

Policing unacceptable protest in England and Wales: A case study of the policing of anti-fracking protests

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Abstract

In recent years public order policing policy in England and Wales has undergone significant changes. A 'human rights compliant' model of protest policing has been developed since 2009 and this article makes a contribution to the body of academic work considering the impact of these changes on operational policing. Drawing upon a longitudinal case study of the policing of protests against 'fracking' in Salford, Greater Manchester, in 2013-2014, the article contrasts post-2009 policy and academic discourses on protest policing with the experiences of anti-fracking protesters. To develop this assessment, the article also draws attention to previously unexplored definitions of acceptable and unacceptable protest set out by police in more recent policy, and considers the extent to which these definitions are reflected in the police response to anti-fracking protest. The article suggests that a police commitment to a human rights approach to protest facilitation is, at least in the case of anti-fracking protest, contingent on the focus and form of political activism.

Keywords

Protest, policing, police policy, fracking, human rights

Introduction

Following the death of Ian Tomlinson, a forty-seven year-old newspaper vendor, at protests against the G20 meeting in London in 2009, a number of changes were proposed to public order policing in England and Wales. A new 'human rights compliant' framework for public order policing, based on dialogue, communication, and a commitment to 'facilitating' peaceful protest, was proposed as a necessary response to help the police service 'adapt to the modern day demands of public order policing' (HMIC 2009: 27). Senior police officers accepted the requirement for change and emphasised the need for police to engage, and establish dialogue, with protesters in public order situations and for senior commanders to be able to 'demonstrate consideration and application of relevant human rights principles' (ACPO 2010: 11). This new approach to protest policing, based on compliance with the Human Rights Act 1998 (ACPO 2010; HMIC 2009; JCHR 2009), led to the introduction of new policing initiatives, the most notable of which was the introduction of Police Liaison Teams [PLTs] whose role is to liaise with protesters before, during, and after protest events. The role of the PLT is to build links between police, protest organisers and protesters through the establishment of dialogue and relationships based on trust. The Metropolitan Police's Standard Operating Procedure on PLTs explains that their aim is to 'reduce tension and the risk of disorder' (Morgan 2013: 1). PLTs therefore are understood to play a key role in 'reducing disorder, facilitating peaceful protest and balancing human rights' (Smith, 2015: 25).

The nature of police responses to protest in England and Wales has been the subject of long-standing debates among observers of public order policing. Over the last forty years, competing views about these responses, and their trajectory, have been advanced and debated against the backdrop of arguments about the nature, and extent, of changes in policing more broadly (PAJ Waddington 1993; Jefferson 1993; Bayley and Shearing 1996; Jones and Newburn 2002; Reiner 1998). In the 1970s and 1980s a significant body of work emerged that sought to highlight the repressive function of public order policing alongside a growing militarisation of police responses to political protest (Bunyan 1977; Fine and Millar 1985; Jefferson 1990; McCabe et al. 1988; Scraton 1985). In this period, core principles in criminal justice have been radically transformed, as security has become the central focus in criminal justice policy in the UK and other liberal democracies (Zedner 2009). The securitisation of criminal justice (Zedner 2016), intensified since the 1990s but most notably in the 21st century, has seen a logic of risk and precaution come to define criminal justice policy (Zedner 2009). Policing and broader criminal justice practices have thus been reconfigured by the imperative of security and a fundamental shift in the politics of law and order (Reiner 2007). A significant extension of

police powers (Reiner 2010) and the growth of surveillance (Coleman and McCahill 2011) have both been justified on the basis of a belief that certain ‘suspect’ populations pose a threat to security and good order in contemporary society. The policing of Muslim communities in this period (Kundnani 2014) as well as recent revelations about the undercover policing of political activity (Lubbers 2012; Evans and Lewis 2013; Smith and Chamberlain 2015) demonstrate that policing has retained a central concern with managing those defined as disorderly. However, despite the continued trajectory of criminal justice policy, in the last twenty years a number of scholars in Europe and America have argued that there has been a major change in the dominant style of protest policing away from the repressive models which defined previous decades (della Porta and Reiter 1998; McPhail et al 1998; D Waddington 2007; PAJ Waddington 1994, 1995, 2003).

Recent research on developments in public order policing

The idea that a repressive approach to public order policing in the UK has been superseded has been reiterated in a number of recent studies that have sought to consider the impact of changes to policy made since 2009. In responding to the need, outlined by Gorringe, Stott and Rosie (2012), for research to contribute to ‘direct empirical ‘testing’ of the new HMIC reforms within police operational practice’ (2012: 114), these studies have made a series of important arguments about the nature of contemporary protest policing in the UK. In the first instance, this research has argued that there has been a substantive shift in public order policing since 2009 to a model clearly based on human rights principles structured around a commitment on the part of police to facilitation and dialogue. Secondly, this body of research has suggested that central to these changes has been the successful and effective introduction of Protest Liaison Officers [PLOs]. This is made possible because PLOs are understood to adopt a ‘‘non-repressive’ approach before, during and after crowd events to establish relationships of trust with protesters’ (Stott et al 2013: 214). It is suggested that the development of this ‘communications-oriented approach to protest policing’ (Waddington 2013: 48) is central to the notable changes on the ground. For Gorringe et al for example, PLOs are ‘no isolated innovation but part of a wider UK move toward proactive and dialogue-based policing’ (2012: 122).

