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Gilmore, J, Jackson, WH and Monk, HL (2017) 'That is not facilitating peaceful protest. That is dismantling the protest': anti-fracking protesters' experiences of dialogue policing and mass arrest. Policing and Society. ISSN 1043-9463

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“That is not facilitating peaceful protest. That is dismantling the protest.”: Anti-fracking protesters’ experiences of dialogue policing and mass arrest

Journal:	<i>Policing & Society</i>
Manuscript ID	GPAS-2017-0002.R1
Manuscript Type:	Original Article
Keywords:	protest, public order policing, dialogue, fracking

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In the wake of the death of Ian Tomlinson at the London G20 protests in 2009, Her Majesty's Inspectorate of the Constabulary (HMIC) proposed a number of reforms aimed at making public order policing strategies more "human-rights compliant". One of the most significant developments has been the introduction of Protest Liaison Officers (PLOs) whose role is to build links between police and protesters through the establishment of dialogue and relationships based on trust. These developments have led to a burgeoning scholarship in public order policing in recent years. Whilst some studies have documented the development of 'dialogue policing' strategies, none have yet captured the complex interplay between these practices and the more overt forms of coercion and control experienced by protesters. In this paper we begin to fill this lacuna. Drawing on unique data on the experiences of anti-fracking protesters - a hard to reach group whose narrative has not been presented in the academic literature to date - we contrast official accounts with the material conditions faced by protesters. Focusing on protesters' experiences of both dialogue policing and mass arrest, we find little evidence of the progressive 'shift' reflected in official public order policing discourses. Rather, we argue that dialogue policing can have a legitimising function, enabling the police to define protest groups as irrational and 'uncooperative' and therefore ripe for violent policing.

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Keywords: protest, public order policing, dialogue, fracking

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Public order policing in the United Kingdom (UK) is undergoing a prolonged period of crisis. The death of Ian Tomlinson, a forty-seven-year-old newspaper vendor, at the London G20 protests in 2009 (IPCC 2012), forced into the public spotlight what protesters had long described as a shift towards an increasingly authoritarian style of policing in Britain (XXX 2010). The use of forceful policing tactics against student protesters during the anti-tuition fee protests of 2010 triggered widespread condemnation (Townsend 2010). Ongoing revelations that undercover police officers have been used to spy on political activists, in some cases forming sexual relationships with women who were deceived as to their true

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3 identities, have triggered a haemorrhaging of public confidence in public order policing
4
5 (Evans and Lewis 2013). The British police's handling of protest has also prompted
6
7 condemnation from the United Nations Special Rapporteur on the Rights to Freedom of
8
9 Assembly and Association, who has made a series of visits to the UK and some scathing
10
11 criticisms of current policy (see, for example, Kiai 2013). As Deborah Glass (2010, p. 160),
12
13 former Deputy Commissioner of the Independent Police Complaints Commission (IPCC)
14
15 acknowledged in 2010, "The British police have taken a bit of a battering ... over their
16
17 handling of public protest".
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21 The official response to the renewed crisis of legitimacy in public order policing has
22
23 been a plethora of official inquiries and reports tasked with investigating the legitimacy of
24
25 existing public order policing methods and the associated mechanisms of police
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27 accountability (HMIC 2009a, 2009b, HCHAC 2009, JCHR 2009). Arguably the most
28
29 significant is a two-part report by Her Majesty's Inspectorate of Constabulary (HMIC),
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31 published in the wake of the London G20 protests (HMIC 2009a, 2009b). One of the report's
32
33 central recommendations is that enhanced dialogue between police and protesters is essential
34
35 in order to ensure a "proportionate" policing response (HMIC 2009a, p. 10). Drawing on an
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37 earlier report by the Joint Committee on Human Rights (JCHR), which had called for a policy
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39 of 'no surprises' in the policing of protest, the Inspectorate concludes that:
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44 Protest will be inherently more difficult to plan and facilitate where there is no
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46 constructive dialogue between the police and protesters. This may result in the use of
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48 police tactics which are more restrictive than would otherwise be the case (HMIC,
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50 2009a: 9).
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3 These recommendations have led to a number of policy reforms aimed at making
4 public order policing strategies more “human-rights compliant” (HMIC 2009b, p. 121). One
5 of the most notable developments is the introduction of Protest Liaison Officers (PLOs)
6 whose role is to build links between police, protest organisers and protesters through the
7 establishment of dialogue and relationships based on trust (College of Policing 2014). The
8 emphasis on ‘dialogue’ is underpinned by an understanding, on behalf of the police, that “if
9 protesters share their intentions with us beforehand, this enables us to put the right measures
10 in place to facilitate a safe environment for groups and provide a proportionate policing
11 presence” (Sussex Police 2013). The introduction of PLOs coincides with what has been
12 identified in a number of recent academic studies as a move towards a more consensual style
13 of protest policing which favours “cooperation and communication between police and
14 protesters” in order to “reduce the likelihood of violence” (Gorringer and Rosie 2008, p. 189).
15 This body of literature departs from what P.A.J. Waddington (1995, p. 1) has described as an
16 “orthodoxy” in public order policing research, which has traditionally focused on its
17 repressive and increasingly militaristic function (Bunyan 1977, Fine and Millar 1985,
18 Jefferson 1990, Scraton 1985). In contrast a growing body of academic literature charts a
19 progressive shift from an approach based on coercion to a more proactive, consent-based
20 approach, which utilises techniques of ‘communication’, ‘dialogue’ and ‘negotiation’
21 (Gorringer and Rosie 2008, King and Waddington 2005, Gorringer *et al.* 2011, Reicher *et al.*
22 2004). These analyses suggest that protest policing is becoming increasingly open and
23 democratic, with the police actively seeking to de-escalate potentially confrontational
24 situations through consensually negotiated solutions. Writing in the context of the United
25 States, McPhail *et al.* (1998) describe this shift as a move from *escalated force* to *negotiated*
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3 *management*. They suggest that the latter is characterised by a greater respect for protesters’
4 human rights, a more tolerant approach to community disruption, an increasingly
5 collaborative approach to protest organisers and a reduced tendency to make arrests and
6 resort to the use of force (see also Noakes *et al.* 2005). Researchers have charted a similar
7 trend across Europe, with public order policing styles becoming increasingly sensitive to the
8 ‘rights’ of protesters (della Porta and Reiter 1998, Waddington 1994).
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16 The formalisation of negotiated management principles in the wake of the London
17 G20 protests has been welcomed by a growing body of academic writers in the area.
18 McSeveny and Waddington (2011), for example, are positive about the use of PLOs. They
19 argue that their deployment by South Yorkshire Police has improved the effectiveness and
20 legitimacy of tactical operations. Gorringe *et al.* (2010, p. 17) are also optimistic about the
21 benefits of improved dialogue between police and protesters, describing the initiatives as
22 “some of the most progressive developments to the policing of public order in the UK since
23 the 1980s”. Protest policing is said to be entering what HMIC (2011) has described as a “new
24 era”, grounded on consent, mutual collaboration and an overarching respect for protesters’
25 human rights. Some studies have, however, noted difficulties in implementing dialogue
26 policing strategies in relation to certain ‘types’ of protesters. Various described as
27 ‘transgressive’ (Stott *et al.*, 2013: 7), ‘anti-systemic’ (Gorringe and Rosie 2008, p. 194), ‘hard
28 core’ and ‘radical’ (Gorringe *et al.* 2012, p. 129), these groups are said to be characterised by
29 an unwillingness to engage with police and involvement in ‘direct action’ forms of protest
30 (Gorringe and Rosie 2013, p.7, Stott *et al.* 2013, p. 224). In such cases, this literature claims
31 that attempts to engage in meaningful dialogue will often fail, leading the police to resort to
32 more forceful methods, including mass arrest, ‘kettling’ and intrusive surveillance. These
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3 findings echo the conclusions made in the HMIC report that a failure to engage with police
4
5 can result in the use of “more restrictive” policing tactics (HMIC, 2009a: 9). Nonetheless
6
7 despite some initial “teething’ problems” (Stott *et al.* 2013, p. 13), dialogue policing is said
8
9 have the potential to “improve mutual understanding and reduce the potential for violence
10
11 between police and protesters” (Gorringe and Rosie 2013, p. 7).
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14 Against the optimism reflected in much recent public order policing scholarship, the
15
16 history of police reform in the UK should give us grounds for caution. As Loftus (2009) has
17
18 observed, changes within operational policing *policy* do not necessarily lead to changes in
19
20 policing *practice*. Dialogue policing draws on a longer tradition of ‘community policing’
21
22 which developed in the context of a crisis of legitimacy in policing in the aftermath of the
23
24 inner-city riots and industrial disputes of the 1980s. The community policing model
25
26 emphasises communication and interpersonal skills over more physically direct aspects of
27
28 law enforcement (Tilley 2003). In response to calls for greater accountability in policing,
29
30 community policing was presented as a key means of improving community relations and
31
32 eventually became a guiding philosophy amongst senior police officers (Reiner 2010).
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34 Writing in 1984, Gordon highlighted the realities of community policing as “a reactive
35
36 attempt at disguised police surveillance and control” (Gordon 1984, p. 56). He argued that
37
38 rather than offering an alternative to unwelcome police practices and strategies, the
39
40 development of community policing reflected a recognition that “open control” in the form of
41
42 overt coercion can be counterproductive. Community policing was thus a technique used to
43
44 engineer consent for an intensification of repressive state practices, rather than a progressive
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46 response to widespread demands for greater public accountability in policing (Gordon 1984,
47
48 p. 141). More recently, Bullock and Johnson’s (2012) research into the impact of the Human
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3 Rights Act 1998 (HRA 1998) on policing suggests that a growing awareness of human rights
4 obligations among police officers does not necessarily translate into more democratic
5 policing practices. Drawing on data gathered from interviews with policing personnel,
6
7 Bullock and Johnson found that although the HRA 1998 has led to a “new framework”
8 through which police officers carry out their work, there is little evidence to suggest it has
9 promoted greater respect for human rights amongst officers. In the words of one of the
10 officers interviewed: “I don’t think anything has changed. It hasn’t made us question the way
11 we operate. I haven’t seen any impact. I can’t think of any obvious difference in what we
12 have done” (Bullock and Johnson 2012, pp. 14-15).
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23 These experiences suggest that recent developments in public order policing warrant
24 careful scrutiny. As Gorringe *et al.* (2012, p. 112) have noted, there has been very little
25 “empirical ‘testing’” of the reforms within operational policing practice. It is essential that
26 this analysis is grounded in the experiences of protesters. As others have suggested, the real
27 test of human rights reforms are not to be found in official declarations, but in the material
28 conditions that people face (Ewing, 2012, Costigan and Tomas 2005). There has to date been
29 no comprehensive study of how protesters have experienced recent developments in public
30 order policing policy. Very little is therefore known about *why* some protesters may be
31 reluctant to engage with police and the ways in which these relationships influence the styles
32 of policing that protesters experience. Whilst some studies have documented the development
33 of dialogue policing strategies (Gorringe *et al.* 2011, 2012; McSeveny and Waddington
34 2011), none have yet captured the complex interplay between these practices and the more
35 overt forms of coercion and control experienced by protesters. In this paper we begin to fill
36 this lacuna. Drawing on an empirical case study of the experiences of anti-fracking protesters,
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3 we test the legitimacy of official claims that there has been a progressive shift in public order
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5 policing practice. Focusing on protesters' experiences of both dialogue policing and mass
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7 arrest, we suggest the dialogue model obscures the highly discretionary nature of public order
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9 policing and the substantial power imbalance between the police and protest groups. We
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11 suggest that rather than being a way of "protecting protesters' ... human rights" (McPhail and
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13 McCarthy 2005, p. 5), dialogue policing can have a *legitimising* function, enabling the police
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15 to define protest groups as irrational and 'uncooperative' and therefore ripe for coercive
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17 policing.
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20 21 22 **Methodology** 23

24
25 This paper draws on data gathered from an ethnographic case-study of the policing of the
26
27 Barton Moss Community Protection Camp (BMCCPC) – an anti-fracking protest that took
28
29 place in Salford, Greater Manchester between November 2013 and April 2014. One or more
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31 of the authors visited the camp on fifteen separate occasions to observe the protest and
32
33 interact with protesters at the site. Interviews focusing on protesters' experiences of policing
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35 were conducted with twenty-eight protesters, with each interview lasting between forty-five
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37 minutes and two hours.
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41 Existing public order policing scholarship has tended to limit the focus of analysis to
42
43 isolated protest events (e.g. McSeveny and Waddington 2011, Gorringer *et al.* 2010, 2012).
44
45 Our case study in contrast adopts a more holistic and longitudinal approach, examining how
46
47 the protests developed from the planning stages in 2013 through to the conclusion of the
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49 criminal proceedings arising from the protests in 2016. This included monitoring the criminal
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51 justice response to the protests, observing over twenty hours of video footage collated by
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3 activists at the site, attending court hearings and defence campaign meetings and analysing
4
5 legal case files. Additional data was gathered via requests under the Freedom of Information
6
7 Act 2000 (FOIA 2000) to several public bodies including Greater Manchester Police (GMP),
8
9 the IPCC and the Crown Prosecution Service (CPS). This data was triangulated with other
10
11 publicly available information, including GMP press statements, to ensure a rich and detailed
12
13 analysis.
14

