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A group of firefighters in silhouette against a red background. They are wearing helmets and jackets, and are looking in various directions. The overall tone is somber and serious.

Keep Moving!

**REPORT ON THE POLICING
OF THE BARTON MOSS
COMMUNITY PROTECTION CAMP**

NOVEMBER 2013 - APRIL 2014

REPORT ON THE POLICING OF THE BARTON MOSS COMMUNITY PROTECTION CAMP NOVEMBER 2013 – APRIL 2014

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OF CRIME, CRIMINALISATION
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EXECUTIVE SUMMARY



This report contains interim findings from research into the policing of the Barton Moss Community Protection Camp at Barton Moss, Salford, Greater Manchester, conducted by researchers from Liverpool John Moores University and the University of York. The camp was in place from November 2013 until April 2014 for the duration of the exploratory drilling operation conducted by energy company IGas Energy at Barton Moss. Camp residents and supporters engaged in a campaign of protest and direct action to raise awareness about the apparent dangers of hydraulic fracturing – better known as fracking – at Barton Moss. Greater Manchester Police (GMP) conducted a policing operation – codenamed Operation Geraldton – at Barton Moss over the course of the drilling operation conducted by IGas.

The report draws upon interviews conducted by the authors with camp residents and those taking part in direct action. It also collates, and draws upon, social media and other media reporting on the Barton Moss camp, as well as other publicly available information such as public statements, press releases, and responses to requests for information made by the authors under the Freedom of Information Act 2000 to relevant public bodies, including Greater Manchester Police. The report documents concerns about the nature, function and proportionality of the policing operation at the camp and the way that policing methods

were deployed in accordance with the obligations to facilitate peaceful protest underpinned by the European Convention on Human Rights.¹

This report raises serious questions about the proportionality of arrest patterns and bail conditions, as well as the dominant media and public portrayal of the protest and the protesters, including the role played by GMP in influencing this portrayal. The report documents protesters' experiences of violence and harassment by the police including gendered violence experienced by women involved at the camp. Particular attention is drawn to the role of Tactical Aid Unit officers in the policing of protest marches, and the role of senior officers in the communication and public information strategies conducted as part of Operation Geraldton.

Ultimately, the report highlights the various procedures adopted by GMP in the management of the protest that had the effect of curtailing the right to protest, and seeks to substantiate unacknowledged claims that the policing operation was violent, disproportionate to the size and peaceful nature of the protest, and carried out with impunity. This research raises important questions about the nature of democratic accountability and public order policing in England and Wales.



KEY FINDINGS

The Report generated several key findings, including:



01. The protest at Barton Moss was overwhelmingly peaceful.

The emphasis throughout the protest was for the actions to be disruptive, and for the camp to raise awareness about fracking, whilst remaining peaceful and non-violent.

02. The nature and scale of the policing operation had the effect of undermining the right of protesters to protest peacefully at Barton Moss.

Due to the approach taken, Greater Manchester Police failed in their obligation to facilitate peaceful protest.

03. The Police and Crime Commissioner's Panel Report on The Barton Moss Environmental Protest largely excluded the voices of the protesters

and was not only unrepresentative of the experiences of protesters involved at Barton Moss, but represented one perspective of a complex series of events.

04. The communication strategy implemented by Greater Manchester Police during Operation Geraldton was focussed primarily on justifying the policing operation

and questioning the legitimacy of the protest, rather than being focussed on providing the public with clear information about the protest and policing operation.

05. Effective dialogue between police and protesters was not established, and this was a result of an apparent mutual lack of trust.

The conduct of GMP, from the planning stages of Operation Geraldton to its conclusion, suggested a lack of trust of protesters, and a refusal to consider protesters as one of the parties who shared mutual interests in the successful management of the protest. From the protesters' perspective, Protest Liaison Officers were perceived by many at Barton Moss to have been involved in collecting intelligence on the protest to feed back to other officers, and thus not to be trusted in the development of dialogue, and the development of relationships, between police and protesters.