Thirdly, for many of these observers, the continued progress of dialogue policing requires enhanced communication between police and protesters. A number of these studies have

recognised that there can be difficulties in establishing relationships of trust with certain ‘types’ of protesters (Stott et al, 2013; Gorringe and Rosie, 2013; Gorringe et al 2012). A negotiated management approach to protest policing ‘requires demonstrators to be willing to talk to police’ and have ‘representatives with requisite authority to enter into negotiation’ (King and Waddington in Gorringe and Rosie 2013: 2). There is an acceptance that dialogue policing may not be capable of overcoming the fact that so-called ‘transgressive protesters’ see the police as ‘part of the system’. Work on transgressive protest – by those that ‘articulate more abstract demands, use unpredictable and often illegal tactics, do not negotiate with police, and are generally younger’ (Tilly in Gillham 2011: 640) – in the US has suggested that the tactics, organisational structure, and decision-making processes employed by some protest groups has posed a significant challenge to police (Gillham 2011; Gillham and Noakes 2007; Gillham, Edwards and Noakes 2013). In the US, police have responded with what Patrick Gillham and colleagues have referred to as a ‘strategic incapacitation’ approach, a *selective* use of repressive techniques through which ‘bad’ transgressive protesters are isolated or neutralised as threats to security to prevent disruption (Gillham 2011). An unwillingness to engage with police and the adoption of tactics that transcend legal and cultural norms pose a clear challenge to a police view of protest facilitation premised on negotiation and agreement. However, in the UK, it has been argued that if this hostility to police on the part of transgressive protesters is accepted, and some disruption is tolerated, the new approach to public order policing still has the potential to ‘improve mutual understanding and reduce the potential for violence between police and protesters’ (Gorringe and Rosie 2013: 7).

In this article we offer our own response to the call for direct empirical testing of the new HMIC reforms. We have previously argued that, despite these reforms, public order policing in England and Wales remains highly discretionary (Gilmore, Jackson and Monk, 2016) and we have also suggested that protests against hydraulic fracturing – better known as ‘fracking’ – are of particular significance to an assessment of current public order policing policy and practice (Gilmore, Jackson and Monk 2017). Our research has demonstrated that these protesters have experienced both a ‘velvet glove’ and ‘iron fist’ of public order policing as dialogue policing strategies have been deployed alongside, rather than in place of, coercive strategies of mass arrest (Gilmore et al, 2017). Providing a detailed case study of the policing of this type of protest, this article develops this work and suggests that recent developments in police policy specifically linked to anti-fracking protests – not reflected in recent academic work in this area – are significant in an assessment of police responses to protest in England

and Wales. The political, social and economic context in which the anti-fracking movement has emerged has made these protests particularly contentious (Jackson, Monk and Gilmore, 2017) and we suggest therefore, that the development of specific policy in this context is significant not least because of what it reveals about the police view of contemporary protest.

Presenting data from a longitudinal study of the policing of protests against fracking at Barton Moss, Salford, in Greater Manchester, which took place between November 2013 and April 2014, the article seeks to consider the extent to which policing practice in this context reflects the police view of acceptable and unacceptable protest set out in recent policy. The article begins therefore, by exploring recent policy documents specifically related to anti-fracking protest before presenting our detailed case study of the policing at Barton Moss. This case study was conducted independently of police for methodological reasons explained below and through this case study we suggest that there is a need for researchers to consider more directly the experiences of protesters in an assessment of changes to public order policing. We argue specifically that there is a need, rarely acknowledged in policy and academic debates, to consider the experiences of hard to reach groups of protesters, including those involved in direct action protest. This article therefore provides an empirical test of HMIC reforms, and an example of the evolving approach of police to anti-fracking protests in England and Wales.

Police policy relating to anti-fracking protest

“Fracking”, or hydraulic fracturing, is the process of extracting shale gas from solid rock below the earth’s surface, by pumping water, sand and chemicals at high pressure into the rock. In the last decade, technological advances, initially developed predominantly in the US, have been exported around the globe and energy companies have turned their attention to Europe, and the deposits of shale gas that have been identified across the continent. In the UK, significant shale deposits have been identified, and exploratory drilling by a developing onshore oil and gas industry has been actively encouraged by UK governments since 2007. The central place fracking now occupies in UK energy policy has been secured most markedly since 2013 when, in David Cameron’s terms, the UK government began its drive to go ‘all out for shale’ (Watt 2014). Shale gas has been lauded by government for its ability to provide energy security, growth and jobs, and fracking has been actively promoted alongside changes to energy and environmental policies since 2015 which have seen a declining commitment to renewable energy (Harvey 2016) and a reversal of policies on climate change (Clark 2015).

In May 2011 the first UK exploration for shale gas using hydraulic fracturing, at Preese Hall in Lancashire, was suspended after the process triggered two minor earthquakes and these events, combined with the economic, social and political context in which fracking has become central to UK energy policy (Jackson et al, 2017), have meant that exploratory drilling around the UK has been controversial. Communities and environmental groups have raised concerns about the immediate impact on local natural environments, including land, air, and water pollution as well as the broader issue of maintaining a reliance on fossil fuels in the face of global climate change, and public support for fracking in the UK has declined steadily as its place in energy policy has been elevated (Department for Business, Energy and Industrial Strategy 2017). Since 2013, drilling operations have been accompanied by protests which have often sought to disrupt and delay drilling operations. The first major protests against fracking in England and Wales came in the summer of 2013 at Balcombe, Sussex, where a coalition of local groups and environmental campaigners established a protest camp at the exploratory drilling site run by energy company Cuadrilla.

In 2015, in response to these protests, the National Police Chiefs Council [NPCC] produced specific guidance on policing protests against fracking (ACPO 2015ⁱ). The aim of this guidance was to draw upon lessons learnt in the policing of protests against fracking and it provides twenty-seven recommendations for change that include emphases on police communication strategies as well as operational planning and management. The ultimate goal of the guidance was to work toward a ‘consistent approach to the policing of onshore oil and gas operations’ (ACPO 2015: 1) but this guidance arguably provides an insight into the way in which public order policing policy in the UK is developing specifically in response to anti-fracking protest.

In this sense, the most notable inclusion to this guidance is an explanation of what is referred to as the ‘Structure of Protest’ (ACPO 2015: 7) and this includes a diagram (Figure 1) which demonstrates, what is in the police view, ‘the basic positioning of individuals within protest and the level of actions attributable to each category’ (ACPO 2015: 7).