15
16 Whilst the data is limited to a single case study, it has important implications for
17
18 protest policing and directions for future research. The anti-fracking movement has been
19
20 described as the UK's "fastest growing social movement" (Short *et al.* 2015, p. 721) and the
21
22 Network for Police Monitoring (Netpol 2014) has suggested that protest against fracking
23
24 represents "the biggest test of public order policing" over the coming years. The issue is also
25
26 of global significance, with concerns over the policing of anti-fracking protest reported in
27
28 Canada, the US and Australia (Short *et al.* 2015). Yet there is an absence of academic
29
30 research into the policing of anti-fracking protest and the experiences of those involved. Our
31
32 analysis is situated within a contextual framework that assumes that the experiences of those
33
34 at the camp – those who were being policed at Barton Moss – are central to unlocking what
35
36 happened during the protest. In contrast to much recent public order policing scholarship, we
37
38 did not interview police officers as part of our research methodology. Our independence from
39
40 police was essential in order for us to gain access to research participants and unlock
41
42 experiences that have been absent from the academic literature to date. This was particularly
43
44 important for those protesters who had some of the most negative experiences of policing,
45
46 including women who reported the use of sexualised violence by officers at the site (XXX *et*
47
48 *al.* 2016). Our unique access to camp residents and supporters has enabled us to move beyond
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3 official protest policing discourses and present a *view from below* (Jefferson 1987),
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5 grounding our analysis in the experiences of the policed.
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8 9 **The Barton Moss Community Protection Camp**

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11 ‘Fracking’, or hydraulic fracturing, is the process of extracting shale gas from solid rock
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13 hundreds of metres to kilometres below the surface, by pumping water, sand and chemicals at
14
15 high pressure into the rock. Technological advances in the last twenty-five years, driven by
16
17 the merger of hydraulic fracturing and horizontal drilling techniques, have enabled the
18
19 exploitation of previously inaccessible shale gas reserves. In the UK, significant shale
20
21 deposits have been identified, and exploratory drilling to explore their potential has been
22
23 actively encouraged by UK governments since 2007 (Short *et al.* 2015). Whilst a number of
24
25 governments across Europe, including New Labour, Coalition and current Conservative
26
27 governments in the UK, have embraced fracking, the development of new techniques for
28
29 drilling have been controversial from the outset. Communities and environmental groups
30
31 around the world have raised concerns about the immediate impact on local environments,
32
33 including land, air and water pollution as well as the broader issue of maintaining a reliance
34
35 on carbon intensive fossil fuels in the face of global climate change (Gross 2013). The first
36
37 major protests against fracking in the UK came in the summer of 2013 at Balcombe, Sussex,
38
39 where a coalition of local and national environmental campaigners established a protest camp
40
41 at the exploratory drilling site run by energy company Cuadrilla (Netpol 2014).
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47 On the 17th June 2010, Salford Council voted to allow exploratory drilling for coal
48
49 bed methane on Green Belt land at Barton Moss, Salford, despite local objections and
50
51 concerns. With news that energy company IGas Energy would begin exploratory drilling at
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53

1
2
3 Barton Moss in mid-November 2013, concerned residents from the local area, and some from
4
5 further afield, began to set up camp at the site. On Wednesday 27 November 2013, with the
6
7 Barton Moss camp part established, the first anti-fracking protest took place in the form of a
8
9 community blockade that sought to prevent lorries entering the site. Over the period of
10
11 protest, between November 2013 and April 2014, the camp gathered momentum and
12
13 established itself as a community-led protection camp, sustained by local support and
14
15 donations. The BMCPC was established as, and remained, a non-hierarchical unit with no
16
17 formal leader or centre. It was built around a group of individuals with shared concerns who
18
19 were free to act autonomously. Those involved adopted several protest techniques, including
20
21 the use of 'lock-ons' and blockades¹, but relied most heavily on 'slow walking' in front of
22
23 IGas convoys in order to delay the drilling operation and to provide a visible and constant
24
25 opposition to fracking in Salford. These slow walk protests took place twice daily, as the
26
27 IGas lorries arrived and left the site, for four days per week, for the duration of the drilling
28
29 operation.
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34 The policing operation at Barton Moss, conducted by GMP, was codenamed
35
36 Operation Geraldton. It was planned prior to the start of drilling by IGas at the end of
37
38 November 2013. In light of the protests at Balcombe in the summer of 2013, GMP had
39
40 anticipated that there would be protests at Barton Moss as this site was identified as the next
41
42 location in the UK for exploratory drilling. Operation Geraldton was a major policing
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48 1 'Lock-ons' and blockades are techniques used by protesters to make it difficult to remove them
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50 from their place of protest. Blockades tend to involve protesters linking arms and legs in a line
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52 or circle, whereas 'lock-ons' often involve the use of equipment such as bicycle locks, padlocks
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54 and chains.
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3 operation that lasted for more than six months, cost in excess of £1.7 million and resulted in
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5 231 arrests (XXX *et al.* 2016).
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8 9 **The velvet glove: Liaison and dialogue**

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11 The policing response to the BMCPC provides a useful case study of the dialogue approach
12
13 in practice. GMP prides itself on being a centre of excellence for the management of public
14
15 disorder and has been at the forefront of the pilot training programme for PLOs (XXX *et al.*
16
17 2016). In the public statements made during Operation Geraldton, Chief Constable Peter
18
19 Fahy and other GMP spokespeople sought to make clear that they understood that the right to
20
21 protest is a basic human right. The policing operation was presented by GMP as a balancing
22
23 act with the police finding themselves “stuck in the middle”, whereby they were required to
24
25 respect the protesters’ right to protest and IGas’ right to conduct the exploratory drilling for
26
27 which it had been granted a licence:
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34 We have to be there to ensure the protest is peaceful and to balance the rights of the
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36 protesters and those wanting to carry out drilling on the site which are both lawful
37
38 activities (Fahy 2014).
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41 For the duration of the Barton Moss protest, PLOs were a regular presence at the
42
43 camp and were central to the attempts to establish dialogue between police and protesters.
44
45 This dialogue, however, was not effectively established. For the duration of the camp,
46
47 officers and protesters were not able to establish either meaningful communication or points
48
49 of agreement about the management of daily marches. For GMP, this lack of dialogue was a
50
51 result of an unwillingness on the part of protesters to elect an official spokesperson and a
52
53 more general unwillingness to engage with the police. In evidence to the Police and Crime
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3 Commissioner for Greater Manchester, GMP suggested that dialogue had been attempted by
4 officers at Barton Moss but “some protesters acted in a cynical way and had no real desire to
5 negotiate with police” (PCC Panel 2014, p. 17).
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8
9 GMP’s portrayal of the Barton Moss protesters closely resembles Stott *et al.*’s (2013,
10 p. 7) definition of a ‘transgressive protest’: one that does not have “explicit hierarchies of
11 leadership, formal membership, or organization” and is “naturally reticent to communicate
12 with police about their intentions”. However, the experiences of the Barton Moss protesters
13 suggest that this terminology is problematic and overlooks the significant power imbalance
14 between the police and protest groups. In contrast we identify three factors underpinning the
15 apparent breakdown in communication between police and protesters at the BMCP. First,
16 there was a widespread perception among protesters that GMP were not a neutral force in the
17 ongoing conflict between the protesters and the fracking company. This perception stemmed
18 partly from the way in which the policing operation was conducted by GMP. The planning
19 for Operation Geraldton involved the production of a Memorandum of Understanding
20 (MOU) signed by GMP and other related parties, in advance of IGas beginning the drilling
21 operation (GMP 2013). Alongside GMP, the parties who were signatories to the MOU
22 included Greater Manchester Fire and Rescue, the North West Ambulance Service, and
23 Salford City Council. In addition, the landowners Peel Holdings/Estates and the energy
24 company, IGas, were included in this “expression of common interest”. Formally, the
25 purpose of the MOU was to
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49 articulate the basis and general principles for ongoing cooperation, and coordination
50 between the Parties in order to promote and contribute to the realisation of their mutual
51 interests in relation to the delivery of the Gold Strategy (GMP 2013, p. 3).
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3 The MOU demonstrates that IGas had insider access to Gold and Silver senior police
4 command meetings, daily briefings or video conferences with GMP's Silver Commander and
5 shared police and local council information and intelligence. No similar invitation was
6 extended to protesters. For many protesters, the close relationship between GMP and the
7 fracking company brought into question the idea that the police sought to 'balance' the rights
8 of protesters and IGas impartially, as the following quotation illustrates:
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17 The police communicated effectively with the council. The police communicated
18 effectively with the bosses in IGas. To a certain degree, they communicated with the
19 community, but lied to them. The group that were completely shut out of communication
20 with the local constabulary was the protectors [protesters], and they were the ones who
21 were on the ground. So every single day, when meetings were being held – that we knew
22 were being held – we were completely excluded.
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26 (Alison, protester).
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29 As Jamie explains, this translated into a reluctance to engage with PLOs:
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32 we don't see any point in liaising with them because we know that they do not have our
33 interest as a priority. Their priority is to serve IGas' interests or whatever the
34 Government tells them.
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39 Second, GMP's claims that protesters had 'no real desire' to negotiate with police is
40 contestable. One of the key local campaign groups, Frack Free Greater Manchester,
41 reportedly tried to play a liaison role at Barton Moss but GMP refused to meet with them
42 (Gilmore *et al.* 2016). Moreover, interviewees cited several examples whereby attempts had
43 been made to negotiate with police officers, but 'deals' had ultimately been broken. As Lee
44 noted:
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3 a Chief Inspector Del Boy came down here for a chat on a quiet Wednesday, and he
4 basically wanted to make a deal with us. We did actually deal with him ... he came down
5 here and we bargained and he said, "Okay, 90 minutes, no arrests, no violence," and
6 we'll still have our protest – 90 minutes. And the following day was that day when the
7 pregnant lady got arrested, and [Mike] was sprung into a bush ... And that was in less
8 than 90 minutes. So they broke their deal with us; they made a verbal contract with us
9 that a peaceful protest would be facilitated of 90 minutes, and then they go and snatch a
10 pregnant lady and throw a disabled man in a bush.
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16 In this example, attempts were made to enter into negotiations but the response of police
17 suggested to protesters that a commitment to meaningful dialogue was not reciprocated.
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19 Experiences like this further exacerbated the lack of trust between protesters and police, as
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21 Lee explains below:
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26 They say they're going to do one thing and then they do another. They've done that
27 throughout now, we know they can't be trusted on anything they say.
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31 In most cases, protesters' reluctance to engage with PLOs did not stem from a pre-
32 existing distrust or blanket unwillingness to engage with police officers, but from their
33 concrete interactions with PLOs at the site. Michael, a public sector worker, was clear that he
34 was 'not anti police' and works closely with police officers as part of his day-to-day
35 employment. His interactions with the PLOs ('blue bibs') at Barton Moss, however, left him
36 feeling frustrated:
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45 We didn't have a lot of engagement but when they did, you were just banging your head
46 against a wall because if you reported anything to the blue bibs that you saw malpractice
47 by other police officers, they either never saw it, or they didn't feel they could deal with it
48 so you'd just think, "Well if you're there to liaise between us and the other police, then
49 you're not really doing your job."
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3 These interactions led protesters to question the official characterisation of PLOs as a
4
5 mechanism to help the police to ‘facilitate’ peaceful protest. Many protesters viewed PLOs as
6
7 having a purely symbolic role, which did not influence the scale and intensity of the policing
8
9 operation. Concerns ranged from a perception of PLOs as a futile tokenistic gesture, through
10
11 to distrust and suspicion as to their overall function:
12

13
14
15 They [PLOs] seem to mingle amongst protesters and try and be slightly like the ‘good
16
17 cop’, try and be friendly. But then when it kicks off they disappear and they’re not there.
18
19 So I don’t really see the point of them, other than maybe to try and slightly change
20
21 people’s perceptions of the police.
22
23 (Sally, protester).

24
25 Third, there was a widespread perception among protesters that the function of PLOs
26
27 was predominantly to gather intelligence, rather than establish meaningful dialogue and
28
29 negotiation. The following quotation captures these concerns:
30

31
32 The only other role they are doing is information gathering. Recently, because the camp
33
34 is obviously running down now, their questions are, “So what are you doing after this?
35
36 Are you going to another camp or are you staying local, or are you getting a job or going
37
38 home?” So, it’s just trying to find out our next steps really.
39
40 (Sam, protester).

