Protesters' experiences of policing at anti-fracking protests in England, 2016-2019

A NATIONAL STUDY

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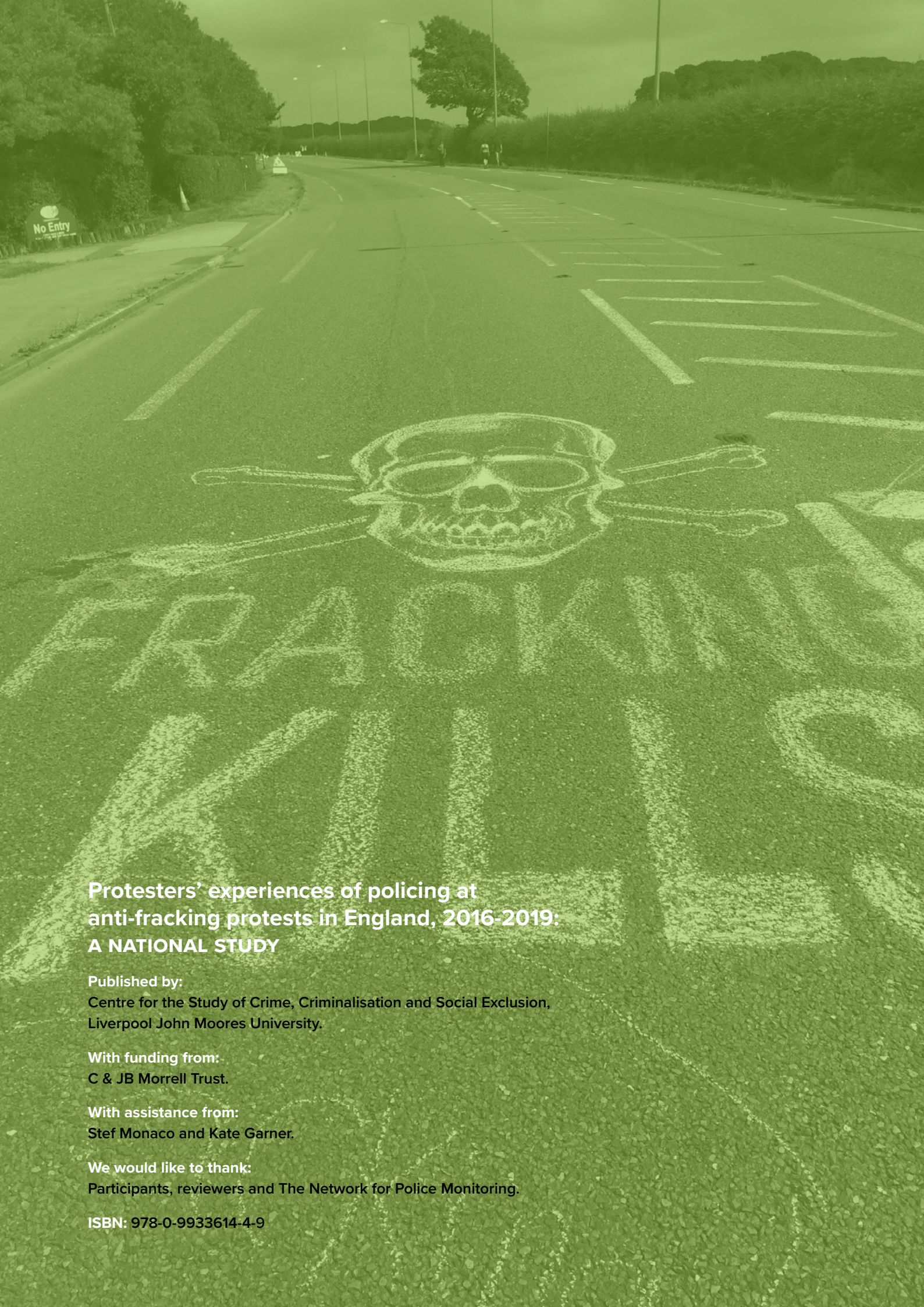

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CENTRE FOR THE STUDY OF CRIME, CRIMINALISATION AND SOCIAL EXCLUSION

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Executive Summary

This report is based on interim findings from a longitudinal study of the policing of protests against onshore oil and gas extraction in England. This research has been conducted by a team of academic researchers from Liverpool John Moores University, the University of York, and the School of Advanced Study, University of London. The research team have been studying the policing of anti-fracking protests in England since 2013 and this report contains findings from the period 2016 to 2019. The researchers have visited sites in Lancashire, Yorkshire, Greater Manchester, Surrey and Sussex and the report seeks to centralise the experiences of those involved in protests against fracking. The findings in this report are drawn from existing data produced through site visits and in-depth, semi-structured interviews with protesters. Further details on the research methodology can be found on page 13.

Key findings

1. **ANTI-FRACKING PROTESTS IN ENGLAND SINCE 2016 HAVE BEEN OVERWHELMINGLY PEACEFUL. Many protesters have sought to disrupt and delay the activities of the fracking industry whilst also raising public awareness of the apparent harms associated with fracking, but there is a shared commitment to peaceful protest.**

2. **ANTI-FRACKING PROTESTS HAVE INVOLVED A DIVERSE GROUP OF PARTICIPANTS. Protests have most often involved a combination of local residents and more experienced campaigners. Those involved come from a range of political backgrounds and have very different levels of previous experience as protesters. The motivations for becoming involved in anti-fracking protests are multiple and varied but most often focus on the local, national and global impacts of fracking.**

3. **POLICE LEADERS HAVE SOUGHT TO REDEFINE WHAT CONSTITUTES ACCEPTABLE PROTESTS IN THIS CONTEXT. The categorisation of acceptable protest has been reflected in protesters' experiences of operational policing at sites around England since 2016. This has compounded the existing restrictions on what it is possible for protesters to do in their attempts to mount a peaceful opposition to fracking.**

4. **AT FRACKING SITES AROUND ENGLAND THERE HAS BEEN A FAILURE BY POLICE TO ESTABLISH RELATIONSHIPS BASED ON TRUST. There is a general perception among protesters that protest groups are not seen by police as partners with whom meaningful negotiation and cooperation is either possible or desirable. For many protesters, the scale and nature of policing operations has meant that meaningful and constructive relationships based on trust and rapport with police have not been possible.**

5. **POLICE COMMUNICATION STRATEGIES APPEAR TO HAVE BEEN FOCUSED PRIMARILY ON JUSTIFYING POLICE OPERATIONS AND INFLUENCING THE RELATIONSHIPS BETWEEN PROTEST GROUPS AND LOCAL RESIDENTS. This has led many protesters to withdraw from any formal communication process. In addition, the perceived role of Police Liaison Officers as intelligence gatherers has been key to the decision of many protesters to withdraw.**

6. **THE EXPERIENCES OF PROTESTERS SUGGEST THAT THE POLICE RESPONSE TO ANTI-FRACKING PROTESTS SINCE 2016 HAS BEEN DISPROPORTIONATE AND HAS HAD THE EFFECT OF UNDERMINING THE RIGHT TO PROTEST. Protesters have reported experiences of violence, intimidation and aggression from police officers at multiple fracking sites across the country. This is most prevalent during intense and extended protest situations and has exacerbated the breakdown in trust between protesters and police.**

7. **THE USE OF CIVIL INJUNCTIONS IS HAVING A CHILLING EFFECT ON THE RIGHT TO PROTEST. The terms contained within these injunctions have meant that many supporters of anti-fracking protests are unclear about what is prohibited. The use of injunctions by private companies has been encouraged by the police, raising serious concerns about the commitment to the facilitation of peaceful protest.**


POLICE


POLICE
VIDENCE
ATHERER
POLICE
LIAISON

Protesters' experiences of policing at anti-fracking protests in England, 2016-2019: **A NATIONAL STUDY**

1. Introduction

This report is based on interim findings from a longitudinal study of the policing of protests against onshore oil and gas extraction in England. This research has been conducted by a team of academic researchers from Liverpool John Moores University, the University of York, and the School of Advanced Study, University of London. The research team have been studying the policing of anti-fracking protests in England since 2013 and this report contains findings from the period 2016 to 2019. The researchers have visited sites in Lancashire, Yorkshire, Greater Manchester, Surrey and Sussex and the report seeks to centralise the experiences of those involved in protests against fracking.

This research builds upon previous work by the authors that explored the policing of protests against fracking at Barton Moss, Salford, Greater Manchester which took place between November 2013 and April 2014. The report on this protest – titled *'Keep Moving!: Report on the Policing of the Barton Moss Community Protection Camp November 2013 – April 2014* (Gilmore, Jackson and Monk 2016) – documented concerns about the nature, function and proportionality of the policing operation at the protest and the way that policing methods were deployed in accordance with obligations to facilitate peaceful protest underpinned by the European Convention on Human Rights.

1.1 Fracking in the UK

'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 significant deposits of shale gas and other unconventional fossil fuels have been identified in Central and Southern America, Asia, South Africa and Europe. In the UK, significant shale deposits have also been identified, and exploratory drilling by a developing onshore oil and gas industry has been actively encouraged by UK governments since 2007.

Exploratory drilling to explore the potential for fracking around the UK has been controversial, and industry and government fracking plans have been the target of public campaigns from the outset. 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 (British Geological Society 2018). Alongside issues of seismic instability, 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 the global climate emergency. Public support for fracking in the UK has continued to be low even as its place in energy policy has been elevated (Department for Business, Energy & Industrial Strategy 2017).

1.2 Protests against fracking

Since the resumption of exploratory drilling in 2013, drilling operations have been accompanied by protests which have often sought to disrupt and delay the activities of companies involved in fracking. The first major protests against fracking in England and Wales came in the summer of 2013 at Balcombe in Sussex, where a coalition of local groups and environmental campaigners established a protest camp at the exploratory drilling site run by energy company Cuadrilla. Since 2013, there have been protests at sites around England (there have been moratoriums against fracking in Scotland and Wales since 2015) including in Cheshire, Derbyshire, East Yorkshire, Greater Manchester, Lancashire, North Yorkshire, Nottinghamshire, Shropshire, Surrey and Sussex.

Many of these protests have involved the establishment of protest camps bringing local residents and more established environmental campaigners together to mount an opposition to drilling operations and to raise public awareness about fracking. Some of these protests have lasted for many months with continued actions by protesters seeking to highlight opposition to onshore oil and gas extraction and to disrupt and delay drilling operations. Protesters have utilised different forms of protest ranging from symbolic acts of opposition to the deployment of various forms of direct action. The anti-fracking movement in England has a universal commitment to non-violent protest and, as a result, protesters have utilised a range of forms of peaceful direct action including, most notably, 'slow walks', 'lock-ons', and 'truck-surfing'.

1.3 Police responses to anti-fracking protest

Since 2013, anti-fracking protests in England have been accompanied by police operations which in many cases have involved significant deployment of police officers, large numbers of arrests, and high numbers of complaints about the nature of the police response. Criticism of the response by police at Balcombe (Laville 2014) and Barton Moss (Gilmore, Jackson and Monk 2016) has highlighted the misuse of arrest and bail powers, the violent response of police to protesters and what has been seen to be a general attempt to 'criminalise' protest. The police operations at a number of fracking sites, including Balcombe and Barton Moss, were highlighted by Maina Kiai, the then United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, in his report on the UK in 2017 (UN Human Rights Council 2017). The UN report identified concerns with the use of both excessive force and mass arrest in the police response to anti-fracking protests.

In March 2015, the Association of Chief Police Officers (now the National Police Chiefs Council), with input from the College of Policing and the National Domestic Extremism and Disorder Intelligence Unit, produced guidance on *Policing Linked to Onshore Oil and Gas Operations* (NPCC 2015). The aim of this guidance was to draw upon 'lessons learned' in the policing of protests against fracking prior to 2015 and it provided 27 recommendations which were intended to inform the national approach to these protests. The recommendations were wide ranging and included emphases on relevant police training and 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' (NPCC 2015: 1). This report considers the impact of these developments on the experiences of anti-fracking activists since 2016.