The Structure of Protest



Figure 1 – The Structure of Protest, taken from ACPO (2015) *Policing linked to Onshore Oil and Gas Operations*, London: National Police Chief’s Council, 8.

The diagram and explanation are included as part of a discussion about the benefits of establishing good relationships with protesters and local supporters at anti-fracking protests, in line with the commitment to dialogue. The breakdown of the structure of protest here though defines protest in terms of accepted tactics in distinction to activism defined by criminality. Here the divide between these groups mirrors the distinction drawn between ‘contained’ and transgressive protest that Gillham (2011) argues has been central to targeted protest policing in the US in recent years. Indeed, the Network for Police Monitoring [Netpol] have pointed out, ‘the guidance proposes that these categorisations will be used to ‘tailor’ police responses’ (2015a: 9).

The police explanation of the ‘structure of protest’, is developed further in training materials produced specifically for PLOs by the College of Policing, the professional body for policing in England and Wales. The training materials, released under the Freedom Information Act (Statewatch 2013), provide further detail on the distinction between ‘good’ and ‘bad’ protesters which again reflects the definition of transgressive protest defined by both the demands made and the tactics employed.

People involved in protest

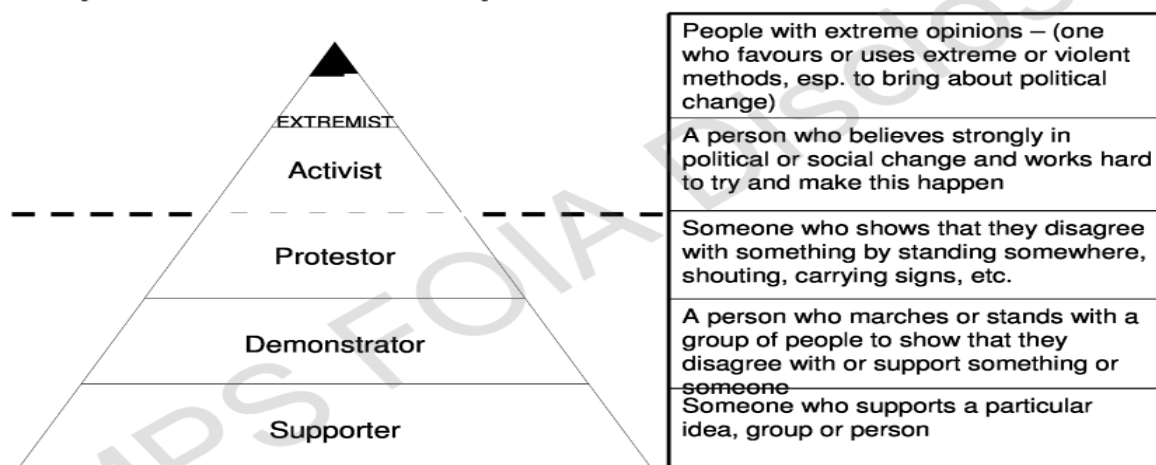


Figure 2 – College of Policing (n.d.) *Protester Tactics: An Introduction for Police Liaison Teams*

In this guidance – notably given to those officers directly responsible for establishing relationships with those involved in protest – attempts to move beyond purely symbolic gestures, and a direct opposition to the political and social order, are seemingly placed beyond the pale.

Anti-fracking protest, as it has evolved in England since 2013, has transcended the category of ‘protest’ as defined by police due its demands and the tactics employed by protesters (as the case study in the latter part of this article illustrates). In the terms defined above, anti-fracking protest is transgressive and there is evidence that this has been interpreted by police as a key example of not only ‘activism’ but also ‘extremism’. Anti-fracking protest has been labelled as ‘extremism’ in police training sessions for public sector workers provided under the government’s Prevent counter-extremism programme (Bloom 2015). Furthermore, individual anti-fracking protesters have been referred to the government’s de-radicalisation programme (NetPol 2015b) and counter-terrorism police have been directly involved in the policing of anti-fracking activists (NetPol 2015c). However, the potential effect of these definitions on public order policing practice has not been considered in existing academic literature and this

article seeks to respond to this gap. The purpose of the case study set out below is therefore to provide an empirical test of recent reforms and to consider whether the framing of anti-fracking in police policy can be seen to be having an effect on operational policing.

The Barton Moss Community Protection Camp (BMCCP)

The news that energy company IGas Energy would begin exploratory drilling to explore for coal bed methane and other unconventional gas resources at Barton Moss in mid-November 2013, prompted concerned residents from Salford and the wider Greater Manchester area, as well as some from further afield, to set up a camp at the site. Over the period of protest, between November 2013 and April 2014, the camp established itself as a community-led protection camp, a non-hierarchical unit with no leader or centre that was sustained by support and donations of food, fuel and general supplies from people living in the local area. As the protest progressed the camp grew in numbers and while people from around the UK visited, stayed at the camp and took part in the protests, the majority of people involved lived locally or in the North West of England. Other members of the local community in Salford and Greater Manchester more generally also demonstrated support for the camp and an opposition to fracking by attending events organised at the camp on weekends and two large public demonstrations against fracking that took place in Manchester and Salford during the period of the protest. The protest involved approximately equal numbers of men and women and a wide age-range from infants in pushchairs and school children attending with parents through to elderly men and women who attended to both support the camp and to take part in the protests. Those involved adopted several protest techniques, including the use of lock-onsⁱⁱ and blockades, but relied most heavily on slow walking in front of convoys of trucks arriving at, and departing from, the IGas site in order to delay the drilling operation and to provide a visible and constant opposition to fracking in Salford. These slow walk protests took place twice daily for four days per week, for the duration of the drilling operation. The camp remained in situ until mid-April 2014 with the protest covering approximately twenty weeks and involving over seventy-five protest events.