41
42 This perception of PLOs as intelligence gatherers is not unique to Barton Moss (see, for
43
44 example, Gorringe *et al.* 2011) and the way in which PLOs have been utilised by other forces
45
46 suggests these concerns may be well founded. Documents released following a FOIA 2000
47
48 request to Sussex Police suggest that during the Balcombe anti-fracking protests, PLOs
49
50 played “a pivotal role in the operation” by “interacting with the protest organisers” and as a
51
52 result, provided intelligence on the escalation of the protest (Netpol 2014). As the Network
53

1
2
3 for Police Monitoring (Netpol, 2014) have noted the report is critical of the way that
4
5 this “was not utilised in an effective a manner as possible” and complains that it was unclear
6
7 how PLOs fed back intelligence to their senior officers. Moreover, the Standard Operating
8
9 Procedure for the Operational Deployment of Protester Liaison Teams (PLT’s) in the
10
11 Metropolitan Police Service (MPS) explains that:
12

13
14
15 Recent experience does tell us that PLT’s do gather accurate intelligence in the normal
16
17 course of their duties. This is mainly because, pre and post event they are engaging with
18
19 protest groups and do elicit information in the course of these duties which could be
20
21 regarded as intelligence ... Similarly, on the day of the event, the PLT's are likely to be
22
23 working inside or around the group in question and, as a result, are likely to generate
24
25 high-quality intelligence from the discussions they are having with group members
26
27 (MPS 2013, p. 5).

28
29 The ‘cynicism’ towards PLOs described by GMP should thus be understood in the
30
31 context of the seemingly close relationship between the police and the fracking company, a
32
33 failure to consult with protest groups in the planning stages, protesters’ experiences of failed
34
35 attempts to negotiate with officers and a perception of PLOs as intelligence gatherers. Our
36
37 analysis draws into question the observation by Stott *et al.* (2013, p. 225) that “in the UK, the
38
39 police invariably start their planning from a position of negotiated management”. Whilst
40
41 there was a rhetorical recognition of rights to free speech and peaceful assembly by GMP,
42
43 this was not reflected in the experiences of those attempting to assert these rights. It is also
44
45 questionable how voluntary these apparently consensual encounters really were in practice,
46
47 given the imbalance of power between PLOs and protesters. Indeed, for many interviewees,
48
49 the regular presence of PLOs at the camp was an unsettling and at times violating experience:
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1
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3 The protest liaison will pretend to be your friend, they use first-name terms, they pretend
4 to be familiar with you. And they're getting paid to do all of this, all the while they just
5 want to exploit vulnerable people that maybe it's their first time of protest, and they
6 don't know how to protect their own privacy, their own security. And they just
7 completely exploit that. Some would say they're worse than the Level One Public Order
8 officers because, with a Level One Public Order officer, you know where you stand, and
9 you simply don't give a lot.

10
11
12
13 (Jack, protester).

14 15 16 17 **The iron fist: Mass arrest**

18
19 Despite GMP's commitment to 'dialogue' and 'facilitation', Operation Geraldton consisted
20 of two distinct and apparently irreconcilable styles of policing. One the one hand, the
21 deployment of PLOs portrayed the more consensual style of public order policing located in
22 official public order policing discourses. At the same time, protesters experienced the more
23 familiar coercive styles of public order policing which damaged police legitimacy in the
24 aftermath of the G20 protests. The strategy cited most frequently by protesters as
25 undermining GMP's commitment to human rights compliant policing was the mass arrest of
26 protesters at the site. If PLOs were the 'velvet glove', mass arrest was the 'iron fist' of
27 Operation Geraldton. In the second part of this paper we consider how the strategy of mass
28 arrest was experienced by protesters, and the relationship between mass arrest and the more
29 'consensual' styles of policing adopted by GMP.
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45 ***Police violence***

46
47 The strategy of mass arrest was a core component of Operation Geraldton. By the conclusion
48 of the protest in April 2014, GMP had made 231 arrests for one or more of nineteen different
49 offences (GMP 2015). The majority of arrests occurred during the policing of the daily 'slow
50
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52
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1
2
3 walks' - the principle disruptive activity taken by protesters to delay the convoy of trucks
4
5 arriving at the site of the exploratory drilling. A frequent complaint from protesters was that
6
7 the scale of arrest and the level of force used to make arrests was disproportionate to the
8
9 peaceful nature of the action taken. Several interviewees cited the policing at Barton Moss as
10
11 the most brutal that they had witnessed. Tom, who was arrested three times during the Barton
12
13 Moss protests, described what happened during one of his arrests for wilful obstruction of the
14
15 public highway – a non-imprisonable, summary offence for which he was later acquitted. His
16
17 experiences were typical of many of those arrested at the site:
18
19

20
21 He jumps on me from behind, immediately followed by, I guess, two or three other
22
23 officers ... one officer had each of my arms, and I was quite forcibly thrown into the
24
25 fence face-first. And just quickly as I hit the fence, I had to turn my head to avoid injury.
26
27 It was a real force; it was just totally over the top. As if I was a rioting individual. You
28
29 know, it was completely out of the context of the situation.
30

31 The focal point for many of the complaints was the force's specialist public order
32
33 unit, the Tactical Aid Unit (TAU), which was used with increased frequency as the protest
34
35 developed. From the perspective of many protesters, the regular use of heavily equipped
36
37 TAU officers undermined claims by GMP that the policing operation was concerned with
38
39 dialogue and facilitation. Several interviewees described the stark contrast between the jovial
40
41 approach of the PLOs and the aggressive treatment that protesters received from their
42
43 colleagues in the TAU:
44
45

46
47 But the TAU, the worst they do ... they'll pin you to the ground, they'll punch you in the
48
49 stomach, they'll punch you in the head ... there's a massive, massive difference between
50
51 the two styles of policing.

52 (Jamie, protester)
53
54

1
2
3 In response to concerns about the intensity of the policing operation, GMP described the
4
5 policing response as “proportionate” to the “emerging threat” posed by the camp (GMP
6
7 2014). In doing so there was an attempt to impose meaning on the motivations of those
8
9 protesting at the site. According to a GMP press release:
10

11
12 [t]he majority of people who are arriving at the site are not there to protest against
13
14 fracking but are there to disrupt and intimidate the local community and to antagonise
15
16 police. We have seen offences of assaults, damage, harassment of residents and workers,
17
18 a flare fired at the police helicopter and threats to kill.
19
20 (GMP 2014).
21

22 This portrayal of the protest as violent, and thus the policing response as proportionate, is
23
24 contestable. Figures obtained under the FOIA 2000 indicate that 98 per cent of the 231 arrests
25
26 under Operation Geraldton were for non-violent offences (GMP 2015).² As indicated on
27
28 *Figure 1*, the largest category of arrests was for Obstruction of a Public Highway (77 arrests,
29
30 33 per cent of total arrests). This was followed by Aggravated Trespass (68 arrests, 30 per
31
32 cent of total arrests) and Breach of Conditions of Bail³ (31 arrests, 13 per cent of overall
33
34 arrests). The stark contrast between the ‘peacefulness’ of the protest and the aggressive
35
36 response from GMP had an increasingly destructive impact on the relationship between the
37
38 police and protesters, as the following quotation illustrates:
39
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41
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44

45 2 The offences in this category are: common assault (1 arrest), assaulting a police officer (2 arrests)
46
47 and threats to kill (2 arrests).

48 3 Breach of Conditions of Bail is not a criminal offence, but Section 7(3) of the Bail Act 1973 confers
49
50 power upon a police officer to arrest a person if he has reasonable grounds for believing that that
51
52 person is likely to break any of the conditions of his bail or has reasonable grounds for
53
54 suspecting that that person has broken any of those conditions.

1
2
3 why do you have to bring in the special other force to deal with what is essentially
4 peaceful people – a lot of them elderly and children, people various ages and
5 backgrounds, none of us violent, you know. There's not been a single act of violence to
6 another person committed on this camp so it's a completely unjustifiable.
7
8

9 (Maria, protester)
10

11 [Figure 1 near here]
12

13 *Pre-emptive arrest* 14

15
16 A second complaint from protesters was that decisions about who to arrest appeared to be
17 pre-planned and pre-emptive, rather than a genuine response to law breaking at the site. In
18 keeping with this objective, targeted arrests were initially focussed on those members of the
19 camp who were perceived by police not to be 'local'. This action was considered by several
20 protesters to be part of a narrative GMP wished to construct about the lack of local
21 involvement in the camp, as the following quotation illustrates:
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31
32 what they wanted to try and portray in the media was that we travelled here because we
33 are what they consider to be professional activists. So we were targeted, not from round
34 here, we were targeted virtually straightaway ... which is funny really, because I've met
35 people who have been against the system for 40 years but I wouldn't consider them to be
36 professional activists.
37
38

39 (Jack, protester).
40
41

42 The perception of arrest as pre-emptive rather than reactive was reinforced by the apparently
43 inconsistent ways in which powers of arrest were exercised at the site. During the first two
44 months of the protests, most arrests in connection with stopping or slowing the trucks through
45 the daily slow walks were for wilful obstruction of the public highway (Highways Act 1980,
46 s. 137). GMP issued protesters with flyers informing them that Barton Moss Road was a
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49
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1
2
3 'highway' as it was 'a public right of way'. Following a ruling by Manchester and Salford
4 Magistrates' Court that the land in question was a public footpath, rather than a highway,
5 officers began to make arrests for the alternative offence of Aggravated Trespass (Criminal
6 Justice and Public Order Act 1994, s. 68). This shift from one arrest power to another in the
7 absence of a significant change in protesters' behaviour fuelled speculation that arrest under
8 Operation Geraldton was part of a broader mission to gather intelligence and disrupt and
9 undermine the campaign:
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18
19 They're arresting lots of people for aggravated trespass, but at the same time if they're
20 arresting one they should arrest everyone ... they specifically target people, so they
21 actually do have a list of people they specifically want.
22
23

24 (Lee, protester).
25
26

27 Experiences elsewhere would suggest that these concerns may be well founded. Following
28 the controversial arrest of 138 'UK Uncut' anti-austerity protesters outside the Fortnum and
29 Mason luxury goods store in March 2011, Lynn Owers, Assistant Commissioner to the
30 Metropolitan Police, told the House of Commons Home Affairs Committee:
31
32
33
34
35
36

37 the fact that we arrested as many people as we did is so important to us because that
38 obviously gives us some really important intelligence opportunities ... We do need to
39 improve the intelligence picture, but our ability to arrest over 200 people at the weekend
40 gives us a very good starting point in terms of building that picture (HCHAC 2011, Q12).
41
42
43

44 The use of mass arrest in this context has corresponded with a significant expansion
45 of intelligence gathering at protest sites, including the creation of a highly secretive national
46 police database which holds information on individuals associated with 'domestic
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1
2
3 extremism'.⁴ Although it is not possible to assess the extent to which arrest decisions at under
4
5 Operation Geraldton were influenced by data included on the database, several of those
6
7 arrested at Barton Moss recalled that police officers identified them by name prior to arrest:
8
9

10
11 the last week they keep on calling me by my name ... a lot of the officers will, when
12
13 you're walking in front, directly in front of them, they'll start saying that you're pushing
14
15 back on them and you're a couple of inches away or something like that ... some days,
16
17 you feel like they want to arrest you so they're making out reasons to.

18
19 (Vicky, protester).

20
21 For many interviewees, officers with apparently different roles at the BMCPD worked to the
22
23 same ends and were essentially indistinguishable in terms of their overall function. Several
24
25 protesters described how PLOs and TAU officers appeared to work together to arrest those
26
27 involved in the daily marches, as illustrated by Remy's experience described below:
28

29
30 I was marked for it [arrest] this morning. It was very, very obvious that there was a
31
32 collusion between the police on the line, the TAU and the liaison officers that I was
33
34 going to be snatched ... suddenly from nowhere, walking at a steady pace, not doing any
35
36 obstruction, suddenly it became 'don't push back on me' ... at the exact same time a
37
38 liaison officer, who wasn't close enough to be hearing that, came through the crowd with
39
40 his earpiece and went 'we are gonna have to tell you now that if you push back again
41
42 you're going to be arrested'. And it was very, very obvious that I had been marked for it.

43
44 (Remy, protester).

45
46 Remy's experiences mirror many of those arrested at the BMCPD. From Remy's perspective,
47
48 there was nothing that he could have done in this situation to avoid arrest; he had been
49

50
51 _____
52 4 The formal title is the National Special Branch Intelligence System (see *Catt v Commissioner of*
53 *Police for the Metropolis* [2015] UKSC 9, para 20, per Lord Sumption).

1
2
3 'marked for it' despite causing no obstruction to the officer in question. Like the majority of
4
5 those arrested under Operation Geraldton, the charges against Remy were eventually
6
7 dismissed. The pivotal role played by PLOs in what were eventually found to have been
8
9 unlawful arrests raises important questions about their overall function. This point is explored
10
11 further below.