06. Violent behaviour and harassment were central features of the policing operation.

All protesters consulted for this research had direct experience of police violence exercised in the policing of daily slow marches.

07. Several women who were involved at Barton Moss reported sexualised violence by GMP officers.

This violence had a direct effect on how camp residents and supporters engaged with the protest at Barton Moss, and was in direct contravention of human rights protections including the right to be free from degrading treatment and discrimination.

08. Despite GMP's insistence that they sought to



balance the rights of protesters with the rights of those wanting to carry out drilling on the site,

the behaviour of GMP officers throughout Operation Geraldton – from its planning stages to its conclusion – had the effect of prioritising commercial interests over the right of local residents and supporters to exercise their right to protest.

09. The overwhelming majority (98%) of arrests were for non-violent offences.

These figures cast doubt on the legitimacy of GMP's characterisation of the protest as 'extremely violent'.

10. In contrast to the official police portrayal of the protest as consisting of outside 'agitators', the Barton Moss protest was overwhelmingly local in its composition;

it was sustained largely through donations and support from local people, and the largest category of arrests at Barton Moss were of people who resided within the direct vicinity of the fracking site.

11. Two thirds (66%) of arrested protesters whose cases have concluded have had their cases dropped, dismissed or been found not guilty by the courts.

The conviction rate is significantly lower than that occurring within the criminal justice system as a whole.

12. Police bail powers were routinely abused in order to restrict the right to protest.

The imposition of blanket bail conditions served as a form of summary punishment which enabled police officers to control the movement of protesters without recourse to the formal criminal justice system.

13. Given the low conviction rates, arrests at Barton Moss did not appear to have been carried out with a view to securing convictions.

Rather, mass arrest and blanket bail in effect served to create a protest exclusion zone around the fracking site – an action that would otherwise have no basis in law and would be a clear violation of the protesters' rights under the European Convention on Human Rights.

14. The cumulative impact of these processes was the routine abuse of police powers at the expense of protesters' civil liberties.

15. A collective response from protesters,

including the use of legal observers, police monitoring groups and defence campaigns, played a vital role in holding police officers to account and preventing further miscarriages of justice.

RECOMMENDATIONS: *Read our six key recommendations on Page 45.*

INTRODUCTION



This report contains interim findings from research into the policing of the Barton Moss Community Protection Camp at Barton Moss, Salford, Greater Manchester, conducted by researchers from Liverpool John Moores University and the University of York. The camp was in place from November 2013 until April 2014 for the duration of the exploratory drilling operation conducted by energy company IGas Energy at Barton Moss. Camp residents and supporters engaged in a campaign of protest and direct action to raise awareness about the apparent dangers of hydraulic fracturing – better known as fracking – at Barton Moss. Greater Manchester Police (GMP) conducted a policing operation – codenamed Operation Geraldton – at Barton Moss over the course of the drilling operation conducted by IGas.


1.1 METHODOLOGY

The authors of this report made a series of visits to the Barton Moss Community Protection Camp to engage in fieldwork and undertook semi-structured interviews with camp residents and those taking part in direct action². This report documents concerns about the nature, function and proportionality of the policing operation at the camp and the way that policing methods were deployed in accordance with the obligations to facilitate peaceful protest underpinned by the European Convention on Human Rights³. It also raises concerns about the legality or otherwise of arrest patterns and bail conditions, as well as the dominant media and public portrayal of the protest and the

protesters, including the role played by GMP in influencing this portrayal.

Our analysis is situated within a contextual framework which argues that the experiences of those at the camp – those who were being policed at Barton Moss – are central to unlocking what happened during the protest. This approach enables us to use the perspectives of those who were there to reinterpret the effects of the policing operation and its ability to shape wider perceptions of public order policing and acts of dissent. As such, this report provides a view from below, drawing on testimonies provided by camp residents and those involved in direct action. The content is therefore offered as a counter-narrative to, or can be contrasted with, the findings presented in the Police and Crime Commissioner's Independent Panel Report on the Policing of Protests and Demonstrations published in October 2014⁴. The voices of those with whom we spoke with, through interviews and during our interactions at the camp, are largely absent from the Police and Crime Commissioner's Panel Report on The Barton Moss Environmental Protest, and the conclusions drawn in that report do not represent the views expressed by those who contributed to this research.