1.4 Method

The findings in this report are drawn from existing data produced through site visits where in depth, semi-structured interviews with protesters were conducted. The primary objective of the research is to uncover and centralise the narratives and experiences of those being policed at anti-fracking sites. As such, qualitative, semi-structured interviews were the preferred method of data collection. These interviews provide indepth, first-person accounts of people's experiences of protest and their perspectives on the policing of the protest. As such, they centralise the role that experience should play in research (Skinner, Hester and Malos, 2005). Drawing upon these interviews, this report contains 10 anonymised case studies in order to offer more detailed evidence of the experiences of those being policed.

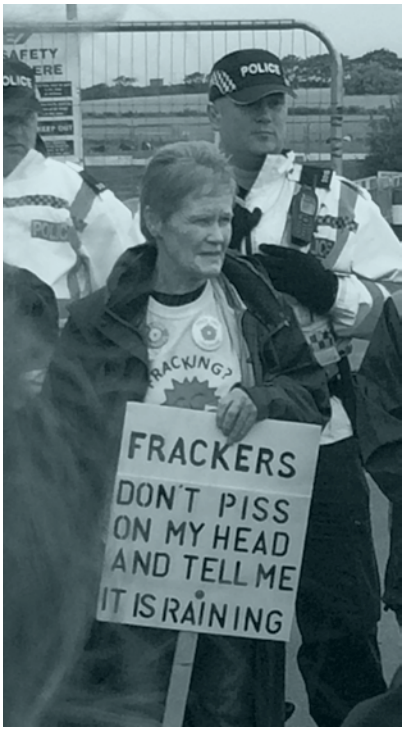
The research team visited seven protest sites between November 2016 and January 2019 and conducted interviews with protesters at Preston

New Road in Lancashire, Kirby Misperton in North Yorkshire, Crawberry Hill in East Yorkshire, Broadford Bridge in Sussex, and Leith Hill in Surrey. The research team visited each site on multiple occasions. In total, the research team interviewed 31 protesters, which comprised 17 men and 14 women whose ages ranged from 18 to 65+. The interviews lasted between 30 and 90 minutes. All interviews were recorded, and subsequently transcribed and stored securely.

Purposive sampling was undertaken. The organisation Netpol (The Network for Police Monitoring) acted as gatekeepers and facilitated the recruitment of some participants through sharing information about our research project and highlighting our interest in gaining experiential data from those being policed at anti-fracking protest sites. The authors then approached individuals involved in protests directly to seek further participants.

An interpretive approach to data analysis was adopted and this approach sought to illuminate meaning, insight and understandings from the interview transcripts (Noaks and Wincup, 2004). A process of qualitative coding took place in order to identify significant and consistent themes. These themes were used to establish relationships within and across the data, and some have subsequently shaped the various sections presented within this report. This inductive approach to data analysis allowed the textual data to speak for itself, locating the key findings in the narrative of the participants and grounding the recommendations and conclusions in the knowledge generated from the data.

The research was undertaken in accordance with the University of London ethical regulations and approved by Liverpool John Moores University and the University of York. All participants gave their full informed consent prior to any interviews taking place and they were fully briefed about the nature and objectives of the research project. The participants were assured that this research was confidential and anonymous and that they were free to withdraw from the research at any point up until the publication of the findings. All names used in this report are pseudonyms.



Our analysis is situated within a contextual framework which argues that the experiences of those participating in protest are central to unlocking what has happened at protest sites around the country. Therefore, this research was conducted independently of the police and we did not interview police officers as part of our research methodology. Our independence from the police was essential in order for us to gain access to research participants and unlock experiences that are often excluded from contemporary debates on protest policing. This was particularly important for those protesters who had some of the most negative experiences of policing.

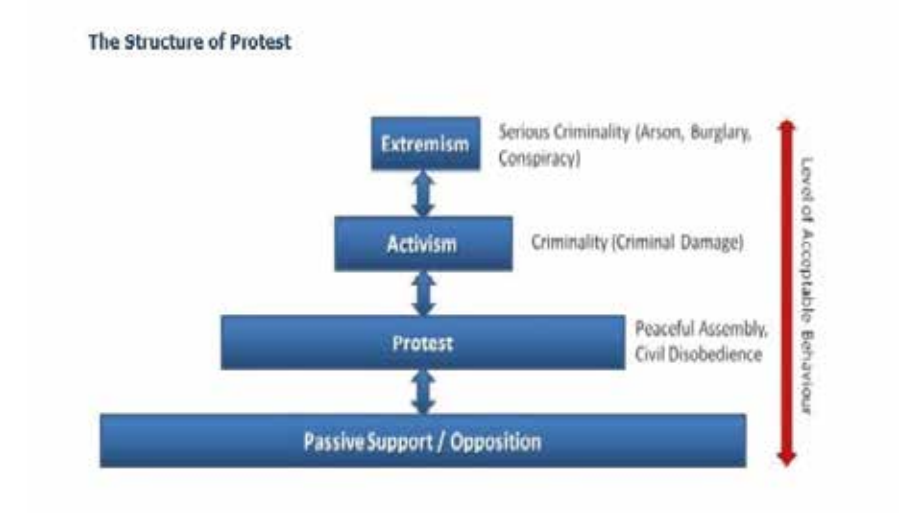
In the case studies, Crawberry Hill is the Rathlin Energy site west of Beverley, between Walkington and Bishop Burton, in East Yorkshire. Horse Hill is the UK Oil and Gas Investments (UKOG) site near Horley north of Gatwick Airport in Surrey. Broadford Bridge is UKOG's site in West Chiltington, close to Billingshurst in West Sussex. The village of

Kirby Misperton is the site of Third Energy's exploratory site between Malton and Pickering in North Yorkshire. Leith Hill is the site established by Europa Oil & Gas and partners Angus Energy near the village of Holmwood, south of Dorking in Surrey. Preston New Road refers to the Cuadrilla Resources exploratory drilling site on the A583 between Blackpool and Preston in Lancashire, near the village of Little Plumpton.

1.5 Who are anti-fracking protesters?

The NPCC guidance published in 2015 contains a model of what is referred to as 'The Structure of Protest', which draws distinctions between four 'categories' of involvement in anti-fracking protest [Fig 1]. The model aims to provide 'police officers, partner organisations and the oil and gas industry with a basic understanding of the levels of behaviour that may be seen as acceptable or normal to the individuals within each category.' It is claimed that the positioning of individuals within this structure is 'not fixed' and that 'escalation' and 'de-escalation' can occur depending on the nature and perceived legitimacy of police actions. The guidance therefore advocates 'identifying and tailoring police responses towards these different groups' in order to 'influence outcomes' and reduce the risk of 'serious criminality' (a term undefined in the document).

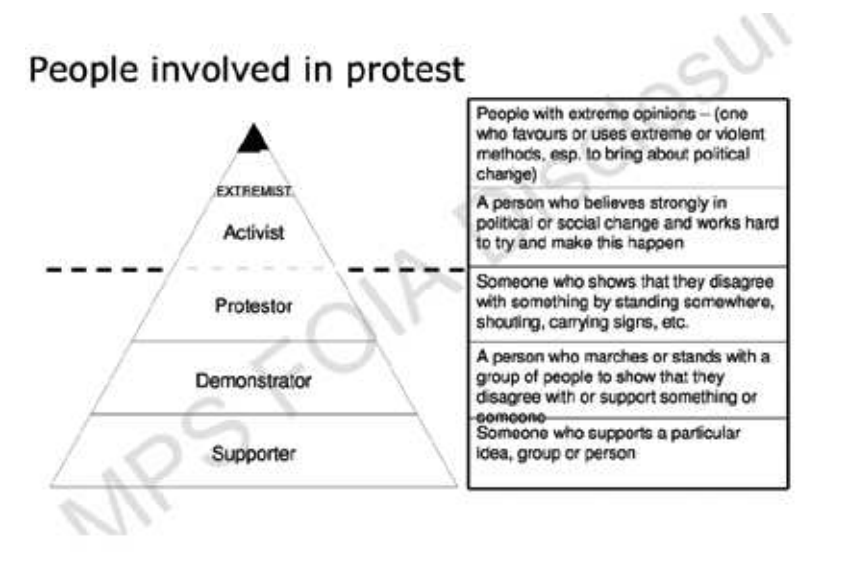
No explanation is provided about the source of this diagram or the methodology by which it has been devised. It is not clear if, in the police view, this is specific to onshore oil and gas protests or if it draws upon a wider understanding of protest. The distinction between 'protest' and 'activism', and the association of 'activism' with 'criminality' and 'extremism' do not accord with any existing academic understandings of the nature of protest or social movements.



[Fig 1, 'The Structure of Protest', NPCC 2016]

The only other publicly available outline of the police view of who is involved in protest is contained in a diagram entitled 'People involved in protest', produced by the College of Policing (date unknown) and released under the Freedom of Information Act 2000 (Statewatch, 2013). This diagram defines 'activism' as 'a person who believes strongly in political or social change and works hard to try and make this happen' [Fig 2]. This definition fits very closely with many of those involved in anti-fracking campaigns who see their opposition as part of a movement that transcends the local campaign and is connected to wider, national political and environmental issues.

These definitions provide some context to the controversial categorisation of anti-fracking activism as a form of 'domestic extremism' by police forces around the UK. The latest version of the Government's counter terrorism strategy, 'Prevent', was published in 2011 and lists international terrorism (including al-Qaeda), as well as terrorism connected with Northern Ireland and the extreme Right, as threats. No mention is made of environmental or anti-fracking groups. Yet, Prevent materials produced by police forces across the country have referred to anti-fracking activism as a form of 'domestic extremism'. Materials produced by The North West Counter Terrorism Unit (Netpol 2015), West Yorkshire Police (Bloom 2015), Merseyside Police (Netpol 2018) [Fig 3] and Police Scotland (Briggs 2018) have all referred to anti-fracking as an example of extremism without any clear explanation of how this category is defined nor evidence of the apparent threat posed by anti-fracking campaigns. The European Court of Human Rights and the Council of Europe recognise only two categories of protest – peaceful and non-peaceful. The rights to freedom of association and expression under Article 11 of the European Convention on Human Rights are expansively drawn, meaning that these rights extend to those engaging in unlawful activities. The introduction of a further category of 'extremist' (as opposed to 'lawful') protest potentially serves to undermine Article 11 rights, restricting their application.



[Fig 2, 'People involved in protest', College of Policing 2013]

[Fig 3, slide from Prevent training session provided by Merseyside Police (Netpol 2018)]

The UN Special Rapporteur on the Right to Free Speech and Peaceful Assembly has repeatedly raised concerns about the targeting of peaceful protesters as 'domestic extremists' (UN Human Rights Council 2013; 2017). While the Home Office has stated that 'support for anti-fracking is not an indicator of vulnerability' to extremism, police forces in the north west of England have refused to declare whether or not they are referring anti-fracking campaigners to the Prevent counter-terrorism programme (NetPol 2018).

Aligning anti-fracking with terrorist groups and organisations that pose a threat to national security grossly misrepresents the aim, principles and tactics of anti-fracking groups around the country. The research team have found no evidence in six years of observations and interviews to suggest that this categorisation has any legitimate basis.