12 13 14 15 ***Summary punishment***

16
17 Despite a rhetorical commitment to 'dialogue' and 'facilitation' from GMP, from the
18
19 perspective of many of our interviewees the central aim of the policing operation was to
20
21 disrupt protesters' attempts to protest peacefully against the activities of the energy company.
22
23 Our analysis of the criminal justice response to the protest reinforces some of these concerns.
24
25 The majority of arrestees were presented with a uniform list of pre-charge bail conditions⁵
26
27 which prohibited their return to the protest site. Anyone returning to the camp following
28
29 release from custody would risk further arrest. When challenged in the Magistrates' Court,
30
31 bail conditions were repeatedly found to be disproportionate and protesters were granted
32
33 unconditional bail. Despite obvious concerns about their legality, restrictive bail conditions
34
35 continued to be imposed by GMP. In some cases, attempts to challenge the legality of bail
36
37 conditions were met with resistance by the police, as Vicky describes below:
38
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46
47 5 Amendments to the Police and Criminal Evidence Act 1984 (PACE 1984) under the Criminal

48
49 Justice Act 2003 extended police bail powers to allow officers to attach conditions of bail prior
50
51 to any decision to prosecute. These highly discretionary powers require that the officer regards
52
53 the conditions as being 'necessary' to ensure, for example, that the person in question does not
54
55 commit an offence while on bail (PACE 1984, s.47).

1
2
3 when they give you your bail conditions you're supposed to be able to say, "No,"
4 and then stay in overnight and go to court, but they were refusing people to do that ...
5 First arrest I kept saying, "Can I talk to the solicitors?" and they kept saying, "Yes, we'll
6 ring later," and they tried to bail me out the station before I talked to them and I refused.
7 I said, "No, I want to talk a solicitor before I leave," and they were just, like, "Oh, well,
8 if they don't answer now then you'll have to go."
9
10
11

12
13 Whilst bail conditions were removed within a matter of weeks, the criminal cases took much
14 longer to conclude. Of the 231 arrests, 226 led to charges relating to 115 individuals (GMP
15 2015). *Figure 2* illustrates the 'conviction rate' – the number of people convicted relative to
16 the number charged with offences – within the criminal justice system as a whole and under
17 Operation Geraldton. The conviction rate within the criminal justice system as a whole is
18 eighty-three per cent. For public order offences this rises to ninety-six per cent (Ministry of
19 Justice 2015). According to the data available to us⁶, the Barton Moss cases had a conviction
20 rate of just thirty per cent. That is, of the 115 prosecuted protesters, only thirty-five were
21 convicted of offences.
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35 Given the low conviction rates, arrest under Operation Geraldton did not appear to have been
36 carried out with a view to securing convictions. Rather, mass arrest and blanket bail in effect
37 served to create a *protest exclusion zone* around the fracking site – an action that would
38 otherwise have no basis in law and would be a clear violation of the protesters' rights to
39 freedom of assembly. Anna's experiences illustrate how these exclusionary processes
40 operated in practice. Anna was arrested for wilful obstruction of the highway and obstructing
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42
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51 ⁶ These figures were collated from media reports, court observations and liaison with defence
52 solicitors.
53

1
2
3 a police officer. She described her arrest as ‘quite standard’. During a slow walk, she was
4
5 pulled from the line by a police officer, fell to the ground and hit her head on the floor. Anna
6
7 recalled that at the time of her arrest she was ‘doing nothing wrong ... just walking slowly’.
8
9 She was taken into custody at the police station where she was detained for around seven
10
11 hours. On her release, Anna was handed a letter instructing her to attend at the Magistrates’
12
13 Court in two weeks’ time and a ‘standard’ list of bail conditions that prohibited her from
14
15 returning to the protest site. The conditions were removed by the Magistrates’ Court at the
16
17 subsequent hearing. Five months after Anna’s initial arrest, the day before she was due to
18
19 stand trial, the charges against her were dismissed. For Anna, her experience of arrest
20
21 reinforced her suspicions as to the ‘real reasons’ behind the mass arrest strategy:
22
23

24
25
26 for us, we truly believed that the reason people were being arrested was simply to give
27
28 them bail conditions excluding them from that area.

29
30 (Anna, protester)

31
32 [Figure 2 near here]
33
34
35

36 The experiences of the Barton Moss protesters are a stark illustration of Choongh’s
37
38 (1998) distinction between “criminal cases”, where arrest and detention are used to invoke
39
40 criminal justice sanctions, and “police cases”, where they are used to maintain police
41
42 authority and reproduce social control (see also Hillyard and Gordon 1999). Our analysis
43
44 suggests that mass arrest at the BMPC operated as a form of ‘summary punishment’ (Young
45
46 2008), used to clear protesters from the site, gather intelligence on those taking part and
47
48 legitimise the intensity of the policing operation. Following an often violent arrest, those
49
50 pursued under Operation Geraldton were photographed, had their fingerprints and DNA
51
52

1
2
3 taken, were held in police cells for long periods of time and were subject to bail conditions
4
5 which severely restricted their freedom of assembly. The time taken for cases to conclude, in
6
7 some cases over two years after the initial arrest, has had a damaging impact on those
8
9 affected. Several protesters reported problems with physical and mental health, financial
10
11 instability and strained relationships with friends and family as a result of the criminal
12
13 proceedings. The harmful experience of arrest went beyond those arrested. Protesters
14
15 described the mass arrest strategy as having a brutalising and destabilising effect on the camp
16
17 as a whole. Maria, who took part in the protests but was not herself arrested, made the
18
19 following observations:
20
21

22
23
24 Emotionally it is damaging over a long time. I have been here for four months. It is very
25
26 hard, and the stress levels and anxiety levels in general I've noticed in myself are higher
27
28 than normal, just being here, because of constant, constant violence, intimidation. You
29
30 never know what's going to be tomorrow, you never know how the police are going to
31
32 be, which of your friends are going to get arrested, who's going to get beaten up or hurt
33
34 next; will it be you, will it be someone you care about?

35
36 Stephanie, another camp resident, suggested that the strategy of mass arrest had an impact
37
38 beyond those at the camp:
39

40
41 They try to instil fear into people. Because another of what that causes, if anybody wants
42
43 to come down, they'll be like, "Oh, better not, I might get arrested, I might get
44
45 assaulted". And that's another way that they can stop people coming and actually using
46
47 the right to protest peacefully. And it's basically, they're just riding roughshod all over
48
49 that.
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Conclusion

The dialogue model assumes that protest policing is becoming increasingly open and democratic, with the police actively seeking to de-escalate potentially confrontational situations through consensually negotiated solutions. In the context of a crisis of legitimacy in public order policing, dialogue policing has emerged as a progressive alternative to the coercive and undemocratic policing practices of the past. In this paper we have suggested that this characterisation obscures the highly discretionary nature of public order policing and the substantial power imbalance between the police and protest groups. The Barton Moss protesters experienced both the 'velvet glove' and 'iron fist' of public order policing. Consensual (dialogue) and coercive (mass arrest) policing were mutually reinforcing strategies which, from the perspective of many of our interviewees, were essentially indistinguishable in their overall function. Michael, who was arrested and later acquitted of aggravated trespass at Barton Moss, cogently illustrates the 'paradox' between official claims of human rights compliant policing with the material conditions that protesters face:

They look down at you, they didn't treat you as an equal, and you can see an example of that on the [footage] where the sergeant is seen leaning over me pointing at me and shouting in quite an intimidating manner I'm liable to be arrested for aggravating peaceful protesting, when, just prior to that the inspector has said, "We recognise your right to protest and we will facilitate that". It was kind of like, this was the paradox. You were allowed to protest, they would facilitate it, but if you do they would arrest you.

Our analysis draws into question the assumption reflected in official public order policing discourses that dialogue policing is an inherently progressive development. Under

1
2
3 the dialogue model, protesters are expected to go much further than their legal requirements⁷
4
5 by appointing official spokespeople and entering into ‘negotiations’ with police officers. In
6
7 situations where protest groups refuse to communicate with police, according to Sir Hughe
8
9 Orde, former President of ACPO, the policing response “will have to be different ... slightly
10
11 more extreme” (Hill 2011). Thus, under a dialogue model, the resort to violent policing is not
12
13 necessarily repressive; rather it is a rational response to non-rational forms of protest. Yet the
14
15 police maintain the monopoly to decide which groups fall outside of the parameters of the
16
17 dialogue model. Crude characterisations of protest groups, who often encompass a range of
18
19 political perspectives and experiences, as radical, militant and ‘anti-police’, delegitimise their
20
21 activities and exclude them from the possibilities of a more consensual policing response. In
22
23 the case of the Barton Moss protesters, this framing enabled GMP to claim to ‘work hard to
24
25 build relationships at the camp’ whilst at the same time deploying a heavily equipped,
26
27 militarised policing unit to police an overwhelmingly peaceful protest. In a similar process to
28
29 that described by Gordon in his critique of community policing, our analysis suggests that
30
31 dialogue policing can have a *legitimising* function, enabling the police to define protest
32
33 groups as irrational and ‘uncooperative’ and therefore ripe for violent policing.
34
35
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38
39 Moreover, the assumed linear relationship between dialogue and coercion inherently
40
41 excludes consideration of the *political* function of protest policing (Reiner 2010). Under the
42
43 dialogue model it is not the aim or target of a protest which dictates the policing response, but
44
45 the organisational structure of the protest group and their willingness to speak to police.
46
47

48
49
50 ⁷ The ‘organisers’ of a planned march must give six days written notice to the police which specifies
51
52 the date, time and proposed route, and the name and address of the organiser (Public Order Act
53
54 1986, s.11).

1
2
3 Applying this de-politicised framework to the highly politicised sphere of anti-fracking
4 protest would preclude consideration of, for example, the close relationship between
5 government and the fracking industry (Short *et al.* 2015) and the political, social and
6 economic context in which the anti-fracking movement has emerged (XXX *et al.* 2017).
7
8 These are issues that policing researchers must engage with in order to develop a
9
10 comprehensive understanding of protest policing in the current era.
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15