This report centralises the role that experience should play in knowledge formation and seeks to redress the imbalance of power relations by giving a voice to individuals who have often been ignored by official discourses and academic writing, including the aforementioned Police and Crime Commissioner's Panel



Report as well as dominant media outlets reporting on Barton Moss. Consequently, it provides a powerful challenge to the narrative set by GMP and the conclusions drawn by the Police and Crime Commissioner's Panel Report. It also facilitates a 'culture of learning' – where we learn from, and with, those engaged in protest about how best to adopt a human rights approach to exercising the rights to freedom of peaceful assembly – as recommended by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, in his report on the UK in 2013⁵.

The report also collates and draws upon social media and other media reporting on the Barton Moss camp as well as other publicly available information such as public statements, press releases and Freedom of Information Act responses from relevant public bodies including Greater Manchester Police. These discourses are used to contest the validity and legitimacy of many of the claims made in Greater Manchester Police's statements and in the Police and Crime Commissioner's Panel Report – for example, that the protesters and camp residents were violent agitators engaged in illegal activity – and to question the broader motivations of the policing operation. The report highlights the various procedures adopted that had the effect of curtailing the right to protest, and seeks to substantiate unacknowledged claims that the policing operation was violent, incongruous to the size and peaceful nature of the protest, and carried out with impunity. In doing so, it raises serious questions about the nature of democratic accountability and policing in England and Wales.

THE BACKGROUND TO THE BARTON MOSS PROTEST

2.1. FRACKING IN THE UK

“Fracking”, or hydraulic fracturing, is the process of extracting shale gas from solid rock hundreds of metres to kilometres below the surface, by pumping water, sand and chemicals at high pressure into the rock. Technological advances in the last twenty-five years, driven by the merger of hydraulic fracturing and horizontal drilling techniques, have enabled the exploitation of previously inaccessible shale gas reserves. In the last decade these technological advances, developed predominantly in the US, have been exported around the globe. Energy companies have turned their attention to Europe, and the deposits of shale gas that have been identified across the continent⁶. In the UK, significant shale deposits have been identified⁷, and exploratory drilling to explore their potential has been actively encouraged by UK governments since 2007⁸.

However, while a number of governments across Europe, including the New Labour, Coalition and current Conservative governments in the UK, have embraced fracking, the development of new techniques for drilling have been controversial from the outset. Communities and environmental groups have raised concerns about the immediate impact on local environments, including land, air and water pollution⁹, as well as the broader issue of maintaining a reliance on carbon intensive fossil fuels in the face of global climate change¹⁰. Despite the enthusiasm of some European governments, others, under pressure from community organisations and environmental groups, have suspended or banned the procedure. Recent votes by the Scottish¹¹ and Welsh¹² governments have seen them adopt similar positions to those taken by France¹³, Bulgaria¹⁴, and Germany¹⁵, recommending a moratorium on fracking, leaving them out of step with UK government policy.

In June 2015, Lancashire County Council’s Development Control Committee voted to refuse applications by oil and gas company Cuadrilla to explore for shale gas at two sites in Lancashire¹⁶. However, in November of 2015 the Department for Communities and Local Government announced that the final decision on UK fracking applications will now be made by the



Secretary of State, due to ‘the national importance of the schemes.’¹⁷

The first major protests in the UK against fracking came in the summer of 2013 at Balcombe, Sussex, where a coalition of local groups and environmental campaigners from around the country established a protest camp at the exploratory drilling site run by energy company Cuadrilla. The camp residents and visitors engaged in direct action to disrupt the operation and raise awareness about fracking in the UK. Despite declining public support¹⁸, fracking is now a central component of UK government strategy on ‘energy security’ and central to current UK energy policy. The process of moving from exploratory drilling to gas extraction was encouraged by the launch of new on-shore oil and gas licences in July 2014, and again in December 2015, and also by changes to trespass laws introduced in the Infrastructure Act 2015 that remove the right of land owners to object to drilling under their property when at a depth of more than 300 metres¹⁹.