Our data suggest that anti-fracking campaigners come from a range of political backgrounds with varying levels of experience in campaigning and protest. Those involved understand their role within the movement varyingly as 'protesters', 'protectors', 'activists' and 'campaigners'. These categories are not defined on the basis of a commitment (or lack thereof) to lawful or 'peaceful' forms of protest activity. Indeed, there is a widespread commitment in the anti-fracking movement to non-violent protest – a fact acknowledged in the NPCC guidance. Anti-fracking activists are teachers, health workers, care workers, artists, journalists, civil servants, agricultural workers, students, the unemployed and the retired. Some live locally – in many cases joining the protests after becoming increasingly frustrated by their involvement in local planning and 'public consultation' processes. Others, concerned with the global effects of fracking, have moved across the country to join semi-permanent protest encampments at the fracking sites. Uniting all of those interviewed for this research is an opposition to what they consider to be the social and ecological harms of the onshore oil and gas industry.

BIO 1: Susan and Tom (Crawberry Hill)

Susan and Tom are a retired couple who live within the locality of the Crawberry Hill site. The couple first got involved in opposing fracking following their attendance at a local public 'consultation' meeting which had been organised in relation to an application by Rathlin Energy for a licence to conduct exploratory drilling in the area. After researching the issue, they had concerns about the impact of fracking on local wildlife, the local environment and local water supplies.

Local responses to the news were mixed, and Susan and Tom tried to raise their objections alongside other concerned residents during a local parish council meeting in which the planning application was being discussed. They felt that their ability to speak up in the meeting was limited and were frustrated that their local representatives did not appear to be willing to challenge the application. They described feeling increasingly *'angry'* and *'powerless'* that the decision was going to be *'pushed through'* in spite of local objections. As Tom recalls: *'I thought, we've got no say in it. It will be forced upon us and we'll have to put up with it, whatever our views are locally.'*

They did not hear much more about the issue until they saw a story on the local TV news bulletin that a group of *'protectors'* had arrived at the site and begun to establish a protest camp in anticipation that the drilling was about to start. They decided to go along to the camp to offer their support, taking along a cake to share with the protectors. This was the first visit in what was to become a regular involvement in the anti-fracking protest. Alongside a group of 'mainly old age pensioners', the couple helped to maintain a vigil at the site, and tried to rally local opposition to the drilling, until the company left the area and the site was returned to a field.

BIO 2: Rebecca (Preston New Road)

Rebecca is a health worker who lives within four miles of the Preston New Road site. She first became aware of fracking in 2011, when earthquakes were detected in the local area, which were later attributed to shale gas extraction at a nearby site. After researching the issue, Rebecca became increasingly concerned about the impact of fracking on the local environment. Both of Rebecca's children have asthma, and she was worried in particular about how fracking would affect the local air quality: *'We have had some really scary moments in hospital and I am very acutely aware of how the air in the atmosphere affects them … They are really hyper sensitive and I am thinking, "Oh my God. It's going to affect them badly".'*

Rebecca joined a local anti-fracking group and, after driving past the protest site and recognising some of the people involved, she decided to join the protest. Up until that time, Rebecca had only been involved in protest once before, when she was part of a campaign to oppose a local swimming pool closure. She recalls that local opposition to fracking intensified after the local authority's decision to turn down Cuadrilla's application for planning permission was overturned by Central Government. For Rebecca, joining the protests was as much about addressing a democratic deficit as opposing the activities of the energy company: *'you kind of believe you can go through your MP who should have an interest in the community and the people that live in it. Obviously, I know now that if you want anything done, you have to do it yourself"*. She felt that it was important for local people to get involved in the protests in order to challenge the account presented in the media that anti-fracking protesters were *'outsiders'* who had come to the area to *'cause trouble'*. Alongside her husband, Rebecca is now an active member of the local anti-fracking movement, regularly attending protests and moving into the camp for short periods of time.

BIO 3: Ian (Horse Hill)

Ian is an experienced anti-fracking protester having visited a number of fracking sites since 2016. He had not been involved in protest before and his engagement with environmental issues began with reading articles he discovered through Facebook. Beginning his engagement as what he describes as a *'keyboard warrior'*, he was aware of problems associated with fracking in other countries and closely followed campaigns against unconventional gas extraction in Australia online. His engagement with anti-fracking campaigns started when he came to the north of England for work and encountered a local campaign in Cheshire. He visited his first anti-fracking camp at Upton, Cheshire and became involved in anti-fracking protest on a regular basis visiting a number of sites and staying at protest camps.

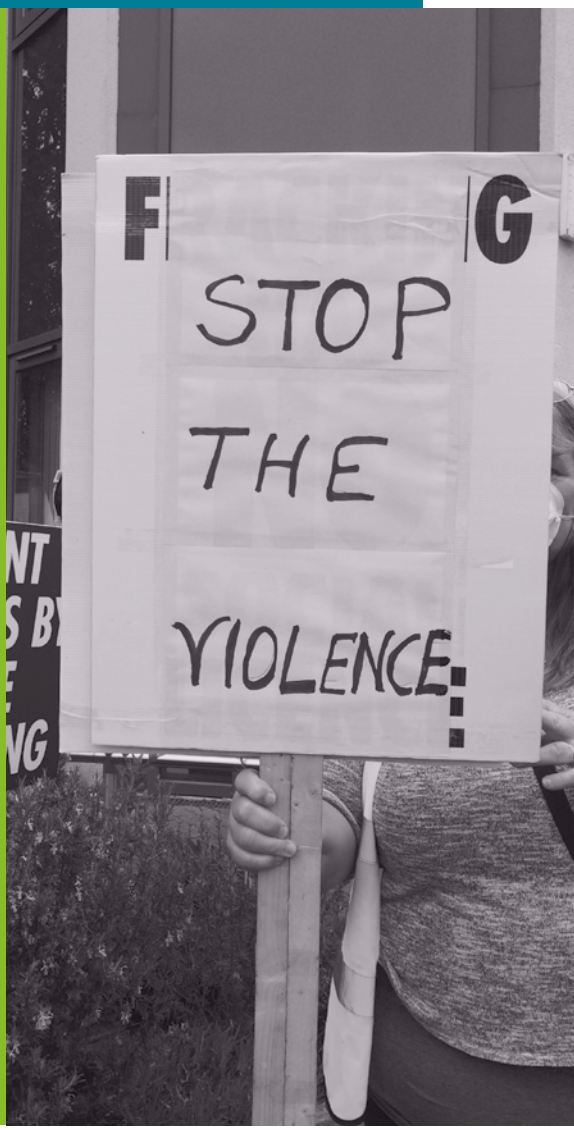
His motivations for protest lie with both the global and local impacts of fracking: *'it's the scale of how dangerous it is. It's the scale of how many people's lives might be affected'*. His concern with the impact on climate change means that, for Ian, fracking is not a local or even national issue. Visiting different camps in both the north and south of England, and engaging in protest with local campaigns, is part of his effort to do something about global climate change. The aim of his involvement in protest is to raise awareness about fracking among local communities affected and amongst the wider public. For Ian, effective protest needs to be directly involved in trying to disrupt the industry and his engagement in forms of direct action is aimed ultimately at stopping fracking in the UK.

BIO 4: Lyndsey (Broadford Bridge)

Lyndsey is in her 20s, works in media and lives close to the Broadford Bridge site. She has no previous experience in protest but has been drawn to the anti-fracking campaign in Sussex due to concerns about the environmental impact of unconventional fossil fuels. Her primary concern lies with the impact of fossil fuels on climate change: *'first of all, exploration for oil is just completely incompatible with combatting climate change. I mean that's like the fundamental problem'*. Her motivation to visit the camp and engage in protest also related to the local impacts of, in this case, onshore oil extraction: *'I deem it as completely unsafe. Basically, it is a threat to water supplies, just the sheer amount of chemicals that are likely to contaminate soil. Yes, the air pollution from the site with potential methane flares.'*

For Lyndsey, the protest at Broadford Bridge was part of a broader attempt to prevent the unprecedented *'industrialisation of swathes of the countryside.'* From her perspective, the impacts of fracking are not restricted to the local area and therefore each protest is part of a collective effort to prevent fracking developing in the UK. As a form of environmental activism, anti-fracking for Lyndsey is key to preventing 'a massive threat to biodiversity' of which climate change is a central factor.

Lyndsey visited the camp at Broadford Bridge on weekends and when her work schedule allowed, sometimes staying at the site to allow her to be more involved in the protest. Engaging in forms of direct action protest were understood to be necessary as a response to what Lyndsey described as the *'failings in democracy'*, where the desires of energy companies overwhelm public objections. Lyndsey was involved in direct action protest and also saw her role as key in supporting others to carry out forms of direct action. Ultimately, the aim of her protest was to raise public awareness locally and nationally and seek to prevent the environmental harms associated with unconventional oil and gas extraction.



2. Police-Protester Relationships

2.1. Dialogue and liaison

The guidance produced by NPCC advocates 'early identification, liaison and negotiation' with local groups. This is in accordance with reforms to public order policing advocated by HM Inspectorate of Constabulary [HMIC] in their 2009 report *Adapting to Protest*. HMIC (2009) recommended that police should seek to build rapport and trust with protesters and explained that Police Liaison Officers (PLOs) and senior commanders both have a key role to play. The NPCC guidance on onshore oil and gas protests also explained that building rapport between police and protesters can have 'significant benefits in developing ongoing trust and co-operation' (2015: 22). However, in the context of anti-fracking protests, there has been a fundamental failure to establish and maintain relationships with protest groups based on trust and rapport. The scale and nature of police operations have led to a widespread belief among campaigners that police have failed in their obligations to facilitate peaceful protest. In addition, there is a general perception that protest groups are not seen by police as partners with whom meaningful negotiation and cooperation is either possible or desirable.

The presence of PLOs at all anti-fracking protests studied for this research was seen to be illustrative of this failure. PLOs are widely perceived by protesters to fulfil an intelligence-gathering role. While individual officers have been praised for their personable approach to policing at some protests, the general perception of protesters is that PLOs seek to build relationships primarily to advance operational objectives rather than as part of a meaningful commitment to negotiation and facilitation. This perception of PLOs specifically, and police more generally, had led many protesters to withdraw from any formal communication processes.

For many of our interviewees, police tactics and operational decisions have reflected an unwillingness by police officers – on the ground and in a command role – to allow peaceful forms of civil disobedience. For example, at Preston New Road, Lancashire the police's refusal to allow 'slow walks' has led many protesters to mistrust the police and withdraw from any attempt at negotiation. Furthermore, the denial of 'low-level' forms of direct action has led many protesters to engage in much more disruptive forms of protest such as 'lock-ons' and 'truck-surfing'.

2.2 Representations of the protests

Police spokespeople have regularly presented the police as being 'stuck in the middle', balancing competing rights claims from protesters and fracking companies. However, in the view of many of our interviewees, the obligation to protect protesters' rights and facilitate peaceful protest has not been fulfilled by the police. Protesters have raised a series of concerns about the approach of the police, including the way that the protests and the policing operations have been publicly represented. Many protesters at sites around England reported feeling that the police have, in their public communication strategies, sought to delegitimise anti-fracking protest and shape the relationship protesters have with local residents. The research team have previously highlighted how police communication strategies at Barton Moss (2013-2014) emphasised the involvement of 'outsiders' in such a way as to misrepresent the composition of the protest (Gilmore, Jackson and Monk 2016). Since 2013, there have been calls from police forces and Police and Crime Commissioners for the Home Office to cover policing of costs of protests in Lancashire, Greater Manchester, Sussex, and North Yorkshire. These appeals have been based on a view of these protests as 'national' in character due to the involvement of protesters from outside the area that a police force is responsible for. Representatives of the fracking industry have repeatedly characterised protests as being driven by people from outside the local area or by so-called 'professional protesters'. The involvement of 'professional protesters' has also been emphasised by the Lancashire Police and Crime Commissioner, Clive Grunshaw (BBC 2017; NetPol 2017). These points of emphasis appear to have been repeated to infer that protesters who do not live locally lack legitimacy. The NPCC guidance recognised that fracking will be responded differently within local communities and that anti-fracking protests will involve different groups:

> *Any community impact assessment needs to reflect that the 'community' will be made up of different constituents, some of which may be rigid and others fluid in terms of their interaction. Some local residents will support the drilling activity, whilst others may strongly oppose it, others may be ambivalent but object to protest activity. Equally the protest community will have different elements each of which may have different relationships with the resident community. Understanding these various elements is essential to shaping policing style and tactics, communication and intelligence gathering (NPCC 2015: 10).*

However, at protests studied by the research team since 2016, police communication strategies with protesters and with the media do not appear to be based on an attempt to understand the various 'elements' of the protest communities. Instead, the approach to communication appears to be driven, to varying degrees, by an attempt to justify the police operation and shape the relationship protesters have with local residents. The distinction drawn between 'local' and 'national' protesters has two important consequences: Firstly, it delegitimises the protesters' motivations by casting them as violent outsiders with an agenda unconnected to the interests of the local communities. Secondly, it points to a particular definition not only of who constitutes an acceptable rights-holder in the situation (the local community) but also sets out the ways in which the right to protest may be acceptably exercised.