Data sources and methods

The authors made a series of visits to the BMCCP to engage in fieldwork and undertake semi-structured interviews with camp residents and those taking part in direct action. One or more

of the three authors visited the camp to conduct interviews or observations on fifteen separate occasions. These interviews were supplemented with follow-up interviews conducted at the conclusion of the criminal proceedings (two years later) as part of a longitudinal study into the policing at Barton Moss and subsequent criminal justice responses to those arrested (Gilmore, et al 2016). The primary objective of the research was to uncover the experiences of policing at Barton Moss from the perspectives of the protestors, therefore qualitative semi-structured interviews were the chosen method. This method was chosen in line with the aim to centralise and project unrecognised voices and to facilitate the production of a *view from below* (Jefferson 1987). In total twenty-two interviews were conducted involving twenty-seven participants. These interviews provide in-depth, first-person accounts of people's experiences of the protest at Barton Moss and detail their perspectives on the policing of the protest. Purposive sampling was undertaken; the authors approached members of the camp directly to seek participation after initial discussions with gatekeepers from the Justice4Barton Moss campaign. Sixteen men and eleven women were interviewed and the age of participants ranged from eighteen to seventy. This research took the form of an in-depth longitudinal case study analysis that was conducted independently of police. This independence was necessary to enable the authors to engage with hard to reach groups of protesters who, due to their negative experiences of policing, were reluctant to engage with researchers who had links with police.

The interview data was supplemented by Freedom of Information Act responses from Greater Manchester Police, the Office of the Police and Crime Commissioner for Greater Manchester, the Independent Police Complaints Commission, the Crown Prosecution Service and the Ministry of Justice. The data drawn from the interviews and the Freedom of Information Act requests was triangulated with other publicly available information, including GMP press statements and a report on the Barton Moss protest published in October 2014 by the Police and Crime Commissioner for Greater Manchester's Independent Panel on the Policing of Protests and Demonstrations [PCC Panel] (2014).

Police operational planning

The police operation conducted by GMP, codenamed Operation Geraldton, ran for the duration of the drilling operation at Barton Moss and cost in excess of £1.7m. By the conclusion of the protest, there had been 231 arrests (relating to 115 individuals) and 77 complaints to GMP, 40% of which related to the misuse of force by GMP officers (Gilmore et al, 2016). The

policing operation was presented by GMP as a balancing act with the police finding themselves “stuck in the middle” (Fahy 2014) compelled to respect the protesters’ basic human right to protest and the right of the fracking company to conduct the exploratory drilling for which it had been granted a licence. However, the contents of a Memorandum of Understanding (MOU) signed between GMP, IGas, and other ‘interested parties’, prior to the commencement of the protest, raised questions about the independence of GMP in their role at Barton Moss. The purpose of the MOU was:

...to articulate the basis and general principles for ongoing cooperation and coordination between the Parties in order to promote and contribute to the realisation of their mutual interests in relation to the delivery of the Gold strategy (GMP 2013a: 3).

Despite GMP’s stated commitment to balancing what were presented as equally valid rights claims, protesters were not included as one of the parties with ‘mutual interests’ in the delivery of the Gold strategyⁱⁱⁱ and were not approached in the production of the MOU. On the other hand, the MOU demonstrates that IGas had insider access to Gold and Silver senior police command meetings, daily briefings or video conferences with GMP’s Silver Commander and shared police and local council information and intelligence, all privileges not extended to protesters. Furthermore, the MOU demonstrates that IGas took a lead in all media communications, “both proactive and reactive” (GMP 2013a: 10) in liaison with GMP’s Corporate Communications team. The MOU at Barton Moss mirrored very closely a similar document produced at Balcombe (NetPol 2014) and both formalised links between the police, the local council, the energy company and the land owner without any involvement of protesters or campaign groups. These documents illustrate that accepted view of necessary ‘cooperation and coordination’ involves the state and interested corporations but does not include the affected community or those seeking to oppose the drilling. Specifically, the existence of these memoranda brings into question the idea of police organisational neutrality and, as we have argued (Gilmore et al, 2017), it directly challenges the idea, suggested by Stott et al (2013: 225), that police in the UK ‘invariably start their planning from a position of negotiated management’.

Liaison and communication

GMP prides itself on being a centre of excellence for the management of public disorder and has been a leading force in the pilot training programme for Liaison Officers (GMP 2013b). However, dialogue was not effectively established at Barton Moss, and for the duration of the protest, 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 a refusal by protesters to engage with police. GMP explained to the PCC Panel that dialogue and negotiation had been attempted by officers at Barton Moss but ‘GMP felt some protesters acted in a cynical way and had no real desire to negotiate with police’ (PCC Panel 2014: 17).

GMP and the PCC Panel concluded that this refusal to communicate effectively was due to the unwillingness of the purposely non-hierarchical camp to elect an official spokesperson and a more general unwillingness on the part of protesters to engage with the police. However, despite speaking to a representative of the group, the PCC Panel failed to acknowledge that one of the key local campaign groups, Frack Free Greater Manchester, had tried to play a liaison role at Barton Moss, and GMP had refused to meet with them (Frack Free Greater Manchester 2014). In addition, the PCC Panel did not acknowledge that communication and negotiation had been attempted by protesters such as Maria:

We found that in the past we tried to make some kind of agreements and the police have always broken them first. Like, they make an agreement to say, “Oh, well, this time round you can march without police, we’ll just give you two PLOs. You can march the lorries just on your own.” Five minutes in – this was the other week – they just sent the bobbies out anyway because they think... they say, “Oh, you’re walking too slow, we have to put the police out.” (Maria, Protester)

In this example, in the view of the protesters, attempts were made to enter into negotiations but the response of police suggested that a commitment to meaningful dialogue was not reciprocated. For many protesters, the direct experience of policing at Barton Moss was sufficient to induce a hesitance, or reluctance, to engage with the police. For others their experience at other protests, especially at Balcombe, was sufficient to dissuade them from engaging with officers. There is also little doubt that, what were at the time, very recent revelations about the policing of protest and campaign groups in the UK (Evans and Lewis 2013), which included the use of police infiltration and undercover police officers forming

long-term sexual relationships with women activists with a notable emphasis on environmental groups, had an effect on the willingness of many protesters to engage with police.