2.2 BARTON MOSS COMMUNITY PROTECTION CAMP

On the 17th June 2010, Salford Council voted to allow coal mining on the Green Belt land at Barton Moss, Salford, despite local objections and concerns. With news that energy company IGas Energy would begin exploratory drilling to explore for coal bed methane at Barton Moss in mid-November 2013, concerned residents from the local area, and some from further

afield, began to set up camp at the site. This camp was influenced by the successful protest camp at Balcombe, West Sussex, in the summer of 2013. On Wednesday 27th November 2013, with the Barton Moss camp part established, the first direct anti-fracking protest took place in the form of a community blockade that sought to prevent lorries entering the site. Over the period of protest, between November 2013 and April 2014, the camp gathered momentum and established itself as a community-led protection camp, sustained by local support and donations. Those involved adopted several protest techniques, including the use of ‘lock-ons’²⁰ and blockades, but relied most heavily on slow walking in front of IGas convoys in order to delay the drilling operation and to provide a visible and constant opposition to fracking in Salford. These slow walk protests took place twice daily, as the IGas lorries arrived and left the site, for four days per week, for the duration of the drilling operation. The camp remained in situ until 18th April 2014. When the camp disbanded, the site was cleared and returned to its former state. Seeds were scattered and trees planted to compensate for any damage caused by the protesters between November 2013 and April 2014.

2.3 THE RIGHT TO PROTEST

The right to protest is a fundamental liberty within a liberal democracy, providing an arena within which dissent and opposition may be expressed outside of the formal political structures. Such actions have historically resulted in important social reforms, including the right to vote, women’s rights and the right to form, and to belong to, a trade union. Since October 2000, when the Human Rights Act 1998 came into force in the UK, the right for citizens to engage in public protest has been formally recognised in law. As a public body, Greater Manchester Police have a positive obligation under the Act to actively uphold and facilitate the rights and freedoms enshrined in the European Convention on Human Rights (ECHR)²¹. These include the right to liberty and security (Article 5), the right to respect for private and family life (Article 8), freedom of thought, conscience and religion (Article 9), freedom of expression (Article 10) and freedom of assembly and association (Article 11).

Although restrictions on some of these rights may be permitted in limited circumstances, such as in the interests of “public safety”, “the prevention of disorder or crime”, and the protection of the “rights of

others”²², the European Court of Human Rights has made it clear that the balance should always fall in favour of those seeking to assert their right to protest, unless there is strong evidence for interfering with these rights²³. Any restrictions on rights must also be proportionate, meaning that the measures taken are the least restrictive necessary to achieve the legitimate aim²⁴.

A report published by the House of Commons Home Affairs Committee in the aftermath of the G20 protests in the City of London in 2009, emphasised that this positive duty on the part of the state to facilitate peaceful protest should be an overarching consideration in any public order policing operation:

‘Above all, the police must constantly remember that those who protest on Britain’s streets are not criminals but citizens motivated by moral principles, exercising their democratic rights. The police’s doctrine must remain focussed on allowing this protest to happen peacefully’²⁵.

In a similar vein, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly has stressed:

‘...the utmost importance of the rights to freedom of peaceful assembly and of association in a democratic society. This is all the more important as the United Kingdom, like much of the world, is going through some tough economic challenges that will undoubtedly cause dislocation and discontent. It is in such difficult times, with angry and frustrated citizens, that the respect for such rights must be at its highest’²⁶.

2.4 OPERATION GERALDTON

The policing operation at Barton Moss, conducted by GMP, was codenamed Operation Geraldton. The senior officer with overall responsibility for the policing operation was Chief Superintendent Mark Roberts²⁷. Operation Geraldton was planned prior to the start of drilling by IGas, and the subsequent protests, at the end of November 2013. In light of the protests at Balcombe in the summer of 2013, GMP had anticipated that there would be protests at Barton Moss as this site was identified as the next location in the UK for exploratory drilling to assess coal beds and potential shale formations. The planning for Operation Geraldton involved the production of a Memorandum

of Understanding (MOU) signed by GMP, and other related parties, in advance of IGas beginning the drilling operation²⁸.