There is also evidence at a number of sites that relationships with local residents involved in protests have been negatively impacted by the approach of the police. In November 2018, a group of protesters at Preston New Road delivered a letter to Lancashire Police to explain that due to their experiences of policing, they no longer had confidence in the force or its procedures. Crucially, the letter stated that *'community relations have been irreparably damaged and a whole section of*

CASE STUDY: James, 55, Preston New Road

James lives in Fylde, close to the protest at Preston New Road, and has been involved in the campaign since 2016. He became more actively involved in the campaign against fracking in Lancashire after the then Communities Secretary, Sajid Javid, overturned Lancashire County Council's rejection of Caudrilla's planning application. James' involvement in the protest began when the drilling operation commenced in January 2017 and he has been actively involved most days. As an inexperienced protester he began his campaigning with local groups and sought to engage with police in formal liaison meetings at the beginning of the protest. He described these meetings in the following way:

There was no agenda in advance. There were no minutes. The senior, the gold commander popped his head round and said, 'Thank you very much for coming,' and then left, certainly at the first meeting anyway and left his, I guess, silver and bronze commanders actually running the meeting...At that stage the camps weren't established so it was entirely local residents who were at the roadside and represented it from the roadside. As I say, no agenda, no minutes but there were obviously specific issues to discuss. The recurring issue of course was why won't you allow us to do anymore than wave a placard?

It became clear to James early into the protest that formal channels of communication in this form were ineffective. Despite the appearance of liaison and consultation, in James' view, these communication strategies had no effect on the overall police response:

I went to two liaison meetings. I then concluded they were an utter waste of time and, frankly, I didn't believe anything the police were saying. They said they were not coming under pressure from the Home Office. They said they were neutral. They said they would allow us reasonable protest, nonsense ... They are not allowing us to proper protest and there's no reason why they shouldn't allow slow walking, they're just making excuses not to allow it because it doesn't suit the agenda. So no, I haven't been to any meetings for a while.

James' involvement in the protest has involved often daily visits to the site and long periods at the roadside. He has sought to communicate with police officers on the roadside, including Police Liaison Officers (PLOs), but has come to the conclusion that this also does not change the approach of the police. PLOs appeared to James to be involved in collecting intelligence as opposed to building meaningful relationships and helping to facilitate protest:

Well I know enough about policing to know that that's what PLOs are there for, to find out what we're doing, what we're thinking and what we're planning. That didn't stop me speaking to them. Knowing that they are local men, I have no doubt at all they are local men, and I do know that many of them are opposed to fracking. Unfortunately, cliché, but they're following orders. They're here to ensure 'fair play', to ensure that it's all very peaceful up at the roadside but ultimately, they're there to report back as to what's going on.

For James, the approach of the police has been influenced by the perception of a distinction between local residents and 'professional activists'. This divide made little sense to protesters involved on the ground but seemed to be a preoccupation of the police and led officers to treat protesters differently:

The police are very, very anxious, very keen to draw a distinction between local residents, i.e. harmless idiots basically, and professional activists who are causing all the trouble. They're very keen to make that distinction and that spills into the local media as well. The police very often ask, 'Are you a local person?' like that's relevant. Now my view is not relevant, I am a local person but the issue here is not just about Lancashire, it's not just about that site, it's a national and global issue.

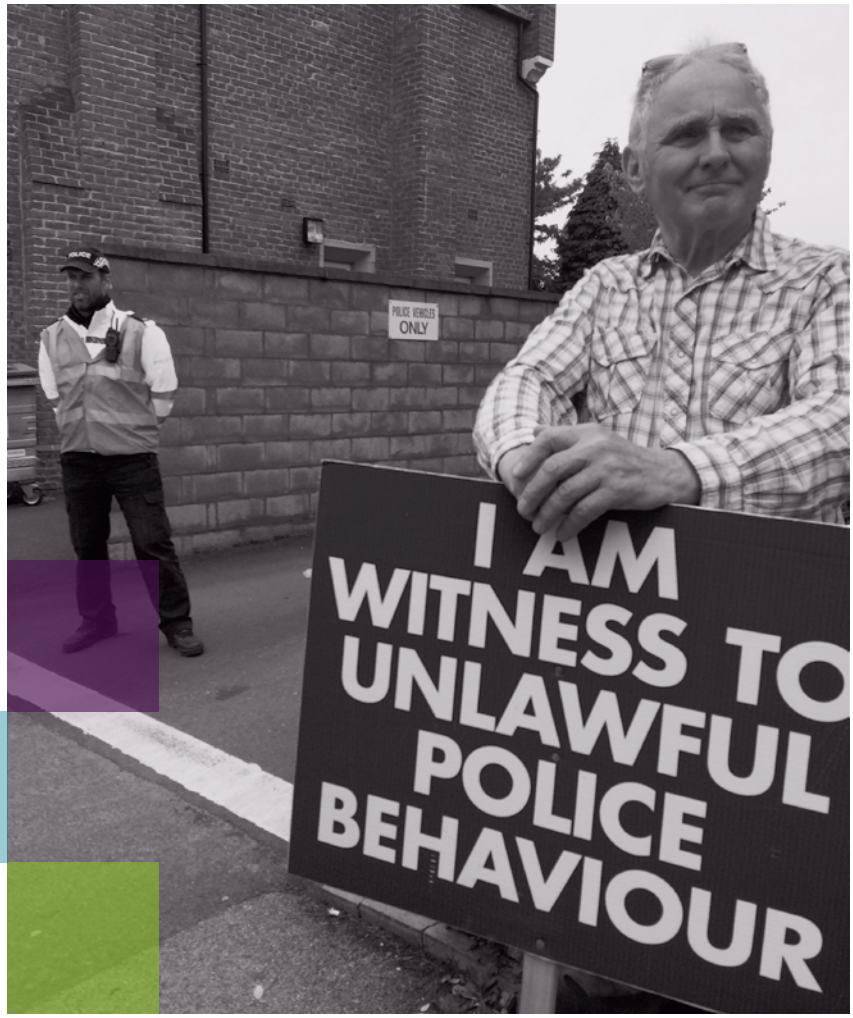
This division between 'legitimate' and 'illegitimate' protesters was reflected in some local media reports and concerned protesters as it misrepresented who was involved at PNR and why they were engaging in certain forms of protest. For James, the idea that direct action protest was being perpetrated solely by 'outsiders', and was thus not a reflection of local opposition, led him to engage for the first time in a 'lock-on'. James' engagement in this tactic was a response to the misrepresentation of the protest by the police and a perception that all other options for protesters had been closed off:

They will ask people who are not such familiar faces, 'Are you a local?' As I say, the narrative in the local media is local people, harmless, misguided idiots, hardcore national protesters here, professional trouble makers. Now, that distinction is ridiculous. One of the things we were trying to get across in the lock-on that we did was we are local people, we are not criminals. We've never done anything wrong in our lives but we're being forced to do this. This is a last resort for us because we've tried everything else.

residents will never trust the police again' adding that this was a *'damning legacy'* to the police operation (Hayhurst 2018a). The signatories of the letter also informed the police that they were withdrawing from Police Liaison Meetings due to the perception that formal communication channels and official complaints procedures were a *'waste of everyone's time'* (Hayhurst 2018a). The NPCC guidance addresses the 'legacy issues' arising from the policing of anti-fracking protests:

> *All police forces work hard to develop and maintain strong and close long term relationships with the communities they serve. These relationships must be maintained throughout any policing operation. There will be significant legacy issues long after any protest has ended. The Police, together with other partners, are likely to be judged on perceptions within the community about how effectively the policing and wider response is managed (NPCC 2015: 10).*

The 'legacy issues' foreseen in the NPCC guidance have been realised at a number of fracking sites. Most protesters interviewed for this project reported significant changes in their perception of the police over the course of the protest that they were involved in.



CASE STUDY: David, 45, Kirby Misperton

David has visited several anti-fracking sites since attending the protest at Balcombe in 2013. He now travels to sites from his home in the south of England with visits lasting anything from a few days to several weeks depending on his work commitments. He understands his role being to support the local community in their protest and to mount an opposition to fracking.

David suggested that, in his experience, the approach to policing anti-fracking protests had shifted since 2013 and the emergence of a national approach was noticeable:

I've kind of followed the line of the changing police approach... they're on a massive learning curve. So, for them, from protest to protest, it's been a question of trial and error: oh, that didn't work last time, let's try this, this time. It's obviously all being coordinated on a national level. It's not done on a force by force basis. It is clearly nationally coordinated.

David had observed a declining tolerance of forms of peaceful direct action protest and this appeared to be decided in 'decrees' issued by police commanders:

From situations we've seen before, it is a much-reduced tolerance level of using the highway for a professional slow walk process which causes the industry delays...Initially, there was an arrangement in place here where apparently the operational silver commander held a meeting in the village hall. He issued forth a decree there that they were going to facilitate two slow walk protests each day – each one, strictly twenty minutes in duration.

David has also observed a change in the willingness of police to facilitate certain forms of protest. Most notably, as protests have developed, protesters have been limited to forms of static protest in which their intervention is limited to waving placards:

So, for a long period after we arrived, we had something like nearly three weeks where the only form of protest available to us, was to stand by the side of the road – sometimes waving a placard – more often, by being pinned up against a hedge with two, three, four... probably containment... either, two, three, four policemen holding them against a hedge, or an individual officer physically restraining.

For David, it has been the unwillingness by police to facilitate slow walks at more recent protests that has led him to consider engaging in more disruptive forms of direct action protest:

I find myself thinking: well, okay, our lawful right to protest is not being facilitated – it's been suppressed – I have to think about protesting probably in some more radical fashion...I'm up to the stage where I would be happy to engage in some form of what would be termed, 'direct action'. I would be quite happy and confident that I could then go before a judge, present to him a case that convinced him that I was left with no other choice.

Another notable change to the police communication strategy is that bronze commanders are not present at certain sites unlike at earlier protests David visited. This has led to significant frustration among protesters as they have felt that communication is limited by the detachment of police commanders:

It's quite a troubling thing, because often there's been a dialogue going on with the Inspector who's the chief policeman on the ground and he's completely not empowered to make any decision. So, he's purely having to act like a messenger boy, in between us, the protesters, and the chain of command. There's no direct connection.

More recently, David has been engaged in communication with police officers at the protest site. He sees this as a key role to ensure that rights to protest are upheld:

Of the last two or three visits we've made to the front line – I've found myself speaking with the police a lot, questioning their approach to the situation, in as much as to me it appears they're being nothing like as observant of the laws in relation to protests as they might be.

3. Police Tactics

The 2016 guidance document notes that the 'vast majority' of the actions taken by anti-fracking protesters have been 'entirely peaceful.' It makes clear that in such circumstances there must be a 'presumption … in favour of facilitating peaceful assembly' (NPCC 2015: 5). Yet protesters interviewed for this report have repeatedly expressed concerns that their rights to protest peacefully against fracking have been actively undermined by the actions of the police. Although some differences between forces have been identified, four issues emerged as central to protesters' experiences of policing across all seven sites.