The PLOs, with whom responsibility for establishing dialogue lay, were perceived to be primarily involved in gathering intelligence, as Sam explained:

The role, if anything, is to be information gathering. Because they'd come have a chat with us, as soon as the walk starts they're off on their own in a group. Before a walk and after a walk they'll have a little chat with us and see if anything was alright and say, "We'll put it back to the bosses." Obviously nothing ever changes, so they're obviously only here for information-gathering, really (Sam, Protester).

This apparent function exacerbated the lack of trust between protesters and the police, and also reinforced suspicions held by many of the protesters about the role of PLOs, suspicions again undoubtedly exacerbated by the public accounts of police infiltration of protest groups. The perception of PLOs as intelligence gatherers is not unique to Barton Moss, as Gorringer et al have noted (2011) and the intelligence gathering role, or at very least the protesters' perception of this role, coloured the interactions between many protesters and PLOs at Barton Moss.

Police representation of the protesters and the policing operation

Throughout the duration of Operation Geraldton, GMP issued public statements, published news items on the GMP website, and provided commentaries through the Chief Constable's own blog. The dominant concern of police spokespersons appeared to lie with justifying the policing operation, including, notably, the use of force, rather than providing effective communication with the protesters or the public. To do this, the police narrative reproduced an image of protesters as unreasonable in both their demands and their behaviour. A number of statements made by the Silver commander, Chief Superintendent Mark Roberts, in particular, appeared to reinforce an image of anti-fracking protesters as irrational in their opposition to both fracking and the policing of the protest. The idea that some of those involved were experienced protesters was repeatedly highlighted in police statements, and used to infer a lack of affinity between the local anti-fracking campaign and those who had travelled to Barton Moss. In public statements Roberts sought to draw a direct distinction between the protesters

and local residents, and in doing so located concerns with the policing of the protest outside of the local community:

It now seems that the majority of people who are arriving at the site are not there to protest against fracking but are there to disrupt and intimidate the local community and to antagonise police (in Manchester Evening News 2014).

Generalisations about who ‘the local community’ were, and whether they were in support of, or opposed to, the protest, were central to competing narratives provided by protesters and GMP. In their contribution to the PPC Panel report GMP positioned local residents in opposition to the protest, highlighting reports of disruption and intimidation of residents by protesters (PCC Panel 2014). However, the apparent conflict between the protest and the local community was not reflected in the accounts collected by the authors or by many journalists visiting the site (see Pidd 2013). The idea that individuals from outside of the ‘locality’ were illegitimate protesters was a recurring theme in GMP statements despite being undermined by their own arrest figures which demonstrated that at the time these statements were made, 75% of arrestees were from the North West of England or had no fixed address (Gilmore et al, 2016). The lack of legitimacy for those who had travelled to the protest appeared to rest on the assumption that fracking at Barton Moss should be solely an issue for people living locally. Given the far-reaching nature of the highlighted environmental impacts of fracking, defining fracking as a ‘local’ issue appeared to be part of an attempt to shape the public perception of the protest and the protesters.

It appeared that the representation of protest by GMP sought to reinforce a construction of the protesters as illegitimate and on this basis to justify the policing operation (Gilmore et al, 2016). The image of the protest at Barton Moss reflected a view of anti-fracking protest as unacceptable, and echoed the view, articulated by both government and the fracking industry in the UK, that opposition to fracking is itself irrational (Jackson et al, 2017). The overarching themes that characterised GMP’s communications strategy, of justifying the police operation and questioning the legitimacy of the protest, did not appear to be in line with a commitment to facilitation, but instead appeared to rest upon a construction of the protest as illegitimate.

Police repression

The conduct of GMP officers throughout the course of Operation Geraldton raised further concerns about the police role. Many of the more experienced protesters interviewed cited the policing at Barton Moss as the most brutal that they had witnessed. Antagonistic methods of harassment were outlined by many of the protestors and Tim's account is illustrative of these reports:

I tried to raise it with the Chief Inspector this morning...I'm walking along at what I am agreeing is a reasonable pace, I'm being compliant with them, and they are agreeing it's a reasonable pace, and yet repeatedly, about once a second, they shouted very loudly in each of my ears, 'keep moving, please keep moving'. I'm trying to square that with our peaceful protest because over a 45 minute period, that's quite a harassment. And so I ask them to say it a little more quietly and, of course, they say it louder next time. That's important, even at that base level. They are determined no peaceful protest is going to happen (Tim, Protester).

The twice daily protests, walking the trucks into and off the site, for at least four days a week, over a five month period, were unprecedented for those taking part. The intensity of this form of protest was exacerbated by the inconsistency of how these marches would play out on a daily basis. The running battle between the protesters and the police revolved around the length of time taken to travel the 800 metre stretch of road from the main arterial route to the drilling site; this could take up to several hours or as little as fifteen minutes, and this added to the uncertainty for those taking part, as Maria explained:

One day we could actually just peacefully and calmly be walking down the road and be allowed to walk down the road, and other times we'll just be shoved, pushed and beaten, and we just never know what kind of day it's going to be (Maria, Protester).