Alongside GMP, the parties who were signatories to this MOU included Greater Manchester Fire and Rescue, the North West Ambulance Service, Salford City Council, the Association of Greater Manchester Authorities, the Highways Agency, and Manchester Barton Aerodrome (due to the proximity of Barton Moss to the Aerodrome). In addition, the landowners Peel Holdings/Estates and IGas were included in this 'expression of common interest'. Formally, the purpose of the MOU was to 'articulate the basis and general principles for ongoing cooperation, and coordination between the Parties in order to promote and contribute to the realisation of their mutual interests in relation to the delivery of the Gold Strategy'²⁹.

Operation Geraldton was developed with the input of these strategic partners, but, based on the research conducted for this report, it appears that no members of local, or national campaign groups, were approached to be involved in the development of the MOU or the planning of Operation Geraldton.

The policing operation lasted for over 20 weeks and during this time there were 231 arrests³⁰. The costs of Operation Geraldton reached £1.7 million by the end of 2014³⁰ and these costs were met by GMP alone as an application to national government for help in covering the costs, made by Tony Lloyd, Police and Crime Commissioner for Greater Manchester, was refused by the Home Office in 2014³².

GMP received 77 complaints between 27th November 2013 and 11th March 2014 relating to Operation Geraldton³³. These complaints related to a range of issues concerning GMP's handling of the protest; records released under the Freedom of Information Act demonstrate that 40% of the complaints related to the misuse of force by GMP officers³⁴.

Operation Geraldton was a major policing operation that lasted for more than six months. It was planned in collaboration with IGas and the Local Authority well in advance of the protest. The scale and intensity of the policing operation led Barbara Keeley, MP for Worsley and Eccles South, to raise concerns that the number of police officers deployed was out of proportion to the size of the protest, adding that officers ap-

peared to be 'spending time at the Barton Moss protest rather than patrolling in our local communities'³⁵. In response, GMP released a statement which stated that the policing response had been 'proportionate'³⁶.

2.5 POLICE AND CRIME COMMISSIONER'S INDEPENDENT PANEL REPORT

In response to the volume and nature of complaints about Operation Geraldton, in March 2014 Tony Lloyd, the Police and Crime Commissioner for Greater Manchester, established an Independent Panel on the Policing of Protests and Demonstrations. The panel was chaired by Martin Miller, Chief Executive of the Diocese of Manchester, and was composed of seven additional members, who were, in the words of the PCC, 'drawn from across Greater Manchester's diverse communities' and brought with them 'a vast range of experience including protest and trade union activism, politics, policing, community relations, media and youth engagement'³⁷. The first investigation by this panel, focussed on The Barton Moss Environmental Protest, was published in October 2014³⁸. For Tony Lloyd the nature of the protest, and the concerns raised about the policing at Barton Moss, meant that 'independent scrutiny of this operation was needed in order to build trust and public confidence in our police service.'³⁹

The report sought to examine the 'unique issues' that the Barton Moss protest created for GMP in 'a frank, honest and balanced way to see what learning can be applied to future contentious protests'⁴⁰. In addition, the report aimed to 'provide constructive feedback to police and others around the management of contentious and complex protests'⁴¹.

The report explains that members of the panel conducted visits to Barton Moss and observed the operation from the police control room. The document also explains that members of the panel spoke to Greater Manchester Police (officers and staff involved directly and indirectly in the operation and the associated communications), and protesters both during visits to Barton Moss and in interviews conducted off site⁴². They also spoke with local businesses and residents around Barton Moss Road, along with representatives from Salford Council, IGas and the media.

The Panel made a number of observations about the

protest at Barton Moss, and about Operation Geraldton. They concluded that ‘GMP was committed to balancing, as best it could, the competing rights of the protesters, local businesses and local residents’⁴³, and, that while most of the action taken by protesters at Barton Moss was peaceful, some tactics used by some members of the camp ‘crossed the line’ of what is acceptable⁴⁴.