3.1 Containment

The first is the use of containment tactics to hold protesters in a particular location, or to move them by force from one location to another. These tactics were used across all seven sites to prevent protesters from disrupting the activities of the fracking companies. Protesters described these locations as particularly violent and violating spaces, creating a sense of powerlessness among those held within them. At the Preston New Road and the Crawberry Hill sites, protesters described being held in designated 'protest pens' – consisting of taped off areas within which protest was 'permitted'. Protesters were held in

these spaces, frequently in uncomfortable conditions, whilst convoys of vehicles passed unobstructed into the site. Those who stepped outside of the boundaries of the designated 'pens' would face arrest.

3.2 Arrest

The second is the scale and frequency of arrests. Protesters described a 'zero tolerance' approach to civil disobedience, with anti-fracking protesters engaging in non-violent protest arrested for offences including obstruction of the highway, watching and besetting, aggravated trespass and public nuisance. In many cases, arrest has been the trigger for the imposition of highly restrictive pre-charge bail conditions prohibiting protesters from returning to the fracking sites. At Kirby Misperton, for example, bail conditions prevented protesters from entering within 1.5 miles of the fracking site. At Crawberry Hill, local residents arrested at the site were prohibited from entering a nearby village. In 2017, the UN Special Rapporteur called on the UK to 'stop imposing stringent bail conditions on peaceful protesters' (UN Human Rights Council 2017: 21). However bail conditions continue to be used to prevent activists from attending future protests. The low conviction rates following anti-fracking arrests – at the Barton Moss protests, over two-thirds of cases were dropped, dismissed or resulted in not guilty verdicts (Gilmore, Jackson and Monk 2016) – was frequently cited as evidence that arrest is used primarily to disrupt the protests rather than a genuine response to law-breaking.

3.3 Surveillance

A further complaint was the 'targeting' of specific people for arrest. Protesters reported overhearing police officers naming specific protesters prior to them being arrested, suggesting forward planning via intelligence gathered during the policing operation. More generally, the level and manner of police surveillance was a key concern for many of our interviewees. Respondents complained of being 'targeted' for unnecessary, 'invasive surveillance' by the police during and following their participation in protests. The apparently routine nature of filming at protests by police, including via body-worn cameras, gave an impression of constant surveillance of all activity at protest sites. The filming and recording of details, such as the car registration numbers of visitors to protest sites, was widely perceived to have a deterrent effect on those who may otherwise wish to join the protests.

There was also a suspicion amongst some

protesters that intelligence gathered by police had been shared with third parties such as the fracking corporations, private security firms and various government agencies. In one notable example highlighted by protesters, Lancashire police admitted to passing information and video footage to the Department of Work and Pensions (DWP) about disabled people taking part in protests at Preston New Road (Pring 2018). The DWP have refused to release information on the extent of this information sharing with other forces but the example at Preston New Road raises concern about the motivations behind police surveillance and the justification for collecting and sharing information on protesters. In a further recent technological development at Preston New Road, police used drones to monitor the site, ostensibly in order to 'ensure a balance between the rights of people to lawfully protest, together with the rights of the wider public' (Hayhurst 2018b).

3.4 Complaints

A key theme emerging from these experiences was a deep sense of injustice and at times powerlessness to challenge the human rights violations that protesters have experienced. Those who submitted official complaints to the police described their frustration and dissatisfaction with the process, often finding that their complaints were dismissed without thorough investigation. Others chose not to make complaints due to a lack of trust in confidence in the police complaints system, or difficulty accessing specialist legal advice.

CASE STUDY: Brian, Broadford Bridge, 42

Brian, an academic, has experience of several protest sites in the South of England. He reported being acutely aware of a concerted police surveillance programme at all of the protest camps he has visited, but also within the local community itself:

The most ever we have experienced was at Billingshurst. We were *invited onto private property by a private individual who supported our campaign, who let us camp on his land. Within days he was contacted, first by the police, who, I would say, were making defamatory statements about individuals in relation to previous convictions. I feel that I was lumped into that group...I actually haven't got a criminal record at the moment. I find that quite upsetting. [The landowner] was also visited by the head of the company that were drilling locally. They were [making defamatory statements] along similar lines. I find that quite upsetting.*

Brian and his fellow protesters then moved sites:

Another private individual offered us somewhere to stay. They were then contacted in a similar fashion. We were moved on. Her husband didn't want to be associated with that. We are now on another piece of private land, and we've had helicopters go over...you could tell the police didn't know where we were setting our site. We were followed by a police helicopter, and also by some drones on two occasions. The following day the police were parked up in the driveway, and they contacted the person concerned. They are using the drones, [for] finding out where we are. It's funny, that actually spurs you onto feeling more resistant. You want to fight back in a non-violent sense.

Brian was also concerned with the police, and PLOs in particular, targeting individuals based on prior surveillance, data gathering and monitoring and tampering with mobile communications:

One of the things we have seen, is the use of first names by PLOs or PGT units to individuals. That's used as an aggressive technique. [Also] the day following a lock-on, two local women activists, who were more engaged with outreach in the local community. Both had police vehicles sitting outside their homes, for a period of time. Both on the same day. Two prominent people, when I visited one of the people I've had a police car drive by, on three occasions, after leaving my car... [if it] happened once, it's just happened. Twice, it's probably a coincidence. Three times, and within the space of a couple of days? So, I do wonder what's going on there, and whether it's to do with the use of phones from surveillance. We know phones have been targeted. At Horse Hill, we had five phones go down, live streaming phones, go down on the same day, during an event there last year.

Then there was the issue of digital photographic and video data gathering by the police, which Brian said was 'constant':

The taking of number plates as soon as people just turn up and drop off sandwiches at the side of the road, then they'll have their number taken... Some officers wear cameras, just as a normal sort of, part of the uniform...Young people will be filmed, local people that actually aren't getting involved with protests, [but] that are actually supporting the camp, it's a deterrent. There's people that feel really strongly about this, locally. Who are just too scared to get involved. Either because their neighbours might be pro-drilling and being fed information and dis-information by the police or industry. Which is being relayed via the person concerned, and saying it's just too much worry for me to be involved. People are actually saying that.

The overall impact of police surveillance was deeply concerning for Brian on a personal and societal level:

It does overall wear you down. I'm feeling very down, but just the level of attention. You know, when people know your name and respond to you in a certain way. The bronze commander did seem to engage with me to begin with. That seems to have changed because I've filmed him making some questionable statements for instance.

Over time Brian thinks that such police tactics are not only having a repressive effect on protesters but will ultimately reduce the numbers of people willing to protest:

You feel that it's only a matter of time. When you've got them [the police] sitting outside people's homes for just doing outreach and legal observing. The underlying tone of policing is something that affects how you think. It seeps into your daily life, and you get so that you notice every police car. Even if it's completely disconnected with what you are doing. The police infiltrate your way of thinking. You stop seeing them as a public service, and start feeling that they're an oppressive agent in your life. That's how I have come to think of them.

CASE STUDY: Sandra and Mike, Crawberry Hill, over 65

Sandra and Mike are a retired couple. Their first involvement in the anti-fracking movement was in 2014, when a 'protector camp' was established a short distance from their home. As Sandra recalls:

We stopped to ask them what it was about and they told us about fracking. We then researched it, looked it up ourselves and realised the potential, the awful potential of fracking. So we then supported the camp. We became camp supporters.

This support included attending meetings to help to raise local awareness of fracking and dropping off supplies to help to sustain the camp. During one such visit, the couple discovered that a protector had been hit by a vehicle owned by a contractor working at the site and had been taken into hospital. The couple described arriving at a 'chaotic' scene, with several police vehicles parked on the side of the road, and a 'huge number' of police officers present at the site. Mike spoke to the officer in charge in order to relay his concerns about the accident and the ongoing health and safety issues at the site. Fearing that some of the protectors were about to be arrested, and that the area was potentially unsafe for those present, they decided to join the protest.

Video footage taken at the time shows Mike sat on the ground in a meditating position to the side of a gate at the entrance to the site, with Sandra stood next to him. A police officer repeatedly instructs the couple to move, which they refuse. Mike points out that although they were present at the site entrance, they were not obstructing the road and the vehicles could have driven past them into the site:

If it was true that they needed to get on the site, all they had to do was open that gate and drive.

Eventually, the police officer returns, and reads the following from a pre-prepared statement:

You are committing an offence of wrongfully and without legal authority hindering this person [gestures towards the vehicle] from working clearing standing water that has collected from recent rainfall.

The officer then cautions Sandra and adds:

The reason for your arrest is to prevent any harm from coming to yourself or anybody else while this [gesturing towards the vehicle] happens.

Sandra was led away by three police officers and put in a police van. Mike was arrested shortly afterwards. Sandra, who suffers from a serious health condition (which she notified the officer of prior to her arrest), recalls what happened next:

I was quite scared because to start with they put us in a van and I'm really claustrophobic. I was in one of those little cubicles with the door closed and it was really hot. It was quite alarming. Also, they drove away from Crawberry Hill up a side road and stopped and Mike and I both know about things that happen when the police take you somewhere quiet. I was scared. I wondered what was going to happen.

The couple's ordeal continued when they arrived at the police station:

When we got there, we were searched and everything but they put us in a separate cell. You had to go to the toilet in front of the camera and everything. I mean the worst of it was travelling there. It was that that was the most scary. When I got there, just the hours ticked past ... [it was] midnight by the time they finally released us and by then I'd reconciled myself to staying there until the morning.

Police officers spoke to the couple separately and tried to persuade each of them to accept a caution, which they refused. They were eventually allowed to leave the police station and were given bail conditions and a bail map which prohibited their return to the fracking site. The bail conditions also included two local villages, which prevented the couple from attending meetings about the camp. Whilst they were in custody, their car, which remained parked at the site, was searched by police.

The couple recall their confusion about the reasons for their arrest, given the contradictory statements from the arresting officer. They later discovered that the reason was the offence of 'Intimidation or annoyance by violence or otherwise' under Section 241 of the Trade Union and Labour Relations (Consolidation) Act 1992, which carries a maximum sentence of six months imprisonment. The offence covers the 'watching or besetting' of someone's workplace with a view to compelling that person to abstain from doing any act which that person has a legal right to do. Mike describes his shock at discovering the charges that he and Sandra were potentially facing, the impact of the arrest on their lives and his fears for the future:

In terms of our reputation, having a sentence that

included intimidation of violence would mean you wouldn't be able to go and travel to America for example. I've got Power of Attorney for my mother and when I went to renew the insurance, they said, 'Are you either in court, due to go in court or have you been convicted?' and I said, 'Yes, I've got a court hearing in a month's time.' They said, 'We can't insure your mum's house then.' There's a knock-on effect so they're quite catastrophic.

Two months later, Sandra and Mike were informed that no further action was being taken in their case. The couple were relieved at the news that no charges were to be brought against them but describe an ongoing sense of injustice about how they had been treated. For Sandra, these feelings intensified after her attempts to reach a remedy through official channels proved futile:

I made a formal complaint, along with [male name], about being manhandled, pushed around and that was just a joke ... you put this detailed complaint in and it comes back and it says the investigations team have investigated and find that nothing was wrong. I thought, 'That's funny, they didn't actually come and speak to me.'

These experiences have transformed Sandra's perceptions of the police:

Well because in the daily course of your life you don't run up against the police, do you? So you tend to believe that they do serve the public ... [but] they are absolutely failing to do what they're supposed to do which is protect the public and to defend our right to protest.