16 Finally, our analysis highlights the need to move beyond official public order policing
17 discourses and consider the concrete experiences of the policed. In some cases, this will
18 require researchers to maintain a critical distance from police forces in order to gain access to
19 those groups who, due to their negative experiences of policing, may otherwise be reluctant
20 to engage. In the context of a proliferation of police-academic partnerships in the UK (Goode
21 and Lumsden 2016), it is vital that a space is maintained outside of these collaborations to
22 enable researchers to engage with those groups most likely to bear the brunt of harmful and
23 undemocratic policing practices.
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3 **“That is not facilitating peaceful protest. That is dismantling the protest.”:**
4 **Anti-fracking protesters’ experiences of dialogue policing and mass arrest**
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8 Joanna Gilmore^a, William Jackson^b and Helen Monk^c
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10
11 ^aYork Law School, The University of York, Law and Management Building, Freboys Lane,
12 YO10 5GD. Email: Joanna.Gilmore@york.ac.uk. Tel: (01904) 325828
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14
15 ^bSchool of Humanities and Social Science, Liverpool John Moores University. Address: John
16 Foster Building, 80-98 Mount Pleasant, Liverpool, L3 5UZ. Email:
17 W.H.Jackson@ljmu.ac.uk. Tel: (0151) 231 5175.
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21 ^c School of Humanities and Social Science, Liverpool John Moores University. Address: John
22 Foster Building, 80-98 Mount Pleasant, Liverpool, L3 5UZ. Email: H.L.Monk@ljmu.ac.uk.
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27 Corresponding author: Joanna Gilmore, University of York
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3 In the wake of the death of Ian Tomlinson at the London G20 protests in 2009, Her
4 Majesty's Inspectorate of the Constabulary (HMIC) proposed a number of reforms
5 aimed at making public order policing strategies more "human-rights compliant". One
6 of the most significant developments has been the introduction of Protest Liaison
7 Officers (PLOs) whose role is to build links between police and protesters through the
8 establishment of dialogue and relationships based on trust. These developments have
9 led to a burgeoning scholarship in public order policing in recent years. Whilst some
10 studies have documented the development of 'dialogue policing' strategies, none have
11 yet captured the complex interplay between these practices and the more overt forms of
12 coercion and control experienced by protesters. In this paper we begin to fill this
13 lacuna. Drawing on unique data on the experiences of anti-fracking protesters - a hard
14 to reach group whose narrative has not been presented in the academic literature to date
15 - we contrast official accounts with the material conditions faced by protesters.
16 Focusing on protesters' experiences of both dialogue policing and mass arrest, we find
17 little evidence of the progressive 'shift' reflected in official public order policing
18 discourses. Rather, we argue that dialogue policing can have a legitimising function,
19 enabling the police to define protest groups as irrational and 'uncooperative' and
20 therefore ripe for violent policing.
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31 **Keywords:** protest, public order policing, dialogue, fracking
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34 Public order policing in the United Kingdom (UK) is undergoing a prolonged period of crisis.
35 The death of Ian Tomlinson, a forty-seven-year-old newspaper vendor, at the London G20
36 protests in 2009 (IPCC 2012), forced into the public spotlight what protesters had long
37 described as a shift towards an increasingly authoritarian style of policing in Britain (Gilmore
38 2010). The use of forceful policing tactics against student protesters during the anti-tuition
39 fee protests of 2010 triggered widespread condemnation (Townsend 2010). Ongoing
40 revelations that undercover police officers have been used to spy on political activists, in
41 some cases forming sexual relationships with women who were deceived as to their true
42 identities, have triggered a haemorrhaging of public confidence in public order policing
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3 (Evans and Lewis 2013). The British police's handling of protest has also prompted
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5 condemnation from the United Nations Special Rapporteur on the Rights to Freedom of
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7 Assembly and Association, who has made a series of visits to the UK and some scathing
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9 criticisms of current policy (see, for example, Kiai 2013). As Deborah Glass (2010, p. 160),
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11 former Deputy Commissioner of the Independent Police Complaints Commission (IPCC)
12
13 acknowledged in 2010, "The British police have taken a bit of a battering ... over their
14
15 handling of public protest".
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18 The official response to the renewed crisis of legitimacy in public order policing has
19
20 been a plethora of official inquiries and reports tasked with investigating the legitimacy of
21
22 existing public order policing methods and the associated mechanisms of police
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24 accountability (HMIC 2009a, 2009b, HCHAC 2009, JCHR 2009). Arguably the most
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26 significant is a two-part report by Her Majesty's Inspectorate of Constabulary (HMIC),
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28 published in the wake of the London G20 protests (HMIC 2009a, 2009b). One of the report's
29
30 central recommendations is that enhanced dialogue between police and protesters is essential
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32 in order to ensure a "proportionate" policing response (HMIC 2009a, p. 10). Drawing on an
33
34 earlier report by the Joint Committee on Human Rights (JCHR), which had called for a policy
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36 of 'no surprises' in the policing of protest, the Inspectorate concludes that:
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41 Protest will be inherently more difficult to plan and facilitate where there is no
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43 constructive dialogue between the police and protesters. This may result in the use of
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45 police tactics which are more restrictive than would otherwise be the case (HMIC,
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47 2009a: 9).
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49 These recommendations have led to a number of policy reforms aimed at making
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51 public order policing strategies more "human-rights compliant" (HMIC 2009b, p. 121). One
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3 of the most notable developments is the introduction of Protest Liaison Officers (PLOs)
4
5 whose role is to build links between police, protest organisers and protesters through the
6
7 establishment of dialogue and relationships based on trust (College of Policing 2014). The
8
9 emphasis on ‘dialogue’ is underpinned by an understanding, on behalf of the police, that “if
10
11 protesters share their intentions with us beforehand, this enables us to put the right measures
12
13 in place to facilitate a safe environment for groups and provide a proportionate policing
14
15 presence” (Sussex Police 2013). The introduction of PLOs coincides with what has been
16
17 identified in a number of recent academic studies as a move towards a more consensual style
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19 of protest policing which favours “cooperation and communication between police and
20
21 protesters” in order to “reduce the likelihood of violence” (Gorringer and Rosie 2008, p. 189).
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23 This body of literature departs from what P.A.J. Waddington (1995, p. 1) has described as an
24
25 “orthodoxy” in public order policing research, which has traditionally focused on its
26
27 repressive and increasingly militaristic function (Bunyan 1977, Fine and Millar 1985,
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29 Jefferson 1990, Scraton 1985). In contrast a growing body of academic literature charts a
30
31 progressive shift from an approach based on coercion to a more proactive, consent-based
32
33 approach, which utilises techniques of ‘communication’, ‘dialogue’ and ‘negotiation’
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35 (Gorringer and Rosie 2008, King and Waddington 2005, Gorringer *et al.* 2011, Reicher *et al.*
36
37 2004). These analyses suggest that protest policing is becoming increasingly open and
38
39 democratic, with the police actively seeking to de-escalate potentially confrontational
40
41 situations through consensually negotiated solutions. Writing in the context of the United
42
43 States, McPhail *et al.* (1998) describe this shift as a move from *escalated force* to *negotiated*
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45 *management*. They suggest that the latter is characterised by a greater respect for protesters’
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47 human rights, a more tolerant approach to community disruption, an increasingly
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3 collaborative approach to protest organisers and a reduced tendency to make arrests and
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5 resort to the use of force (see also Noakes *et al.* 2005). Researchers have charted a similar
6
7 trend across Europe, with public order policing styles becoming increasingly sensitive to the
8
9 ‘rights’ of protesters (della Porta and Reiter 1998, Waddington 1994).
10

11
12 The formalisation of negotiated management principles in the wake of the London
13
14 G20 protests has been welcomed by a growing body of academic writers in the area.
15
16 McSeveny and Waddington (2011), for example, are positive about the use of PLOs. They
17
18 argue that their deployment by South Yorkshire Police has improved the effectiveness and
19
20 legitimacy of tactical operations. Gorringe *et al.* (2010, p. 17) are also optimistic about the
21
22 benefits of improved dialogue between police and protesters, describing the initiatives as
23
24 “some of the most progressive developments to the policing of public order in the UK since
25
26 the 1980s”. Protest policing is said to be entering what HMIC (2011) has described as a “new
27
28 era”, grounded on consent, mutual collaboration and an overarching respect for protesters’
29
30 human rights. Some studies have, however, noted difficulties in implementing dialogue
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32 policing strategies in relation to certain ‘types’ of protesters. Various described as
33
34 ‘transgressive’ (Stott *et al.*, 2013: 7), ‘anti-systemic’ (Gorringe and Rosie 2008, p, 194), ‘hard
35
36 core’ and ‘radical’ (Gorringe *et al.* 2012, p. 129), these groups are said to be characterised by
37
38 an unwillingness to engage with police and involvement in ‘direct action’ forms of protest
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40 (Gorringe and Rosie 2013, p.7, Stott *et al.* 2013, p. 224). In such cases, this literature claims
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42 that attempts to engage in meaningful dialogue will often fail, leading the police to resort to
43
44 more forceful methods, including mass arrest, ‘kettling’ and intrusive surveillance. These
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46 findings echo the conclusions made in the HMIC report that a failure to engage with police
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48 can result in the use of “more restrictive” policing tactics (HMIC, 2009a: 9). Nonetheless
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3 despite some initial “teething’ problems” (Stott *et al.* 2013, p. 13), dialogue policing is said
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5 have the potential to “improve mutual understanding and reduce the potential for violence
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7 between police and protesters” (Gorringe and Rosie 2013, p. 7).
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9
10 Against the optimism reflected in much recent public order policing scholarship, the
11 history of police reform in the UK should give us grounds for caution. As Loftus (2009) has
12 observed, changes within operational policing *policy* do not necessarily lead to changes in
13 policing *practice*. Dialogue policing draws on a longer tradition of ‘community policing’
14 which developed in the context of a crisis of legitimacy in policing in the aftermath of the
15 inner-city riots and industrial disputes of the 1980s. The community policing model
16 emphasises communication and interpersonal skills over more physically direct aspects of
17 law enforcement (Tilley 2003). In response to calls for greater accountability in policing,
18 community policing was presented as a key means of improving community relations and
19 eventually became a guiding philosophy amongst senior police officers (Reiner 2010).
20 Writing in 1984, Gordon highlighted the realities of community policing as “a reactive
21 attempt at disguised police surveillance and control” (Gordon 1984, p. 56). He argued that
22 rather than offering an alternative to unwelcome police practices and strategies, the
23 development of community policing reflected a recognition that “open control” in the form of
24 overt coercion can be counterproductive. Community policing was thus a technique used to
25 engineer consent for an intensification of repressive state practices, rather than a progressive
26 response to widespread demands for greater public accountability in policing (Gordon 1984,
27 p. 141). More recently, Bullock and Johnson’s (2012) research into the impact of the Human
28 Rights Act 1998 (HRA 1998) on policing suggests that a growing awareness of human rights
29 obligations among police officers does not necessarily translate into more democratic
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3 policing practices. Drawing on data gathered from interviews with policing personnel,
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5 Bullock and Johnson found that although the HRA 1998 has led to a “new framework”
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7 through which police officers carry out their work, there is little evidence to suggest it has
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9 promoted greater respect for human rights amongst officers. In the words of one of the
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11 officers interviewed: “I don’t think anything has changed. It hasn’t made us question the way
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13 we operate. I haven’t seen any impact. I can’t think of any obvious difference in what we
14
15 have done” (Bullock and Johnson 2012, pp. 14-15).
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19 These experiences suggest that recent developments in public order policing warrant
20
21 careful scrutiny. As Gorringer *et al.* (2012, p. 112) have noted, there has been very little
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23 “empirical ‘testing’” of the reforms within operational policing practice. It is essential that
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25 this analysis is grounded in the experiences of protesters. As others have suggested, the real
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27 test of human rights reforms are not to be found in official declarations, but in the material
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29 conditions that people face (Ewing, 2012, Costigan and Tomas 2005). There has to date been
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31 no comprehensive study of how protesters have experienced recent developments in public
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33 order policing policy. Very little is therefore known about *why* some protesters may be
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35 reluctant to engage with police and the ways in which these relationships influence the styles
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37 of policing that protesters experience. Whilst some studies have documented the development
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39 of dialogue policing strategies (Gorringer *et al.* 2011, 2012; McSeveny and Waddington
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41 2011), none have yet captured the complex interplay between these practices and the more
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43 overt forms of coercion and control experienced by protesters. In this paper we begin to fill
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45 this lacuna. Drawing on an empirical case study of the experiences of anti-fracking protesters,
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47 we test the legitimacy of official claims that there has been a progressive shift in public order
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49 policing practice. Focusing on protesters’ experiences of both dialogue policing and mass
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3 arrest, we suggest the dialogue model obscures the highly discretionary nature of public order
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5 policing and the substantial power imbalance between the police and protest groups. We
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7 suggest that rather than being a way of “protecting protesters’ ... human rights” (McPhail and
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9 McCarthy 2005, p. 5), dialogue policing can have a *legitimising* function, enabling the police
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11 to define protest groups as irrational and ‘uncooperative’ and therefore ripe for coercive
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13 policing.
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16 17 18 **Methodology** 19

20 This paper draws on data gathered from an ethnographic case-study of the policing of the
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22 Barton Moss Community Protection Camp (BMCCPC) – an anti-fracking protest that took
23
24 place in Salford, Greater Manchester between November 2013 and April 2014. One or more
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26 of the authors visited the camp on fifteen separate occasions to observe the protest and
27
28 interact with protesters at the site. Interviews focusing on protesters’ experiences of policing
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30 were conducted with twenty-eight protesters, with each interview lasting between forty-five
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32 minutes and two hours.
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36 Existing public order policing scholarship has tended to limit the focus of analysis to
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38 isolated protest events (e.g. McSeveny and Waddington 2011, Gorringer *et al.* 2010, 2012).
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40 Our case study in contrast adopts a more holistic and longitudinal approach, examining how
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42 the protests developed from the planning stages in 2013 through to the conclusion of the
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44 criminal proceedings arising from the protests in 2016. This included monitoring the criminal
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46 justice response to the protests, observing over twenty hours of video footage collated by
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48 activists at the site, attending court hearings and defence campaign meetings and analysing
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50 legal case files. Additional data was gathered via requests under the Freedom of Information
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3 Act 2000 (FOIA 2000) to several public bodies including Greater Manchester Police (GMP),
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5 the IPCC and the Crown Prosecution Service (CPS). This data was triangulated with other
6
7 publicly available information, including GMP press statements, to ensure a rich and detailed
8
9 analysis.

10
11 Whilst the data is limited to a single case study, it has important implications for
12
13 protest policing and directions for future research. The anti-fracking movement has been
14
15 described as the UK's "fastest growing social movement" (Short *et al.* 2015, p. 721) and the
16
17 Network for Police Monitoring (Netpol 2014) has suggested that protest against fracking
18
19 represents "the biggest test of public order policing" over the coming years. The issue is also
20
21 of global significance, with concerns over the policing of anti-fracking protest reported in
22
23 Canada, the US and Australia (Short *et al.* 2015). Yet there is an absence of academic
24
25 research into the policing of anti-fracking protest and the experiences of those involved. Our
26
27 analysis is situated within a contextual framework that assumes that the experiences of those
28
29 at the camp – those who were being policed at Barton Moss – are central to unlocking what
30
31 happened during the protest. In contrast to much recent public order policing scholarship, we
32
33 did not interview police officers as part of our research methodology. Our independence from
34
35 police was essential in order for us to gain access to research participants and unlock
36
37 experiences that have been absent from the academic literature to date. This was particularly
38
39 important for those protesters who had some of the most negative experiences of policing,
40
41 including women who reported the use of sexualised violence by officers at the site (Gilmore
42
43 *et al.* 2016). Our unique access to camp residents and supporters has enabled us to move
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45 beyond official protest policing discourses and present a *view from below* (Jefferson 1987),
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47 grounding our analysis in the experiences of the policed.
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The Barton Moss Community Protection Camp

‘Fracking’, or hydraulic fracturing, is the process of extracting shale gas from solid rock hundreds of metres to kilometres below the surface, by pumping water, sand and chemicals at high pressure into the rock. Technological advances in the last twenty-five years, driven by the merger of hydraulic fracturing and horizontal drilling techniques, have enabled the exploitation of previously inaccessible shale gas reserves. In the UK, significant shale deposits have been identified, and exploratory drilling to explore their potential has been actively encouraged by UK governments since 2007 (Short *et al.* 2015). Whilst a number of governments across Europe, including New Labour, Coalition and current Conservative governments in the UK, have embraced fracking, the development of new techniques for drilling have been controversial from the outset. Communities and environmental groups around the world have raised concerns about the immediate impact on local environments, including land, air and water pollution as well as the broader issue of maintaining a reliance on carbon intensive fossil fuels in the face of global climate change (Gross 2013). The first major protests against fracking in the UK came in the summer of 2013 at Balcombe, Sussex, where a coalition of local and national environmental campaigners established a protest camp at the exploratory drilling site run by energy company Cuadrilla (Netpol 2014).