Most notably, they made clear that ‘throughout the evidence-gathering process of this report, no panel members witnessed any behaviour by police that could objectively be described as “brutality”’⁴⁵. Furthermore, the panel noted that:

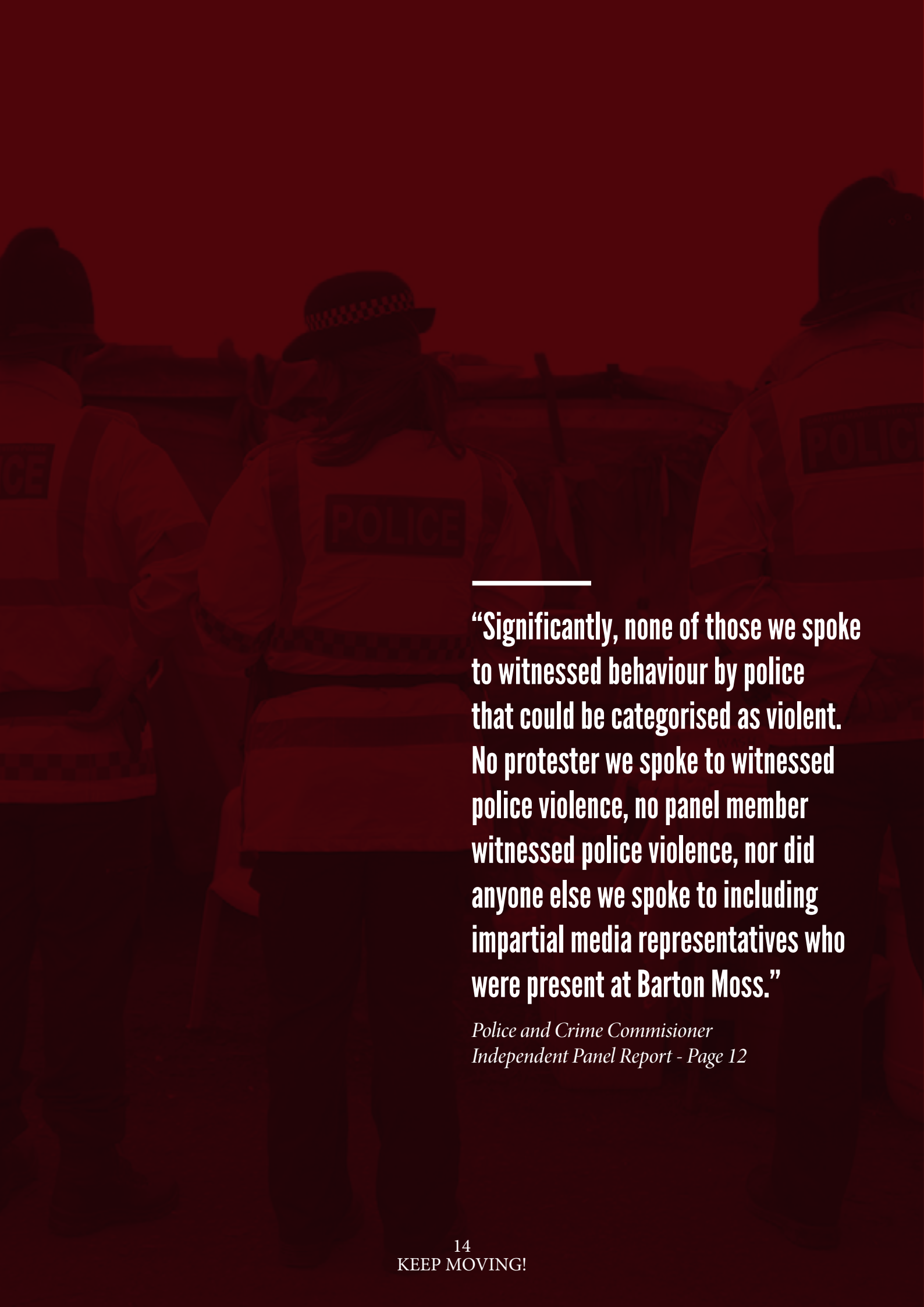
*“Significantly, none of those we spoke to witnessed behaviour by police that could be categorised as violent. No protester we spoke to witnessed police violence, no panel member witnessed police violence, nor did anyone else we spoke to including impartial media representatives who were present at Barton Moss.”*⁴⁶