4. Police Violence

Interviewees across multiple sites described experiences of police violence and intimidation during their involvement in anti-fracking protests. From these reports, the use of confrontational and violent policing tactics appeared to be particularly pronounced during intense and extended protest situations. For example, at Preston New Road in Lancashire and Kirby Misperton in North Yorkshire, parallels were drawn by protesters to experiences at previous sites including Balcombe, Sussex and Barton Moss, Greater Manchester. At all sites, the nature and size of the policing operations appeared incongruous to the peaceful character of the fracking sites and camps, and the relatively small and largely local composition of the protesters involved. The quantity of police personnel deployed during these operations was understood as one contributory factor to the general hostile and antagonistic atmosphere experienced during daily protests, and campaigners noted how quickly violence escalated in this environment.

Protester testimonies report police officers shoving, pushing, dragging and physically restraining, moving and containing protesters. In some cases – most notably at Preston New Road – this type of violence was said to take place on a daily basis and became a defining feature of the experience of protest. These actions were used predominantly during direct action – to manage 'slow walks' and 'lock-on' protests – however, protesters also document the use of violence, particularly physically moving people out of the way, outside of direct action, such as when

CASE STUDY: Preston New Road, Louise, 45

Louise's engagement with the issue of fracking began in 2011 when two small earthquakes occurred close to the Preese Hall drilling site near Blackpool. Despite having no previous experience in protest or political activism, her concerns about fracking and the potential impacts on her family led her to get involved in local campaigns in Fylde. When the council's decision to refuse permission for fracking was overturned by the national government Louise began to get more involved in the protests:

We thought that Lancashire had won the battle when Lancashire said, 'No.' My ears pricked up but of course that was overturned and that was the final straw for me.

She has been involved at PNR since the start of the drilling operation and the aim of the protest for her is to highlight both the local and global impacts of fracking.

Louise began the protest with positive opinions of the police and was actively involved in seeking to establish dialogue with police. However, her experiences with police over the course of the protest have changed these views significantly. She has had direct experience of what she perceived to be the disproportionate use of force by police. She described one event that was for her an illustrative example of the approach of police to protesters at PNR:

The next thing we were aware of was basically this almighty shove. It was almost like a wave of police hitting us. I staggered, got up, composed myself and was aware that they were reaching for a young lad through the scrum. It was quite obvious that they were trying to single him out. They were pushing and shoving and trying to get him. We were all screaming to let him go and this poor woman was there. Suddenly there was another surge with a much greater magnitude which actually took me off my feet and I ended up on the floor. I was in pain and I was shocked. I was pulled to my feet by several protectors and somebody was live-streaming. I looked down and there was this woman next to me on her back. She didn't look as if she was breathing. She just looked out for the count and awful...I turned instinctively to a policeman to ask for help. I said, 'Please can somebody help me to get an ambulance. I can't get through. They can't hear me. You have got radios on, surely you can call?' They turned away. At that point I thought, 'My God. They would let somebody die.'

What Louise has also experienced and observed is the what she believes is the deliberate targeting of women protesters. In her opinion, this played out in several ways including police officers using different methods of restraint for women dependent on age:

I've seen officers deliberately target younger women who are often quite slightly built. I've seen officers be very, very physical with them... Often they're carried face down. If they're lifted up and carried away from the entrance, they're often carried face down with their legs contorted. Normally, the older women, if it's me and I'm sat on the floor, they tend to get their arms under my armpit and try and guide me to my feet or grab my legs and then take me that way like a trussed up pig on a spit. Some of the younger women are taken upside down almost and that's really odd because that must be even more painful.

For Louise, the other significant police behaviour that defines her understanding of the policing of women at PNR is the invasion of personal space and increased bodily contact:

Then I've seen women have their tops, as they've been restrained or dragged, their tops are deliberately pulled up so that their breasts and bras are exposed... I've seen girls pulled by their hair, if they've got hair in ponytails and stuff like that. I've also seen goading of women, like male officers coming very close - it's happened to me actually - into your personal space behind you. The worst one that's ever happened to me, it was an officer from Matrix [Merseyside Police's serious and organised crime unit] and I was stood with another lady my age. There was only two of us at the time. We stood with our placards and I was suddenly aware an officer was behind me. He got closer and closer and I could feel his jacket touching my back. I didn't want to step forward because it was my space. So I just said, 'Do you mind just taking a step back?' and he said, 'No, you move forward.' I said, 'No, you've moved into my space.' I didn't turn round to face him but the next thing I know, he's shoved his leg and his boot between my legs so eventually I had to move because it was just horrible.

The experience of policing has led to a loss of trust for the majority of protesters. Louise explained that protesters were unwilling to engage with police even to make complaints against the really serious violent episodes because they have had such a bad experience of brutality and the trust has completely broken down.

The negative experience of policing has however made Louise more committed to the protest:

It has galvanised me because I will not tolerate...I can't stand injustice anyway but to actually see it and be a victim of it...I am very calm about it but it has galvanised me. I am angry about it but not angry enough to be violent. I am galvanised.

vehicles would move up and down entrance roads. Some of these violent incidents have led to protesters reporting physical injuries, including severe bruising, broken bones and chronic pain. In addition to physical violence, protesters also cite the use of inflammatory and antagonistic behaviour, including verbal harassment and goading from police officers. A key theme emerging from these experiences is that the use of violent conduct coupled with the inconsistent nature of how the protests would be managed on a daily basis resulted in a series of brutalising effects. These include trauma resulting from fear, pain, distrust and anger, all instilled by the continuum of violence reported at anti-fracking protests. This process of traumatisation is important as it evidences the enduring impact of being violently policed, tracing effects which stretch way beyond the protest site.

Our interviews suggest that disabled and elderly protesters have been subject to violent policing alongside able-bodied, young, and protesters of all genders. However, an emerging finding from this research, and one which echoes the experiences of women at Barton Moss, Greater Manchester (Gilmore, Jackson and Monk 2016) is the gendered nature of policing at anti-fracking protests. Many protesters outline marked differences in how men and women are policed, albeit both violently, with women protesters reporting being physically moved, carried and manhandled using specific restraint techniques. Broadly conceived, these techniques involve a much closer form of bodily contact between women protesters and male police officers, which, according to the testimonies we have collected, includes the use of groping and tactics such as the pulling of clothing to reveal women's breasts. These tactics have been understood by protesters as an exercise of power and have left women feeling violated and frightened.

Our interviews also suggest that the experience of violent and targeted policing has led to a breakdown in trust between protesters and police. The narrative of the lived experience of being policed at anti-fracking camps drawn from our data suggests that the use of violent police methods is not in response to violent behaviour by protesters or in response to acts of criminality. In some instances, this reported violence has had an effect on the willingness and capacity of some protesters to engage in anti-fracking campaigns. This has serious consequences for rights to freedom of assembly and expression, and points to continuities in bad practice established by previous research conducted during the anti-fracking campaign at Barton Moss, Greater Manchester (Gilmore, Jackson and Monk 2016).

CASE STUDY: Kirby Misperton, Angela, 35, local resident

Angela was aware of the issues surrounding fracking but got more involved when a leaflet was posted through her door and despite having no previous experience of protesting she has been involved in peaceful protest at both PNR and Kirby Misperton. For her, being involved in frontline protest is the only way to fully understand how to protect the local area but she is also active, now, in campaigning, awareness raising activities and forming community alliances.

Angela's view of the police has changed as a result of her participation in anti-fracking campaigns and she was shocked at how 'hard and fast' the policing was at first and also at how the 'intense' and 'brutal' approach was sustained. In part, she puts this down to the uncertain nature of the daily policing operation:

You turn up to the gates and you can be at the gates some days and you can be manhandled by the police up to four, five times -- in one sitting. They change the tactics; you never know where you are one day to the next. When we've been at PNR, we've been minding our own business and the next minute, they've come out of nowhere and you're in a hedge. That's happened here as well.

This 'manhandling' was a constant feature in the experience of policing for Angela. One example that she described as being illustrative of the policing approach at Kirby Misperton resulted in one of many injuries that she says she sustained at the camp:

Coppers have a tendency to move people physically. Even with escorting, they have to have their hands on you without any justification. And they are constantly wanting to hold your wrists, hold your arms, and push you from the back, meant to move you. But the manhandling as well, that other incident that I was telling you about...He knew very well what he was doing, he was pushing and gripping and pulling underneath my arm. He's been renowned for causing considerable bruising to females in their inner arms. They pinch underneath your arm and it does hurt and it's very hard not to actually call out when they do it.

For Angela, these injuries and experiences have led to a necessity to be prepared when on the frontline and to try and prepare others. She suspects that police violence is intended to deter concerned citizens from joining protest and to permanently remove those who are already doing so:

We want them [concerned residents] to come and get used to the police presence, see how they act, see the tactics, see the way they behave so they're not intimidated by it. We can't get them out at the moment because half the time we think if they come out, they will be intimidated. They're going to go back to groups and go 'Oh guys, let's not do this. We'll stick to leafleting.' But leafleting isn't going to cut it... They want to scare as many people so that we haven't got numbers and if we haven't got numbers we can't fight this.

5. Legal injunctions

A notable development in the regulation of anti-fracking protest since 2017 is that a growing number of companies involved in onshore oil and gas extraction have sought civil injunctions from the High Court to prohibit various protest and campaigning activities. The first injunction was sought by the chemical company INEOS in 2017, and other companies involved in onshore oil and gas extraction have followed, including UK Oil & Gas (UKOG), Cuadrilla, IGas, and Angus Energy (Oswald and McGregor 2018).

The use of such injunctions has been actively encouraged by the police. In evidence submitted to the High Court in 2017, INEOS security consultant Ray Fellows explained that 'the strongest advice coming from the police to prevent the unlawful activity [of protesters] was the use of injunctions through the civil courts' (in Evans 2018). Civil injunctions have the effect therefore of extending the regulation of protest activity and our research suggests that the policing of protest (in its widest sense) has been significantly affected by the use of injunctions.

To date, there are five injunctions covering 16 sites from Lancashire to Surrey (Gabbatiss 2019). These judicial orders aim to deter or prohibit protesting activities which obstruct, impede or interfere with the extraction activities of companies. Fracking companies have argued that they seek to prohibit the use of 'mob rule tactics' by protesters (Evans 2019) and protect the rights of their staff and contractors, but those in breach of the terms say they have 'chilling' implications on freedom of speech and assembly, as well as the right to protest (Williams in Hayhurst 2017).

For the most part, claimants have brought injunctions against 'persons unknown' rather than named defendants, a significant departure from ordinary legal process in the UK. This means, in principle, that the injunctions apply to everyone, and that many of those affected may only become aware of their breach once they place themselves in contempt of court. Whereas earlier injunctions against 'persons unknown' involved clear and narrowly defined behaviour in respect of locations, events and times,[1] the injunctions taken out against anti-fracking protesters prohibit a wide range of vaguely-defined conduct.

Indeed, INEOS's *quia timet* injunction in September 2017 was the first in UK court history to pre-emptively restrict future protest activity on the basis of an alleged industry-wide risk to fracking companies rather than an imminent and real risk to a particular person or site. UKOG's injunction a year later was even more expansive; one of its initial provisions prohibits individuals from 'gathering or loitering outside

1 See Bloomsbury Publishing Group Ltd and another v News Group Newspapers Ltd and others [2003] EWHC 1205 (Ch) and Hampshire Waste Services v Intended Trespassers [2003] EWHC 1738 (Ch); [2004] Env LR 196.

the [fracking] sites' yet fails to provide a threshold for the number of participants, duration of the event or location of the group required to satisfy the terms.[2]

The problems with the vague and uncertain terms contained within these injunctions – which have included restrictions on 'gathering' and 'loitering' outside fracking sites – have been emphasised by Michael Oswald and Catriona McGregor of the Lawyers Action Group. Taking the injunction in the UKOG case as an illustrative example, Oswald and McGregor (2018) have pointed out that there is 'no indication of the numbers, duration or location of any collection of persons that would satisfy the term "gathering", nor of what is meant by "loitering" in a protest context'. The UKOG injunction also includes a prohibition on obstruction of the highway and slow walking where they are done with the 'intention of causing inconvenience and delay to the claimants.' It is unclear to protesters what degree of disruption will objectively amount to 'inconvenience or delay' and thus protesters are unsure what is considered acceptable conduct for protesters at fracking sites.