It was predominantly during the walk-ins that protesters also reported being physically handled by the police. They described the frequent occurrence of being pushed and shoved, having their heels stood on, having knuckles dug into their backs, being grabbed around the waist and pushed down the road, and being verbally harassed:

The knuckles in the back, stepping on people's feet, stepping on people's heels; it's quite deliberate. I've told them many times that it's a peaceful protest and there is no

need for it, but they just carry on doing it – telling me to march faster. I’m clearly moving, I’m clearly within my normal right to keep moving, and they just keep assaulting me and assaulting other people (James, Protester).

For those interviewed this violence significantly escalated when Tactical Aid Unit [TAU] officers from GMP’s Police Support Unit were deployed to cover the marches. The TAU were, according to Fahy, available to help regular officers with ‘unusual incidents’ (Fahy 2014) but as the protest went on, these officers were involved on a regular basis. The use of force by TAU officers at Barton Moss marked them out from other officers, and the normalisation of their deployment typified the policing of the protest for many of those involved:

As soon as they bring in the TAU it changes dramatically – people are getting injured, severe injuries have happened. They’ve thrown us down the road, pretty much. The tactics totally change; the atmosphere changes (Sam, Protester).

Interviewees described the tactic of mass arrest as having a particularly brutalising and destabilising effect on camp residents (see Gilmore et al 2016, 2017). In addition, while those interviewed were clear about the support received by the camp from people in the local community, some did suggest that the policing had the effect of deterring people from joining the protest. This became notable for some, such as Lee, as the dominant image of violent policing, led by the TAU, was reinforced during the course of the police operation:

Yeah, we’ve definitely noticed a decline of locals over the last month or so, especially with the police stepping up their pushing and shoving. We’ve had less of the locals on-site. Obviously I can’t prove it, but my personal opinion is the way the police are dealing with it, and to a lot of people it does, you know, especially people who have kids and things, they were being threatened by social services and stuff like that. So to anyone who would come down, would they want to risk that? (Lee, Protester).

The risk of violent policing was combined here, for Lee and others, with the additional risks to protesters who attended with children following visits to the camp by social services. Citing “safeguarding” concerns for children involved, Greater Manchester social services visited the camp in November 2013 (see Netpol 2016) and this was perceived by many of the protesters as an attempt to widen the policing of the protest.

GMP's professed impartiality was questioned in the light of the conduct of officers and in the light of public statements made by official GMP spokespeople that sought to underplay the complaints made by those involved (see Gilmore et al, 2016). Complaints against GMP officers during Operation Geraldton included 'aggressive behaviour', 'unnecessary force', 'abusive language', 'insulting behaviour', 'improper treatment', and being 'denied legal advice', but many of the interviewees also explained that they didn't make formal complaints about their experience at Barton Moss because of a lack of trust and confidence in the police complaints system. The experiences protesters reported of the policing of daily marches and the police misrepresentation of the protest suggested that the approach taken by GMP at Barton Moss was not in-line with the new approach to public order policing recommended by HMIC.

Conclusion

The experience at Barton Moss appears to demonstrate that the commitment to dialogue and facilitation on the part of police is not universal. Where researchers have been able to state clearly that protest policing has been 'relatively permissive and enlightened' (D Waddington 2013: 63), and 'fundamentally democratic' (Gorringer, Stott and Rosie 2012: 123) it is in response to protest that conforms largely to the police definition of what is acceptable. Where protesters desire no more than to make a symbolic register of opposition and engage with police in the expected manner, the approach to facilitation can play out as the post-2009 policy dictates. The Barton Moss protest demonstrates however, that despite assurances to the contrary in the academic literature, transgressive protest does pose a significant challenge to the idea of a reformed approach to public order policing in England and Wales. It is important therefore to consider how, in current police policy, strategies for liaison and negotiation are developing in conjunction with ideas about what constitutes legitimate forms of protest.

The Barton Moss case study illustrates that PAJ Waddington's (1995) observation about protesters who refuse to "play the game" being responded to differently by police, remains accurate despite changes to public order policing policy. Waddington argued that those protests which 'deliberately place themselves beyond institutional boundaries in order to maximise disruption' are 'vulnerable to coercive policing strategies' (1995: 11) and Barton Moss demonstrated that this is still the case. Crucially, it illustrates that the 'human rights compliant model' has not meant that the velvet glove of public order policing has replaced the iron fist

(Gilmore et al, 2017). However, the process by which specific protests or social movements are placed beyond institutional boundaries and deemed to be ‘breaking the rules’ needs to be better understood. Barton Moss suggests, along with other recent examples (Gilmore, 2010), that the process by which the rules of acceptable protest are broken, and a vulnerability to coercive policing created, cannot be reduced to protesters’ unwillingness to engage with police. There are examples where protesters (including at Barton Moss) do make an effort to play by the rules but are responded to with coercive policing. In addition, Barton Moss suggests that a commitment to peaceful, non-violent action on the part of protesters is not sufficient to ensure that the protest will be facilitated. This is because the boundaries between acceptable and unacceptable protest set by police are not based on the use of violence but on the *target* or *goal* of a protest and a desire to be *disruptive*; anti-fracking protest thus transcends the police definition of acceptable protest as ‘peaceful assembly’ not because of a recourse of violence but because of what it is focussed on, what it demands, and the form it takes. Seeking to challenge the status quo is enough to break the rules as a transgressive protest and anti-fracking protest is understood to pose a threat to security on these terms. The experience of anti-fracking protesters in England and Wales since 2013 suggests both that the police definitions position anti-fracking protest as unacceptable and that this is being reflected in operational policing.

In conclusion, there is a need for further research into the policing of protest and into the reasons for the apparent differences in the responses to certain ‘types’ of protest. To do this, it is vital that research considers evolving definitions of acceptable protest in police policy. In addition, to enable us to consider a full range of protesters’ experiences it is vital that research engages with those protesters who voices remain underrepresented in policy, media, and academic discourse. The experiences of protesters who utilise direct action, and are placed, or place themselves, outside of the police definition of legitimate protest, should be considered, and must feed into debates about the developments in public order policing. The apparent differential in approaches to protest policing should be considered before we draw conclusions about general trends. That anti-fracking protest seems to be at the sharp end of a different emphasis in police policy and practice to that observed in many recent academic studies should have implications for future research into policing in the UK.