On the 17th June 2010, Salford Council voted to allow exploratory drilling for coal bed methane on Green Belt land at Barton Moss, Salford, despite local objections and concerns. With news that energy company IGas Energy would begin exploratory drilling at Barton Moss in mid-November 2013, concerned residents from the local area, and some from further afield, began to set up camp at the site. On Wednesday 27 November 2013, with the Barton Moss camp part established, the first anti-fracking protest took place in the form of a

1
2
3 community blockade that sought to prevent lorries entering the site. Over the period of
4
5 protest, between November 2013 and April 2014, the camp gathered momentum and
6
7 established itself as a community-led protection camp, sustained by local support and
8
9 donations. The BMCPC was established as, and remained, a non-hierarchical unit with no
10
11 formal leader or centre. It was built around a group of individuals with shared concerns who
12
13 were free to act autonomously. Those involved adopted several protest techniques, including
14
15 the use of 'lock-ons' and blockades¹, but relied most heavily on 'slow walking' in front of
16
17 IGas convoys in order to delay the drilling operation and to provide a visible and constant
18
19 opposition to fracking in Salford. These slow walk protests took place twice daily, as the
20
21 IGas lorries arrived and left the site, for four days per week, for the duration of the drilling
22
23 operation.
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27
28 The policing operation at Barton Moss, conducted by GMP, was codenamed
29
30 Operation Geraldton. It was planned prior to the start of drilling by IGas at the end of
31
32 November 2013. In light of the protests at Balcombe in the summer of 2013, GMP had
33
34 anticipated that there would be protests at Barton Moss as this site was identified as the next
35
36 location in the UK for exploratory drilling. Operation Geraldton was a major policing
37
38 operation that lasted for more than six months, cost in excess of £1.7 million and resulted in
39
40 231 arrests (Gilmore *et al.* 2016).
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48 1 'Lock-ons' and blockades are techniques used by protesters to make it difficult to remove them
49
50 from their place of protest. Blockades tend to involve protesters linking arms and legs in a line
51
52 or circle, whereas 'lock-ons' often involve the use of equipment such as bicycle locks, padlocks
53
54 and chains.
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The velvet glove: Liaison and dialogue

The policing response to the BMCPC provides a useful case study of the dialogue approach in practice. GMP prides itself on being a centre of excellence for the management of public disorder and has been at the forefront of the pilot training programme for PLOs (Gilmore *et al.* 2016). In the public statements made during Operation Geraldton, Chief Constable Peter Fahy and other GMP spokespeople sought to make clear that they understood that the right to protest is a basic human right. The policing operation was presented by GMP as a balancing act with the police finding themselves “stuck in the middle”, whereby they were required to respect the protesters’ right to protest and IGas’ right to conduct the exploratory drilling for which it had been granted a licence:

We have to be there to ensure the protest is peaceful and to balance the rights of the protesters and those wanting to carry out drilling on the site which are both lawful activities (Fahy 2014).

For the duration of the Barton Moss protest, PLOs were a regular presence at the camp and were central to the attempts to establish dialogue between police and protesters. This dialogue, however, was not effectively established. For the duration of the camp, officers and protesters were not able to establish either meaningful communication or points of agreement about the management of daily marches. For GMP, this lack of dialogue was a result of an unwillingness on the part of protesters to elect an official spokesperson and a more general unwillingness to engage with the police. In evidence to the Police and Crime Commissioner for Greater Manchester, GMP suggested that dialogue had been attempted by

1
2
3 officers at Barton Moss but “some protesters acted in a cynical way and had no real desire to
4 negotiate with police” (PCC Panel 2014, p. 17).
5
6

7 GMP’s portrayal of the Barton Moss protesters closely resembles Stott *et al.*’s (2013,
8 p. 7) definition of a ‘transgressive protest’: one that does not have “explicit hierarchies of
9 leadership, formal membership, or organization” and is “naturally reticent to communicate
10 with police about their intentions”. However, the experiences of the Barton Moss protesters
11 suggest that this terminology is problematic and overlooks the significant power imbalance
12 between the police and protest groups. In contrast we identify three factors underpinning the
13 apparent breakdown in communication between police and protesters at the BMCP. First,
14 there was a widespread perception among protesters that GMP were not a neutral force in the
15 ongoing conflict between the protesters and the fracking company. This perception stemmed
16 partly from the way in which the policing operation was conducted by GMP. The planning
17 for Operation Geraldton involved the production of a Memorandum of Understanding
18 (MOU) signed by GMP and other related parties, in advance of IGas beginning the drilling
19 operation (GMP 2013). Alongside GMP, the parties who were signatories to the MOU
20 included Greater Manchester Fire and Rescue, the North West Ambulance Service, and
21 Salford City Council. In addition, the landowners Peel Holdings/Estates and the energy
22 company, IGas, were included in this “expression of common interest”. Formally, the
23 purpose of the MOU was to
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47 articulate the basis and general principles for ongoing cooperation, and coordination
48 between the Parties in order to promote and contribute to the realisation of their mutual
49 interests in relation to the delivery of the Gold Strategy (GMP 2013, p. 3).
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3 The MOU demonstrates that IGas had insider access to Gold and Silver senior police
4 command meetings, daily briefings or video conferences with GMP's Silver Commander and
5 shared police and local council information and intelligence. No similar invitation was
6 extended to protesters. For many protesters, the close relationship between GMP and the
7 fracking company brought into question the idea that the police sought to 'balance' the rights
8 of protesters and IGas impartially, as the following quotation illustrates:
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17 The police communicated effectively with the council. The police communicated
18 effectively with the bosses in IGas. To a certain degree, they communicated with the
19 community, but lied to them. The group that were completely shut out of communication
20 with the local constabulary was the protectors [protesters], and they were the ones who
21 were on the ground. So every single day, when meetings were being held – that we knew
22 were being held – we were completely excluded.
23
24
25

26 (Alison, protester).
27
28

29 As Jamie explains, this translated into a reluctance to engage with PLOs:
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31

32 we don't see any point in liaising with them because we know that they do not have our
33 interest as a priority. Their priority is to serve IGas' interests or whatever the
34 Government tells them.
35
36
37

38 Second, GMP's claims that protesters had 'no real desire' to negotiate with police is
39 contestable. One of the key local campaign groups, Frack Free Greater Manchester,
40 reportedly tried to play a liaison role at Barton Moss but GMP refused to meet with them
41 (Gilmore *et al.* 2016). Moreover, interviewees cited several examples whereby attempts had
42 been made to negotiate with police officers, but 'deals' had ultimately been broken. As Lee
43 noted:
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3 a Chief Inspector Del Boy came down here for a chat on a quiet Wednesday, and he
4 basically wanted to make a deal with us. We did actually deal with him ... he came down
5 here and we bargained and he said, "Okay, 90 minutes, no arrests, no violence," and
6 we'll still have our protest – 90 minutes. And the following day was that day when the
7 pregnant lady got arrested, and [Mike] was sprung into a bush ... And that was in less
8 than 90 minutes. So they broke their deal with us; they made a verbal contract with us
9 that a peaceful protest would be facilitated of 90 minutes, and then they go and snatch a
10 pregnant lady and throw a disabled man in a bush.
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16 In this example, attempts were made to enter into negotiations but the response of police
17 suggested to protesters that a commitment to meaningful dialogue was not reciprocated.
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19

20 Experiences like this further exacerbated the lack of trust between protesters and police, as
21
22

23 Lee explains below:
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25

26 They say they're going to do one thing and then they do another. They've done that
27 throughout now, we know they can't be trusted on anything they say.
28
29
30

31 In most cases, protesters' reluctance to engage with PLOs did not stem from a pre-
32 existing distrust or blanket unwillingness to engage with police officers, but from their
33 concrete interactions with PLOs at the site. Michael, a public sector worker, was clear that he
34 was 'not anti police' and works closely with police officers as part of his day-to-day
35 employment. His interactions with the PLOs ('blue bibs') at Barton Moss, however, left him
36 feeling frustrated:
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45 We didn't have a lot of engagement but when they did, you were just banging your head
46 against a wall because if you reported anything to the blue bibs that you saw malpractice
47 by other police officers, they either never saw it, or they didn't feel they could deal with it
48 so you'd just think, "Well if you're there to liaise between us and the other police, then
49 you're not really doing your job."
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3 These interactions led protesters to question the official characterisation of PLOs as a
4
5 mechanism to help the police to ‘facilitate’ peaceful protest. Many protesters viewed PLOs as
6
7 having a purely symbolic role, which did not influence the scale and intensity of the policing
8
9 operation. Concerns ranged from a perception of PLOs as a futile tokenistic gesture, through
10
11 to distrust and suspicion as to their overall function:
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14
15 They [PLOs] seem to mingle amongst protesters and try and be slightly like the ‘good
16
17 cop’, try and be friendly. But then when it kicks off they disappear and they’re not there.
18
19 So I don’t really see the point of them, other than maybe to try and slightly change
20
21 people’s perceptions of the police.
22
23 (Sally, protester).

24
25 Third, there was a widespread perception among protesters that the function of PLOs
26
27 was predominantly to gather intelligence, rather than establish meaningful dialogue and
28
29 negotiation. The following quotation captures these concerns:
30

31
32 The only other role they are doing is information gathering. Recently, because the camp
33
34 is obviously running down now, their questions are, “So what are you doing after this?
35
36 Are you going to another camp or are you staying local, or are you getting a job or going
37
38 home?” So, it’s just trying to find out our next steps really.
39
40 (Sam, protester).

41
42 This perception of PLOs as intelligence gatherers is not unique to Barton Moss (see, for
43
44 example, Gorringe *et al.* 2011) and the way in which PLOs have been utilised by other forces
45
46 suggests these concerns may be well founded. Documents released following a FOIA 2000
47
48 request to Sussex Police suggest that during the Balcombe anti-fracking protests, PLOs
49
50 played “a pivotal role in the operation” by “interacting with the protest organisers” and as a
51
52 result, provided intelligence on the escalation of the protest (Netpol 2014). As the Network
53

1
2
3 for Police Monitoring (Netpol, 2014) have noted, the report is critical of the way that
4 this “was not utilised in an effective a manner as possible” and complains that it was unclear
5 how PLOs fed back intelligence to their senior officers. Moreover, the Standard Operating
6 Procedure for the Operational Deployment of Protester Liaison Teams (PLT’s) in the
7 Metropolitan Police Service (MPS) explains that:
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15 Recent experience does tell us that PLT’s do gather accurate intelligence in the normal
16 course of their duties. This is mainly because, pre and post event they are engaging with
17 protest groups and do elicit information in the course of these duties which could be
18 regarded as intelligence ... Similarly, on the day of the event, the PLT’s are likely to be
19 working inside or around the group in question and, as a result, are likely to generate
20 high-quality intelligence from the discussions they are having with group members
21 (MPS 2013, p. 5).
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27 The ‘cynicism’ towards PLOs described by GMP should thus be understood in the
28 context of the seemingly close relationship between the police and the fracking company, a
29 failure to consult with protest groups in the planning stages, protesters’ experiences of failed
30 attempts to negotiate with officers and a perception of PLOs as intelligence gatherers. Our
31 analysis draws into question the observation by Stott *et al.* (2013, p. 225) that “in the UK, the
32 police invariably start their planning from a position of negotiated management”. Whilst
33 there was a rhetorical recognition of rights to free speech and peaceful assembly by GMP,
34 this was not reflected in the experiences of those attempting to assert these rights. It is also
35 questionable how voluntary these apparently consensual encounters really were in practice,
36 given the imbalance of power between PLOs and protesters. Indeed, for many interviewees,
37 the regular presence of PLOs at the camp was an unsettling and at times violating experience:
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3 The protest liaison will pretend to be your friend, they use first-name terms, they pretend
4 to be familiar with you. And they're getting paid to do all of this, all the while they just
5 want to exploit vulnerable people that maybe it's their first time of protest, and they
6 don't know how to protect their own privacy, their own security. And they just
7 completely exploit that. Some would say they're worse than the Level One Public Order
8 officers because, with a Level One Public Order officer, you know where you stand, and
9 you simply don't give a lot.