Representatives of the fracking industry have sought to reassure communities that injunctions do not prevent the rights to freedom

2 UKOG had originally sought to prohibit 'watching and besetting,' though this was rejected by the judge on the basis that it lacked certainty.

CASE STUDY: Marilyn, Leith Hill, 42

Marilyn is a local resident who lives near to the Leith Hill drilling site in Surrey. On hearing about the protest, she visited the camp and spoke with those involved. Having learnt more about the protest she began to visit as regularly as she could to support the camp, often by bringing food to share. In her visits she did not engage in protest actions but engaged with protesters to find out more about the protest and to offer support:

None of this was trespassing and just really learning from them, about what it was like to be at the sharp end of a piece of action like this and I was really keen...to meet the faces, rather than just read the stories and see that this is just ordinary people who feel really passionate about something.

However, after these solidarity visits Marilyn was alerted by a friend to the existence of an injunction with her name listed on it. Prior to this she had no knowledge of the legal threat against her:

It was from her actually that I learnt that I was listed on a list of names with an injunction against it. That's the only way I knew and I've never, ever been clear how this injunction was served.

As Marilyn had only limited involvement in the protest at Horse Hill, and as she did not engage in direct action, it seems to her that it was her engagement with online groups which led her to be named on the injunction:

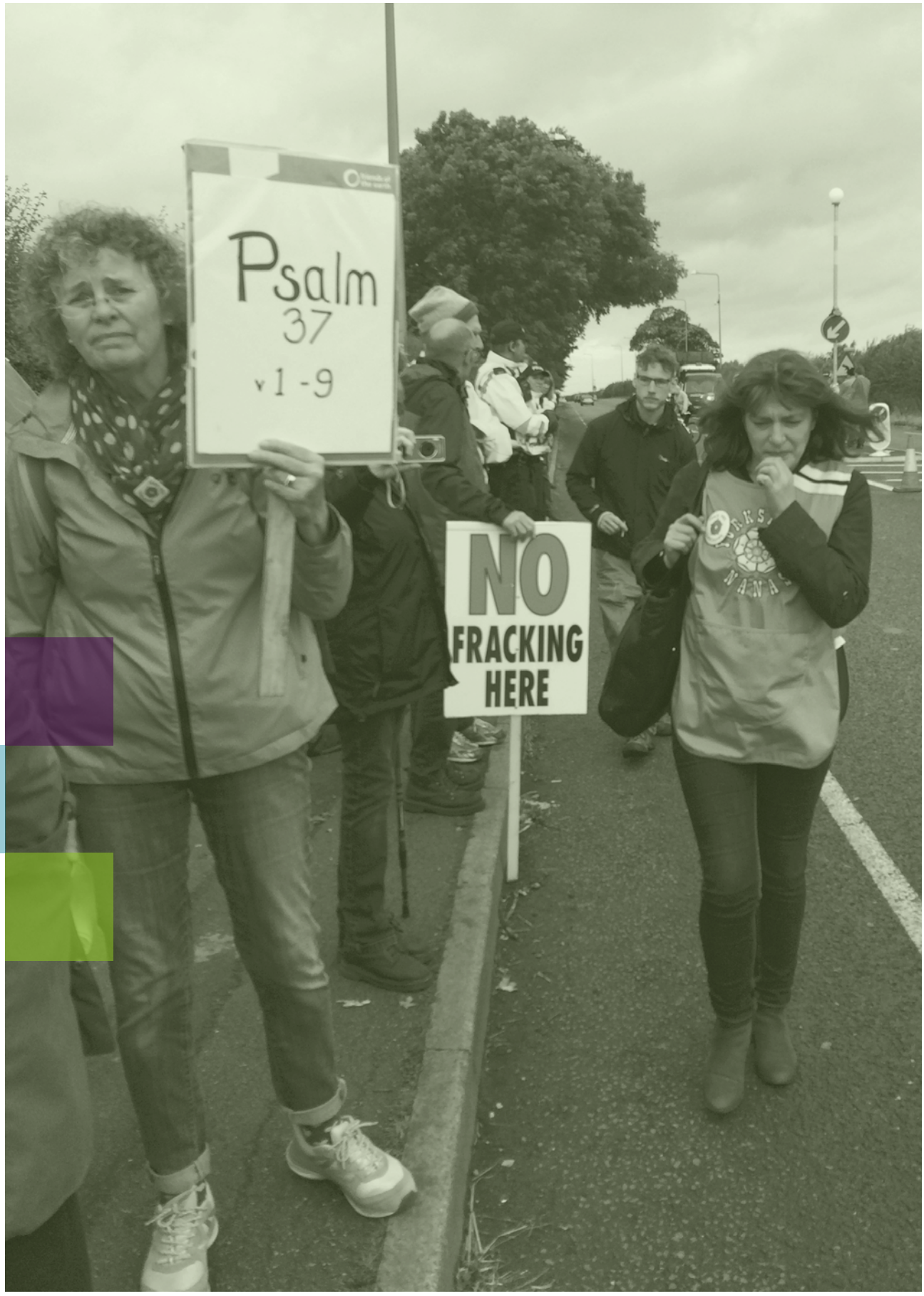
I joined a Facebook group and that seems to have been where the information was gleaned from. I joined the Leith Hill Camp Supporters Group because actually that's how they did most of their communicating. Anybody who wanted to support the group or even was interested in what was going on, could join that group. So that can be the only way that my name could have been found and I think the only things I posted were things like, could we visit on such and such an evening and none of the things I did was ... I was never breaking the law.

Being an inexperienced protester, and one who had sought to make sure that her engagement with the protest at Horse Hill remained within the law, Marilyn was surprised to be named and scared by the implications of the injunction:

I was singled out, so my name was a printed name, not just all persons, which I have to say, I was ... not much scares me but I was really surprised that that could happen, really surprised. That by simply visiting a group and supporting them and doing that in legal ways...I could have an injunction out against me, which I didn't know there was. So, it was a very odd experience.

Marilyn stated that her name was transferred to two entirely separate injunctions - one for Angus Energy's sites in Brockham and Balcombe and another for Horse Hill. The manner in which Marilyn's data was first obtained and then shared is legally questionable, and warrants further investigation beyond the scope of this report.

of assembly and expression. In the words of UKOG chief executive Stephen Sanderson, 'those who wish to express their views peacefully and lawfully outside our sites will be free to do so' (in Farand 2018). Protesters interviewed for this research, however, reported that injunctions had a significant effect on campaign groups. Many of the tactics used by anti-fracking protesters that have been tolerated by police in the past are now prohibited by injunctions. In addition, the penalties for forms of direct action utilised by anti-fracking protesters increase significantly when covered by injunctions. For example, 'slow walking' has previously been responded to in many cases as obstruction of the highway, but when covered by an injunction protesters risk being found to be in contempt of court and subject to a significantly increased penalty. Some felt unable to engage while injunctions were in place due to the wide ranging restrictions, the lack of clarity as to what constitutes a breach, and the potential penalties they could face.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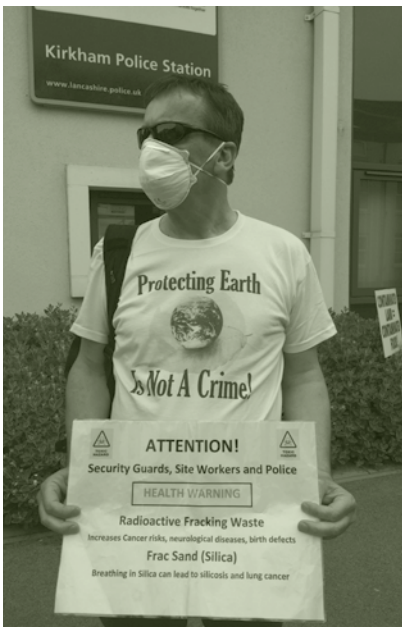
6. Conclusions

6.1 Understanding peaceful protest



Three key factors emerge from our data that explain why people decide to engage in anti-fracking protest:

1. People's motivations are invariably driven by personal fears about the negative impact of fracking and other forms of unconventional energy extraction on their family's health, on the local environment and on the industrialisation of the countryside.

2. There is a widespread recognition that fossil fuel extraction and use is driving climate change and new developments should therefore be resisted.

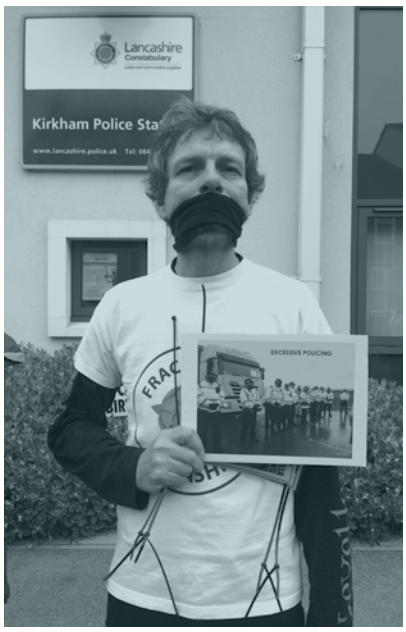
3. The decision to protest against fracking sites is almost always a last resort, coming after local consultation and planning processes have either overridden or ignored local concerns, or, as was the case in Lancashire, have been overturned by central government.

6.2 Respecting the right to peaceful protest

Many of the protesters who oppose onshore oil and gas sites have little previous experience of taking part in campaigning, yet have found themselves treated as though their concerns are without legitimacy. This is exacerbated by the often disparaging public messages about campaigners from the police, including the emphasis on the cost of policing protests and the 'nuisance' they represent to others. The acute manifestation of this is a continued characterisation of protesters who take part in non-violent direct action as 'extremists'. While the NPCC guidance seeks to learn lessons from previous policing operations, it would appear that the negative experiences of protesters at previous protests such as Balcombe and Barton Moss have been repeated at sites since 2016.

6.3 Facilitating the right to peaceful protest

The NPCC guidance makes clear that there should be a presumption on the part of the police in favour of facilitating peaceful assembly. However, 'facilitation' is understood very differently by protesters. The police categorisation of acceptable protest, set out in the NPCC guidance and reflected in operational policing, suggests that protests are only tolerated if they involve nothing more than symbolic actions, such as waving placards. Furthermore, it appears that protests are not considered 'peaceful' if they include any action that may involve breaking the law, no matter how peacefully. This is seen by protesters



as a very narrow interpretation of what the police will 'facilitate'. So too is the apparently coordinated efforts from police forces around the country to collectively clamp-down on 'disruption' to the industry from protester tactics such as slow walking. The use of injunctions by oil and gas companies reinforces this categorisation and has placed further limits on protest. The active involvement of the police in encouraging the industry to obtain them brings the commitment to facilitation further into question.

6.4 The importance of trust

The NPCC guidance explains the importance of building and maintaining relationships based on trust. It also makes clear that the nature of these relationships will determine the legacy of policing operations. The testimonies collected for this research suggest that there is a mutual lack of trust that defines police-protester relationships and that this will have long lasting effects on the policing of future protests. While the NPCC guidance and wider police policy position liaison policing, and PLOs in particular, as key to the development of relationships based on trust, our research supports previous findings (Gilmore, Jackson and Monk 2016) that suggest that the role of liaison officers is one of the central reasons why protesters do not trust police. There is a widespread perception that the primary function of PLOs is to gather intelligence and this underpins the unwillingness of many protesters to engage with police.