References

- ACPO (2010) *The Manual of Guidance on Keeping the Peace*, Harrogate: National Policing Improvement Agency
- ACPO (2015) *Policing linked to Onshore Oil and Gas Operations*, National Police Chiefs Council
- Bayley, DH and Shearing, CD (1996) 'The Future of Policing', *Law & Society Review*, 30: 3, 585-606
- Bloom, A (2015), 'Police tell teachers to beware of green activists in counter-terrorism talk', *TES*, 4th September, <https://www.tes.com/news/school-news/breaking-news/police-tell-teachers-beware-green-activists-counter-terrorism-talk>
- Bunyan, T. (1977) *The history and practice of the political police in Britain*, London: Quartet Books
- Clark, P (2015) 'UK policy hitting credibility on climate change, says CBI', *Financial Times*, 22nd September, available online at <https://www.ft.com/content/ff648bd2-6073-11e5-9846-de406ccb37f2?mhq5j=e1>
- Coleman, R and McCahill, M (2010) *Surveillance and Crime*, London: Sage
- College of Policing (n.d.) *Protestor Tactics: An Introduction for Police Liaison Teams*, Harrogate: College of Policing. Available online at <http://www.statewatch.org/news/2013/sep/uk-protest-plos.html>
- della Porta, D and Reiter, H (1998) 'The Policing of Protest in Western Democracies', in D. della Porta and H. Reiter [Eds] *The Control of Mass Demonstrations in Western Democracies*, Minneapolis: University of Minnesota Press
- Department for Business, Energy and Industrial Strategy (2017) 'Energy and Climate Change Public Attitudes Tracker', available online at <https://www.gov.uk/government/collections/public-attitudes-tracking-survey>
- Evans, R and Lewis, P (2013) *Undercover: The True Story of Britain's Secret Police*, London: Faber and Faber
- Fahy, P (2014) 'The changes in Policing', *Chief Constable Sir Peter Fahy (Blog)*, 27 February, available online at <https://gmpolice.wordpress.com/2014/02/27/the-changes-in-policing/>
- Fine, B. and Millar, R. (1985) *Policing the miners' strike*, London: Lawrence & Wishart
- Frack Free Greater Manchester (2014) 'Press Release', 12 October, available online at <http://frackfreegtrmanchester.org.uk/press-release-report-on-barton-moss-fracking-protest-shows-urgent-need-for-investigation-into-flaregate/>
- Gillham, P. F. (2011). Securitizing America: strategic incapacitation and the policing of protest since the 11 September 2001 terrorist attacks. *Sociology Compass*, 5(7), 636-652.
- Gillham, P. F. and Noakes, JA (2007) 'More Than a March in a Circle': Transgressive Protests and the Limits of Negotiated Management', *Mobilization*, 12, 4, 341-357
- Gillham, P. F. Edwards, B, and Noakes, JA (2013) 'Strategic Incapacitation and the Policing of Occupy Wall Street in New York City, 2011', *Policing and Society*, 23, 1, 82-103

- Gilmore, J., (2010) 'Policing protest: an authoritarian consensus', *Criminal Justice Matters*, 82 (1), 21–23.
- Gilmore, J., Jackson, W. and Monk, H., (2016). *'Keep moving!': report on the policing of the Barton Moss Community Protection Camp*. Liverpool: CCSE and York: CURB.
- Gilmore, J., Jackson, W., and Monk, H. (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*, DOI: 10.1080/10439463.2017.1319365
- Gorringe, H and Rosie, M (2008), *'It's a Long Way to Auchterarder! 'Negotiated Management' and Mismanagement in the Policing of G8 Protests'*, *British Journal of Sociology*, 59, 2, 187-205
- Gorringe, H and Rosie, M (2013) *'We will facilitate your protest': Experiments with Liaison Policing'*, *Policing*, 7, 2, 204-211.
- Gorringe, H. Rosie, M. Waddington, D. and Kominou, M. (2011). 'Facilitating ineffective protest? The policing of the 2009 Edinburgh NATO protests', *Policing and Society*, 21. 4, 115-132.
- Gorringe, H. Stott, C. and Rosie, M (2012) 'Dialogue Police, Decision Making, and the Management of Public Order During Protest Crowd Events', *Journal of Investigative Psychology and Offender Profiling*, 9, 2, 111–125.
- GMP (2013a) *Memorandum of Understanding (MOU): Exploratory drilling and potential oil recovery, Barton Moss, Salford, Greater Manchester*, Manchester: GMP
- GMP (2013b), *Freedom of Information Request Reference No: 5542/12*, 9 January.
- GMP (2014), *More than 80 protestors arrested so far over course of anti-fracking protest*, January 23, available online at <http://www.gmp.police.uk/content/websitepages/3C645B64D74E21C280257C6900258299?OpenDocument>
- GMP (2015), *Freedom of Information Request Reference No: 1331/15*, 7 July.
- Harvey, F (2016) 'UK will miss its 2020 renewable energy targets, warn MPs', *The Guardian*, 9th September, available online at <https://www.theguardian.com/environment/2016/sep/09/uk-will-miss-its-2020-renewable-energy-targets-warn-mps>
- HMIC (2009) *Adapting to Protest – Nurturing the British Model of Policing*, London: HMIC.
- Jackson, W., Monk, H., and Gilmore, J., (2017) 'Fracking and state violence', In V. Cooper and D. Whyte, [Eds]. *The Violence of Austerity*. London: Pluto Press
- Jefferson, T. (1987) 'Beyond paramilitarism'. *British Journal of Criminology*, 27(1), 47-53.
- Jefferson, T. (1990) *The Case against paramilitary policing*, Milton Keynes: Open University Press
- Jefferson, T. (1993), 'Pondering Paramilitarism: A Question of Standpoints?', *British Journal of Criminology*, 33, 3, 374-81.
- JCHR (2009) *Demonstrating respect for rights? A human rights approach to policing protest, Seventh Report of the Session 2008-09*, London: The Stationary Office

