictions at subsequent BHAFC matches and nationwide*). Supt Nelson stated that he believed the information to be true at the time. He added that he has always been a strong advocate for reducing the level of hatred between opposing supporter groups and that he would prefer for the threat to reduce so that less police officers are required.
180. To suggest that Supt Nelson had foresight as to the consequences of the release of this information, would suggest that the act was a malicious one. Based on the evidence recorded on the CLIO log, Insp Dias's account and the EGT footage I have viewed, there is no evidence to suggest that this was a malicious act by Supt Nelson. This complaint is not upheld.
181. Regarding complaint number 32 (*Superintendent Nelson knowingly made a false statement and then sought to direct blame rather than admit a mistake*). In response to this complaint Supt Nelson stated that he had every reason to believe that the information he had released was true and when the club denied the existence of the weapons he swiftly issued his own public apology alongside that of Sussex Police.
182. I refer to the conclusions in complaint 31, there is no evidence to suggest that Supt Nelson knowingly made a false statement, this complaint is not upheld.
183. Finally in relation to complaint number 33 (*the source of the information to Superintendent Nelson re CPFC being in possession of knives and knuckle dusters has not been disclosed*). As recorded in Supt Nelson's account, the information was relayed to him by Insp 'D' who will receive Management Action for failing to record the details of the person who reported this information to him. There has been no intention to withhold the source who reported the weapons to Inspector 'D' this complaint is not upheld.

Performance

In your opinion, were the actions of any officer unsatisfactory?

184. Inspector 'D' will receive management action in relation to his failure to record the details of the steward who passed the information regarding the possession of weapons.
185. Supt Nelson will also receive Management Action, (detailed on the covering letter). The purpose of management action is to:
- Deal with misconduct in a timely, proportionate and effective way that will command the confidence of staff, police officers, the police service and the public,

- Identify any underlying causes or welfare considerations,
- Improve conduct and prevent a similar situation arising in the future.

Even if the police officer does not agree to the management action it can still be imposed by their line manager and may include:

- Pointing out how the behaviour fell short of the expectations set out in the Standards of Professional Behaviour,
- Identifying expectations for future conduct,
- Establishing an improvement plan (which is placed on the officer's development record),
- Addressing any underlying causes of misconduct.

Organisational learning recommendations

186. On 12 December 2017 a structured debrief was commissioned by Supt Nelson, involving the key personnel from Sussex Police and BHAFC and covering all aspects of the operation from the planning phase through to the conclusion of the event. The members of this debrief recognised that there were significant areas of learning and improvement in relation to the operation and the ongoing policing of future football matches including:
- Communication (including the lack of loudhailers and the lack of communication with the CPFC fans held outside the South Stand).
 - The movement of all fan groups in Brighton City Centre, in the transport system and once at the Amex Stadium.
 - The planning of future matches, including greater consideration in relation to contingency planning.
 - Changes have also been made to existing protocols with BHAFC regarding media releases.