6.5 Excessive policing

There are a number of areas in which our interviewees felt that policing responses were excessive, including the number of officers deployed, a willingness to aggressively use containment strategies and the use of violent tactics in situations where there was no violent behaviour from protesters. A particular area of concern was the scale of surveillance on protesters. As we noted on page 13, the NPCC guidance was developed with key input from the national unit responsible for 'domestic extremism'. References in the document to 'a strategic intelligence requirement' and 'problem profiles' (2015: 5) are indicators of advanced intelligence-gathering tools. There is little evidence or justification from the police as to whether this level of intelligence gathering is proportionate. This emphasis on profiling groups and individuals appears to have contributed to the 'targeting' that protesters described throughout the interviews, including the suspicion that some arrests are intelligence-driven and has compounded the overwhelmingly negative view of PLOs.

6.6 Avoidable use of force is never justifiable

The use of confrontational and violent tactics, and the accompanying aggression and intimidation protesters have highlighted, is perhaps the most alarming finding of this report, not least because it seems to indicate just how little has been learnt from the experience of policing at Balcombe and Barton Moss. The trauma protesters experienced as a result of this violence has had a chilling effect on the willingness of some campaigners to continue to participate in protests.

The NPCC guidance makes only one mention of the police's positive duty to safeguard the right to protest 'in certain circumstances' (2015: 5). The only other times citizens' rights are mentioned are in association with land ownership and 'rights of way'. The European Convention on Human Rights, which includes rights to freedom of assembly and expression that combine to guarantee an effective right to peaceful protest, is referred to solely in the context of 'ECHR compliance' in relation to arrests. This may explain why the experiences recounted to us appear to show so little regard for the protections that human rights legislation affords. This is particularly evident in the use of violence against protesters, the often arbitrary nature of arrests, and the powerlessness people have felt in challenging the conduct they have experienced: either through the complaints system or the refusal of senior officers to engage with them. A human rights approach to the policing of protests should seek far greater consistency in the treatment of protesters.

7. Recommendations

7.1 Respecting the fundamental right to protest

International human rights standards recognise that any ambiguity relating to the management of peaceful assemblies must be interpreted in favour of those wishing to exercise their right to freedom of assembly. From this position, police commanders have a responsibility to respect the legitimacy of participation in protests, to integrate this as a key factor in operational planning and to ensure this is understood by officers involved in any operation. Against the backdrop of the climate emergency, the importance of peaceful environmental protest must be respected.

7.2 Restrictions on the right to protest must explain what 'proportionate' means

Senior officers often make reference to the 'proportionality' of policing operations at fracking sites, but the experiences of protesters indicate that the principle of 'necessity' – that any restrictions on protests are the least intrusive to achieve the desired result – is rarely considered, even though it is an essential element of international human rights standards. Any human rights approach to the policing of protests needs not only to commit to the principle of proportionality but *explain* what this means in practice. The police must offer greater transparency and accountability about the alleged risks and threats they claim to face and justify why surveillance and other tactics are both necessary and the least intrusive means possible to achieve a legitimate aim.

7.3 Facilitation is only meaningful if it is genuine

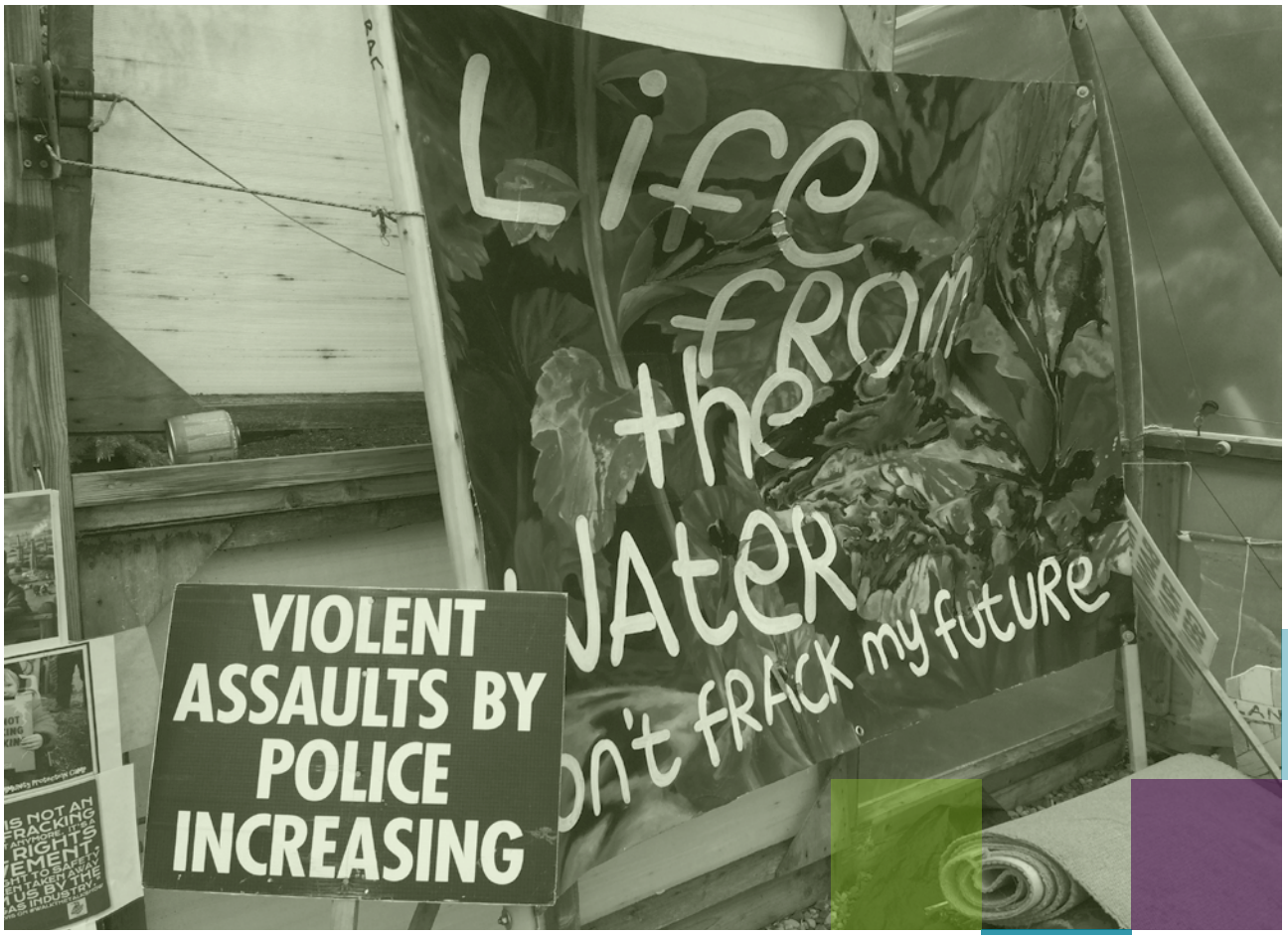
Any human rights approach to the policing of protests needs to include reasonable steps to communicate in detail with protesters about how the policing operation is conducted, any safety or security measures that commanders intend to put in place and the provision of any services, including traffic management plans or medical assistance. This must address the significant frustration that we encountered among protesters about their inability to communicate with a senior officer who is on the ground and able to make decisions. Crucially, it must address and plan for avoiding discrimination. This means responding directly to the kind of concerns expressed by anti-fracking campaigners in this report about the discriminatory policing used against women and people with disabilities and about the inconsistent and often arbitrary misuse of arrest powers.

7.4 The use of force

A human rights approach to the policing of protests requires that all possible steps are taken in the planning and conducting of an operation to avoid the use of force. In our interviews we frequently heard about physical injuries and inflammatory and antagonistic behaviour towards protesters by police officers. This was particularly pronounced at the Preston New Road site. In our view, there is an urgent need for an independent investigation into the policing operation at this site.

7.5 Injunctions

Providing support for a business to obtain an injunction that seeks to criminalise protest through the civil courts – including the sharing of information and intelligence with that company – is wholly incompatible with a human rights approach to the policing of protests. Police forces across the UK would go a long way towards repairing some of the damaged relationships with protesters by confirming that they will no longer collaborate with the industry in this manner.



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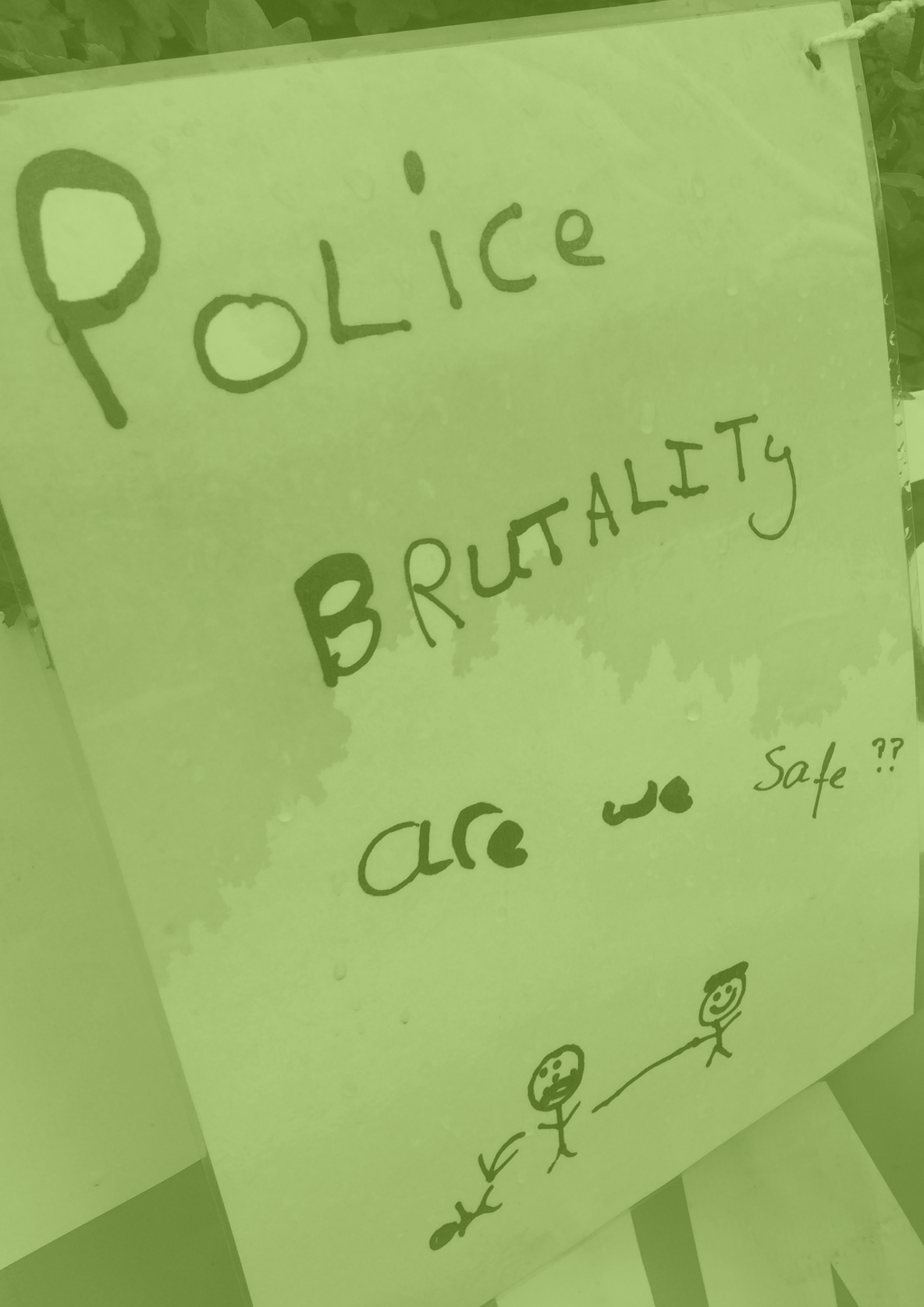
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