10
11
12
13 (Jack, protester).

14 15 16 17 **The iron fist: Mass arrest**

18
19 Despite GMP's commitment to 'dialogue' and 'facilitation', Operation Geraldton consisted
20 of two distinct and apparently irreconcilable styles of policing. One the one hand, the
21 deployment of PLOs portrayed the more consensual style of public order policing located in
22 official public order policing discourses. At the same time, protesters experienced the more
23 familiar coercive styles of public order policing which damaged police legitimacy in the
24 aftermath of the G20 protests. The strategy cited most frequently by protesters as
25 undermining GMP's commitment to human rights compliant policing was the mass arrest of
26 protesters at the site. If PLOs were the 'velvet glove', mass arrest was the 'iron fist' of
27 Operation Geraldton. In the second part of this paper we consider how the strategy of mass
28 arrest was experienced by protesters, and the relationship between mass arrest and the more
29 'consensual' styles of policing adopted by GMP.
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45 46 ***Police violence***

47
48 The strategy of mass arrest was a core component of Operation Geraldton. By the conclusion
49 of the protest in April 2014, GMP had made 231 arrests for one or more of nineteen different
50 offences (GMP 2015). The majority of arrests occurred during the policing of the daily 'slow
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2
3 walks' - the principle disruptive activity taken by protesters to delay the convoy of trucks
4
5 arriving at the site of the exploratory drilling. A frequent complaint from protesters was that
6
7 the scale of arrest and the level of force used to make arrests was disproportionate to the
8
9 peaceful nature of the action taken. Several interviewees cited the policing at Barton Moss as
10
11 the most brutal that they had witnessed. Tom, who was arrested three times during the Barton
12
13 Moss protests, described what happened during one of his arrests for wilful obstruction of the
14
15 public highway – a non-imprisonable, summary offence for which he was later acquitted. His
16
17 experiences were typical of many of those arrested at the site:
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19

20
21 He jumps on me from behind, immediately followed by, I guess, two or three other
22
23 officers ... one officer had each of my arms, and I was quite forcibly thrown into the
24
25 fence face-first. And just quickly as I hit the fence, I had to turn my head to avoid injury.
26
27 It was a real force; it was just totally over the top. As if I was a rioting individual. You
28
29 know, it was completely out of the context of the situation.
30

31 The focal point for many of the complaints was the force's specialist public order
32
33 unit, the Tactical Aid Unit (TAU), which was used with increased frequency as the protest
34
35 developed. From the perspective of many protesters, the regular use of heavily equipped
36
37 TAU officers undermined claims by GMP that the policing operation was concerned with
38
39 dialogue and facilitation. Several interviewees described the stark contrast between the jovial
40
41 approach of the PLOs and the aggressive treatment that protesters received from their
42
43 colleagues in the TAU:
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45

46
47 But the TAU, the worst they do ... they'll pin you to the ground, they'll punch you in the
48
49 stomach, they'll punch you in the head ... there's a massive, massive difference between
50
51 the two styles of policing.

52 (Jamie, protester)
53

1
2
3 In response to concerns about the intensity of the policing operation, GMP described the
4
5 policing response as “proportionate” to the “emerging threat” posed by the camp (GMP
6
7 2014). In doing so there was an attempt to impose meaning on the motivations of those
8
9 protesting at the site. According to a GMP press release:
10

11
12 [t]he majority of people who are arriving at the site are not there to protest against
13
14 fracking but are there to disrupt and intimidate the local community and to antagonise
15
16 police. We have seen offences of assaults, damage, harassment of residents and workers,
17
18 a flare fired at the police helicopter and threats to kill.
19
20 (GMP 2014).
21

22 This portrayal of the protest as violent, and thus the policing response as proportionate, is
23
24 contestable. Figures obtained under the FOIA 2000 indicate that 98 per cent of the 231 arrests
25
26 under Operation Geraldton were for non-violent offences (GMP 2015).² As indicated on
27
28 *Figure 1*, the largest category of arrests was for Obstruction of a Public Highway (77 arrests,
29
30 33 per cent of total arrests). This was followed by Aggravated Trespass (68 arrests, 30 per
31
32 cent of total arrests) and Breach of Conditions of Bail³ (31 arrests, 13 per cent of overall
33
34 arrests). The stark contrast between the ‘peacefulness’ of the protest and the aggressive
35
36 response from GMP had an increasingly destructive impact on the relationship between the
37
38 police and protesters, as the following quotation illustrates:
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45 2 The offences in this category are: common assault (1 arrest), assaulting a police officer (2 arrests)
46
47 and threats to kill (2 arrests).

48 3 Breach of Conditions of Bail is not a criminal offence, but Section 7(3) of the Bail Act 1973 confers
49
50 power upon a police officer to arrest a person if he has reasonable grounds for believing that that
51
52 person is likely to break any of the conditions of his bail or has reasonable grounds for
53
54 suspecting that that person has broken any of those conditions.
55

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3 why do you have to bring in the special other force to deal with what is essentially
4 peaceful people – a lot of them elderly and children, people various ages and
5 backgrounds, none of us violent, you know. There's not been a single act of violence to
6 another person committed on this camp so it's a completely unjustifiable.
7
8

9 (Maria, protester)
10

11
12 [Figure 1 near here]
13

14 *Pre-emptive arrest*

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16
17 A second complaint from protesters was that decisions about who to arrest appeared to be
18 pre-planned and pre-emptive, rather than a genuine response to law breaking at the site. In
19 keeping with this objective, targeted arrests were initially focussed on those members of the
20 camp who were perceived by police not to be 'local'. This action was considered by several
21 protesters to be part of a narrative GMP wished to construct about the lack of local
22 involvement in the camp, as the following quotation illustrates:
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32 what they wanted to try and portray in the media was that we travelled here because we
33 are what they consider to be professional activists. So we were targeted, not from round
34 here, we were targeted virtually straightaway ... which is funny really, because I've met
35 people who have been against the system for 40 years but I wouldn't consider them to be
36 professional activists.
37
38

39 (Jack, protester).
40
41

42 The perception of arrest as pre-emptive rather than reactive was reinforced by the apparently
43 inconsistent ways in which powers of arrest were exercised at the site. During the first two
44 months of the protests, most arrests in connection with stopping or slowing the trucks through
45 the daily slow walks were for wilful obstruction of the public highway (Highways Act 1980,
46 s. 137). GMP issued protesters with flyers informing them that Barton Moss Road was a
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1
2
3 'highway' as it was 'a public right of way'. Following a ruling by Manchester and Salford
4 Magistrates' Court that the land in question was a public footpath, rather than a highway,
5 officers began to make arrests for the alternative offence of Aggravated Trespass (Criminal
6 Justice and Public Order Act 1994, s. 68). This shift from one arrest power to another in the
7 absence of a significant change in protesters' behaviour fuelled speculation that arrest under
8 Operation Geraldton was part of a broader mission to gather intelligence and disrupt and
9 undermine the campaign:
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18
19 They're arresting lots of people for aggravated trespass, but at the same time if they're
20 arresting one they should arrest everyone ... they specifically target people, so they
21 actually do have a list of people they specifically want.
22
23

24 (Lee, protester).
25
26

27 Experiences elsewhere would suggest that these concerns may be well founded. Following
28 the controversial arrest of 138 'UK Uncut' anti-austerity protesters outside the Fortnum and
29 Mason luxury goods store in March 2011, Lynn Owers, Assistant Commissioner to the
30 Metropolitan Police, told the House of Commons Home Affairs Committee:
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32
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34
35
36

37 the fact that we arrested as many people as we did is so important to us because that
38 obviously gives us some really important intelligence opportunities ... We do need to
39 improve the intelligence picture, but our ability to arrest over 200 people at the weekend
40 gives us a very good starting point in terms of building that picture (HCHAC 2011, Q12).
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44 The use of mass arrest in this context has corresponded with a significant expansion
45 of intelligence gathering at protest sites, including the creation of a highly secretive national
46 police database which holds information on individuals associated with 'domestic
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3 extremism'.⁴ Although it is not possible to assess the extent to which arrest decisions at under
4
5 Operation Geraldton were influenced by data included on the database, several of those
6
7 arrested at Barton Moss recalled that police officers identified them by name prior to arrest:
8
9

10 the last week they keep on calling me by my name ... a lot of the officers will, when
11 you're walking in front, directly in front of them, they'll start saying that you're pushing
12 back on them and you're a couple of inches away or something like that ... some days,
13 you feel like they want to arrest you so they're making out reasons to.
14
15

16 (Vicky, protester).
17
18

19 For many interviewees, officers with apparently different roles at the BMCPD worked to the
20 same ends and were essentially indistinguishable in terms of their overall function. Several
21 protesters described how PLOs and TAU officers appeared to work together to arrest those
22 involved in the daily marches, as illustrated by Remy's experience described below:
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28
29 I was marked for it [arrest] this morning. It was very, very obvious that there was a
30 collusion between the police on the line, the TAU and the liaison officers that I was
31 going to be snatched ... suddenly from nowhere, walking at a steady pace, not doing any
32 obstruction, suddenly it became 'don't push back on me' ... at the exact same time a
33 liaison officer, who wasn't close enough to be hearing that, came through the crowd with
34 his earpiece and went 'we are gonna have to tell you now that if you push back again
35 you're going to be arrested'. And it was very, very obvious that I had been marked for it.
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40 (Remy, protester).
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46 Remy's experiences mirror many of those arrested at the BMCPD. From Remy's perspective,
47 there was nothing that he could have done in this situation to avoid arrest; he had been
48
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50
51 _____
52 4 The formal title is the National Special Branch Intelligence System (see *Catt v Commissioner of*
53 *Police for the Metropolis* [2015] UKSC 9, para 20, per Lord Sumption).
54

1
2
3 'marked for it' despite causing no obstruction to the officer in question. Like the majority of
4
5 those arrested under Operation Geraldton, the charges against Remy were eventually
6
7 dismissed. The pivotal role played by PLOs in what were eventually found to have been
8
9 unlawful arrests raises important questions about their overall function. This point is explored
10
11 further below.

12 13 14 15 16 *Summary punishment*

17
18 Despite a rhetorical commitment to 'dialogue' and 'facilitation' from GMP, from the
19
20 perspective of many of our interviewees the central aim of the policing operation was to
21
22 disrupt protesters' attempts to protest peacefully against the activities of the energy company.
23
24 Our analysis of the criminal justice response to the protest reinforces some of these concerns.
25
26 The majority of arrestees were presented with a uniform list of pre-charge bail conditions⁵
27
28 which prohibited their return to the protest site. Anyone returning to the camp following
29
30 release from custody would risk further arrest. When challenged in the Magistrates' Court,
31
32 bail conditions were repeatedly found to be disproportionate and protesters were granted
33
34 unconditional bail. Despite obvious concerns about their legality, restrictive bail conditions
35
36 continued to be imposed by GMP. In some cases, attempts to challenge the legality of bail
37
38 conditions were met with resistance by the police, as Vicky describes below:
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46
47 5 Amendments to the Police and Criminal Evidence Act 1984 (PACE 1984) under the Criminal

48
49 Justice Act 2003 extended police bail powers to allow officers to attach conditions of bail prior
50
51 to any decision to prosecute. These highly discretionary powers require that the officer regards
52
53 the conditions as being 'necessary' to ensure, for example, that the person in question does not
54
55 commit an offence while on bail (PACE 1984, s.47).

1
2
3 when they give you your bail conditions you're supposed to be able to say, "No,"
4 and then stay in overnight and go to court, but they were refusing people to do that ...
5 First arrest I kept saying, "Can I talk to the solicitors?" and they kept saying, "Yes, we'll
6 ring later," and they tried to bail me out the station before I talked to them and I refused.
7 I said, "No, I want to talk a solicitor before I leave," and they were just, like, "Oh, well,
8 if they don't answer now then you'll have to go."
9
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12
13 Whilst bail conditions were removed within a matter of weeks, the criminal cases took much
14 longer to conclude. Of the 231 arrests, 226 led to charges relating to 115 individuals (GMP
15 2015). *Figure 2* illustrates the 'conviction rate' – the number of people convicted relative to
16 the number charged with offences – within the criminal justice system as a whole and under
17 Operation Geraldton. The conviction rate within the criminal justice system as a whole is
18 eighty-three per cent. For public order offences this rises to ninety-six per cent (Ministry of
19 Justice 2015). According to the data available to us⁶, the Barton Moss cases had a conviction
20 rate of just thirty per cent. That is, of the 115 prosecuted protesters, only thirty-five were
21 convicted of offences.
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35 Given the low conviction rates, arrest under Operation Geraldton did not appear to have been
36 carried out with a view to securing convictions. Rather, mass arrest and blanket bail in effect
37 served to create a *protest exclusion zone* around the fracking site – an action that would
38 otherwise have no basis in law and would be a clear violation of the protesters' rights to
39 freedom of assembly. Anna's experiences illustrate how these exclusionary processes
40 operated in practice. Anna was arrested for wilful obstruction of the highway and obstructing
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51 ⁶ These figures were collated from media reports, court observations and liaison with defence
52 solicitors.
53

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3 a police officer. She described her arrest as ‘quite standard’. During a slow walk, she was
4
5 pulled from the line by a police officer, fell to the ground and hit her head on the floor. Anna
6
7 recalled that at the time of her arrest she was ‘doing nothing wrong ... just walking slowly’.
8
9 She was taken into custody at the police station where she was detained for around seven
10
11 hours. On her release, Anna was handed a letter instructing her to attend at the Magistrates’
12
13 Court in two weeks’ time and a ‘standard’ list of bail conditions that prohibited her from
14
15 returning to the protest site. The conditions were removed by the Magistrates’ Court at the
16
17 subsequent hearing. Five months after Anna’s initial arrest, the day before she was due to
18
19 stand trial, the charges against her were dismissed. For Anna, her experience of arrest
20
21 reinforced her suspicions as to the ‘real reasons’ behind the mass arrest strategy:
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24
25
26 for us, we truly believed that the reason people were being arrested was simply to give
27
28 them bail conditions excluding them from that area.