- Jones, T. and Newburn, T. (2002) 'The transformation of policing? Understanding current trends in policing systems', *British Journal of Criminology*, 4,1, 129–46
- Kundnani, A (2014) *The Muslims Are Coming*, London: Verso
- Lubbers, E (2012) *Secret Manoeuvres in the Dark: Corporate and Police Spying on Activists*, London: Pluto
- Manchester Evening News, (2014) 'Most fracking protesters are there to 'intimidate the local community' and 'antagonise' the force, police claim', January 23, available online at <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/salford-fracking-protesters-intimidate-local-6554055>
- McCabe, S., Wallington, P., with Alderson, J., Gostin, L. and Mason, C. (1988) *The Police, Public Order and Civil Liberties: Legacies of the Miners' Strike*. London: Routledge
- McPhail, C. Schweingruber, D. and McCarthy, J (1996) 'Policing Protest in the United States: 1960-1995.' in D. della Porta, and H. Reiter [Eds] *Policing Protest: The Control of Mass Demonstrations in Western Democracies*, Minneapolis: University of Minnesota Press
- Morgan, C (2013) *Standard Operating Procedure for the Operational Deployment of Protestor Liaison Teams (PLT's) in the MPS*, 19 January, London: Metropolitan Police
- Netpol (2014) *Police and fracking companies – in each other's pockets?*, available online at <https://netpol.org/2014/08/05/police-fracking-collusion/>
- Netpol (2015a) *Eighteen urgent questions on policing of anti-fracking protest*, available online at <https://netpol.org/2015/09/07/eighteen-questions/>
- NetPol (2015b) *Is Prevent the least transparent public programme in Britain?*, available online at <https://netpol.org/2015/12/14/no-transparency-prevent/>
- NetPol (2015c) *Why are counter-terrorism police treating fracking opponents as 'extremists'?*, available online at <https://netpol.org/2015/04/09/prevent-fracking-extremism/>
- NetPol (2016) *Government unveils new 'counter-extremist' bill – but still cannot define what extremism actually means*, available online at <https://netpol.org/2016/05/21/counter-extremist-bill/>
- PCC Panel (2014), *The Barton Moss Environmental Protest*, Manchester: Tony Lloyd, Greater Manchester Police and Crime Commissioner
- Pidd, H. (2013) 'Salford anti-fracking camp enjoys local support', *The Guardian*, 26th December, available online at <http://www.theguardian.com/environment/2013/dec/26/salford-anti-fracking-camp>
- Reiner, R (1998) 'Policing, Protest, and Disorder in Britain' in D. della Porta and H. Reiter [Eds] *The Control of Mass Demonstrations in Western Democracies*, Minneapolis: University of Minnesota Press
- Reiner, R (2007) *Law and Order: An Honest Citizen's Guide to Crime and Control*, Cambridge: Polity
- Reiner, R (2010) *The Politics of the Police* [4th Edition], Oxford: OUP
- Scraton, P. (1985) *The State of the Police*, London: Pluto Press

- Smith, D and Chamberlain, P (2015) *Blacklisted: The secret war between big business and union activists*, Oxford: New Internationalist
 - Stott, C. Scothern, M. & Gorringe, H. (2013) 'Advances in Liaison Based Public order policing: negotiating the management of protest', *Policing: A Journal of Police Policy and Practice*, 7, 2, 212-226
 - Waddington, D (2007) *Policing Public Disorder: Theory and Practice*, Collumpton: Willan
 - Waddington, D (2013) 'A 'kinder blue': analysing the police management of the Sheffield anti-'Lib Dem' protest of March 2011', *Policing and Society*, 23, 1, 46-64
 - Waddington, P. A. J. (1993), 'The Case Against Paramilitary Policing Considered', *British Journal of Criminology*, 33, 3, 353-373.
 - Waddington, P. A. J. (1994) *Liberty and Order: public order policing in a capital city*, London: UCL Press
 - Waddington, P. A. J. (1995) 'Both arms of the law: institutionalised protest and the policing of public order, *The British Criminology Conference: Selected Proceedings*, available online at <http://www.britisocrim.org/volume1/008.pdf>
 - Waddington, P.A.J. (2003) '*Policing public order and political contention*', in T. Newburn, (ed.) *Handbook of Policing*, Collumpton: Willan Publishing.
 - Watt, N (2014) 'Fracking in the UK: 'We're going all out for shale,' admits Cameron', *The Guardian*, 13th January, available online at <http://www.theguardian.com/environment/2014/jan/13/shale-gas-fracking-cameron-all-out>
 - Zedner, L (2009) *Security*, London: Routledge
 - Zedner, L (2016) 'Criminal justice in the service of security' in M Bosworth, C Hoyle & L Zedner (eds), *Changing Contours of Criminal Justice*, Oxford: Oxford University Press
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Notes

- ⁱ Although this document was published after ACPO was formally replaced by the NPCC in April 2015, the author was still listed as ACPO and is referred to in those terms in this article.
- ⁱⁱ A lock-on is a technique used by peaceful protesters to make it difficult to remove them from their place of protest. It often involves the use of improvised or specially designed and constructed hardware, although a basic lock-on is the human chain which relies simply on hand grip.
- ⁱⁱⁱ The public order command structure is based on the gold, silver, and bronze commander roles. While the roles are not specific to rank, the [chain of command](#) is usually the same as the order of rank. The Gold strategy is that implemented by the Gold (strategic) commander who assumes and retains overall command for a police operation or incident

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