29
30 (Anna, protester)

31
32 [Figure 2 near here]
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36 The experiences of the Barton Moss protesters are a stark illustration of Choongh’s
37
38 (1998) distinction between “criminal cases”, where arrest and detention are used to invoke
39
40 criminal justice sanctions, and “police cases”, where they are used to maintain police
41
42 authority and reproduce social control (see also Hillyard and Gordon 1999). Our analysis
43
44 suggests that mass arrest at the BMPC operated as a form of ‘summary punishment’ (Young
45
46 2008), used to clear protesters from the site, gather intelligence on those taking part and
47
48 legitimise the intensity of the policing operation. Following an often violent arrest, those
49
50 pursued under Operation Geraldton were photographed, had their fingerprints and DNA
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3 taken, were held in police cells for long periods of time and were subject to bail conditions
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5 which severely restricted their freedom of assembly. The time taken for cases to conclude, in
6
7 some cases over two years after the initial arrest, has had a damaging impact on those
8
9 affected. Several protesters reported problems with physical and mental health, financial
10
11 instability and strained relationships with friends and family as a result of the criminal
12
13 proceedings. The harmful experience of arrest went beyond those arrested. Protesters
14
15 described the mass arrest strategy as having a brutalising and destabilising effect on the camp
16
17 as a whole. Maria, who took part in the protests but was not herself arrested, made the
18
19 following observations:
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24 Emotionally it is damaging over a long time. I have been here for four months. It is very
25
26 hard, and the stress levels and anxiety levels in general I've noticed in myself are higher
27
28 than normal, just being here, because of constant, constant violence, intimidation. You
29
30 never know what's going to be tomorrow, you never know how the police are going to
31
32 be, which of your friends are going to get arrested, who's going to get beaten up or hurt
33
34 next; will it be you, will it be someone you care about?

35
36 Stephanie, another camp resident, suggested that the strategy of mass arrest had an impact
37
38 beyond those at the camp:
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41 They try to instil fear into people. Because another of what that causes, if anybody wants
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43 to come down, they'll be like, "Oh, better not, I might get arrested, I might get
44
45 assaulted". And that's another way that they can stop people coming and actually using
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47 the right to protest peacefully. And it's basically, they're just riding roughshod all over
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49 that.
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Conclusion

The dialogue model assumes that protest policing is becoming increasingly open and democratic, with the police actively seeking to de-escalate potentially confrontational situations through consensually negotiated solutions. In the context of a crisis of legitimacy in public order policing, dialogue policing has emerged as a progressive alternative to the coercive and undemocratic policing practices of the past. In this paper we have suggested that this characterisation obscures the highly discretionary nature of public order policing and the substantial power imbalance between the police and protest groups. The Barton Moss protesters experienced both the 'velvet glove' and 'iron fist' of public order policing. Consensual (dialogue) and coercive (mass arrest) policing were mutually reinforcing strategies which, from the perspective of many of our interviewees, were essentially indistinguishable in their overall function. Michael, who was arrested and later acquitted of aggravated trespass at Barton Moss, cogently illustrates the 'paradox' between official claims of human rights compliant policing with the material conditions that protesters face:

They look down at you, they didn't treat you as an equal, and you can see an example of that on the [footage] where the sergeant is seen leaning over me pointing at me and shouting in quite an intimidating manner I'm liable to be arrested for aggravating peaceful protesting, when, just prior to that the inspector has said, "We recognise your right to protest and we will facilitate that". It was kind of like, this was the paradox. You were allowed to protest, they would facilitate it, but if you do they would arrest you.

Our analysis draws into question the assumption reflected in official public order policing discourses that dialogue policing is an inherently progressive development. Under

1
2
3 the dialogue model, protesters are expected to go much further than their legal requirements⁷
4
5 by appointing official spokespeople and entering into ‘negotiations’ with police officers. In
6
7 situations where protest groups refuse to communicate with police, according to Sir Hughe
8
9 Orde, former President of ACPO, the policing response “will have to be different ... slightly
10
11 more extreme” (Hill 2011). Thus, under a dialogue model, the resort to violent policing is not
12
13 necessarily repressive; rather it is a rational response to non-rational forms of protest. Yet the
14
15 police maintain the monopoly to decide which groups fall outside of the parameters of the
16
17 dialogue model. Crude characterisations of protest groups, who often encompass a range of
18
19 political perspectives and experiences, as radical, militant and ‘anti-police’, delegitimise their
20
21 activities and exclude them from the possibilities of a more consensual policing response. In
22
23 the case of the Barton Moss protesters, this framing enabled GMP to claim to ‘work hard to
24
25 build relationships at the camp’ whilst at the same time deploying a heavily equipped,
26
27 militarised policing unit to police an overwhelmingly peaceful protest. In a similar process to
28
29 that described by Gordon in his critique of community policing, our analysis suggests that
30
31 dialogue policing can have a *legitimising* function, enabling the police to define protest
32
33 groups as irrational and ‘uncooperative’ and therefore ripe for violent policing.
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39 Moreover, the assumed linear relationship between dialogue and coercion inherently
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41 excludes consideration of the *political* function of protest policing (Reiner 2010). Under the
42
43 dialogue model it is not the aim or target of a protest which dictates the policing response, but
44
45 the organisational structure of the protest group and their willingness to speak to police.
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50 ⁷ The ‘organisers’ of a planned march must give six days written notice to the police which specifies
51
52 the date, time and proposed route, and the name and address of the organiser (Public Order Act
53
54 1986, s.11).

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2
3 Applying this de-politicised framework to the highly politicised sphere of anti-fracking
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5 protest would preclude consideration of, for example, the close relationship between
6
7 government and the fracking industry (Short *et al.* 2015) and the political, social and
8
9 economic context in which the anti-fracking movement has emerged (Jackson *et al.* 2017).
10
11 These are issues that policing researchers must engage with in order to develop a
12
13 comprehensive understanding of protest policing in the current era.
14
15

16 Finally, our analysis highlights the need to move beyond official public order policing
17
18 discourses and consider the concrete experiences of the policed. In some cases, this will
19
20 require researchers to maintain a critical distance from police forces in order to gain access to
21
22 those groups who, due to their negative experiences of policing, may otherwise be reluctant
23
24 to engage. In the context of a proliferation of police-academic partnerships in the UK (Goode
25
26 and Lumsden 2016), it is vital that a space is maintained outside of these collaborations to
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28 enable researchers to engage with those groups most likely to bear the brunt of harmful and
29
30 undemocratic policing practices.
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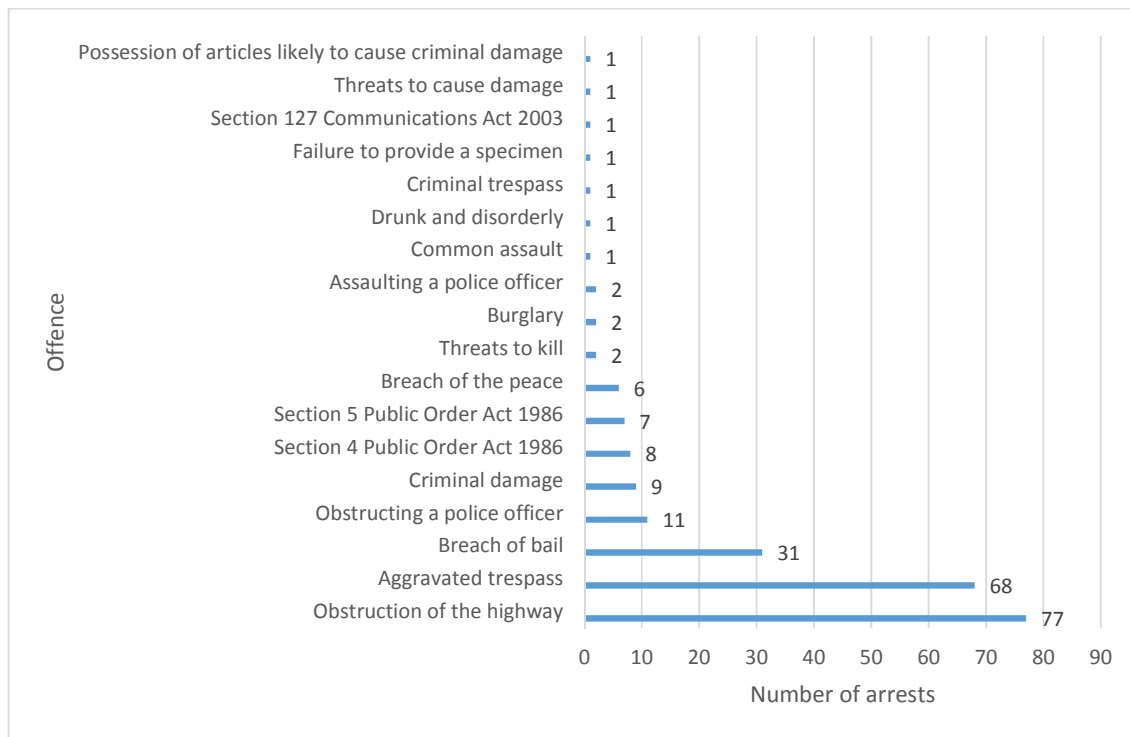


Figure 1: Number of arrests by offence type. Source: GMP (2015).

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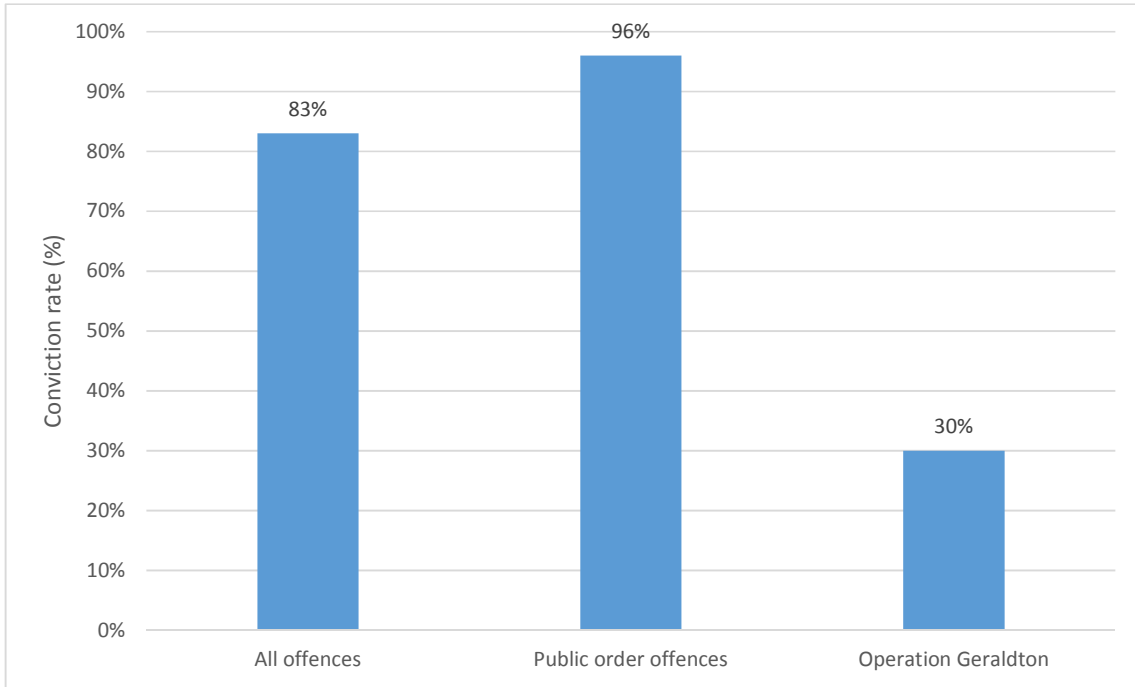


Figure 2: Comparison of conviction rates: all offences, public order offences and Operation Geraldton. Source: Ministry of Justice (2015).