Ultimately, the panel concluded that ‘many of the issues arising from the protest at Barton Moss could have been mitigated, or even resolved, by better pre-planning and more constructive communications and engagement during the operation’⁴⁷.

The panel made nine recommendations⁴⁸. Five of the nine recommendations were for GMP, three were for relevant agencies and public bodies, and one was for protesters and protest organisers. The recommendations for GMP were as follows: To do more to engage with protest groups; to explore other alternatives to reach agreement in the event of a breakdown in trust between protesters and police; to consider inviting a nominated representative agreed by police and protesters into the police control room, on the same advisory status as other third party bodies; to do more to recognise the diverse nature of those who take part in protests; and finally, to provide supporting information when the police publicise a controversial incident.

The single recommendation for protesters was for Protesters to ‘do more to recognise their responsibilities during protests’ which was based on the conclusion that, at Barton Moss, ‘there were isolated incidents that were unacceptable’.

The report was welcomed by GMP and all recommendations were accepted by the force⁴⁹. The report was, however, criticised by campaign groups and many of those involved at Barton Moss for having serious failings. Much of this criticism focussed on the methodology of the report; no public appeal for witnesses was made, and the majority of those involved at Barton Moss were thus excluded from an investigation that was perceived to have been conducted behind closed doors⁵⁰. The independence of the report was also questioned on the grounds that it was submitted to GMP before publication for ‘final input’⁵¹. Finally, it was criticised for failing to examine in depth key aspects of the policing operation⁵².



“Significantly, none of those we spoke to witnessed behaviour by police that could be categorised as violent. No protester we spoke to witnessed police violence, no panel member witnessed police violence, nor did anyone else we spoke to including impartial media representatives who were present at Barton Moss.”

*Police and Crime Commissioner
Independent Panel Report - Page 12*

THE BARTON MOSS COMMUNITY PROTECTION CAMP



3.1 ESTABLISHING THE CAMP

The Barton Moss Community Protection Camp was established in mid-November 2013 and members of the camp stayed in situ until mid-April 2014. The Camp was set up, and remained, a non-hierarchical unit with no formal leader or centre. It was built around a group of individuals with shared concerns who were free to act autonomously⁵³. A significant number of local residents joined the twice-daily protests and shared the ethos and aims of the camp. Other local residents sustained the camp with essential goods and food donations and the provision of washing facilities⁵⁴ as outlined below:

‘We’ve a good group of locals who do come down here every day and walk the lorries, filling up water and bringing it back, giving us cooked meals, letting us go and have a bath, getting clean clothes...just when they come and say thank you for what we are doing, it boosts our morale. It shows that we are wanted here; we are needed here’ - Protester

The Camp was established on the side of a public footpath on a private road, Barton Moss Road. Tents, communal areas and other facilities lined part of the road that IGas trucks had to travel along, from the main access point on the A57, along Barton Moss Road, to the entrance of the IGas site.

Many of the camp’s residents and supporters referred to themselves as ‘protectors’⁵⁵ to emphasize that the focus of their opposition to fracking lay, in the first instance, with protecting the environment. Camp residents and supporters adopted several protest techniques, including the use of lock-ons and blockades, but relied most heavily on slow walking, or marching, in front of IGas convoys in order to disrupt and delay the drilling operation and to provide visible and constant opposition to fracking. In addition to the slow marches, members of the Camp and local supporters held rallies at the site, including tea parties, music events and family days. They, along with around 1,000 other people, attended an Anti-Fracking demonstration in Central Manchester on 9th March 2014⁵⁶, and many members of the Camp participated in discussions at local meetings to highlight how best to mobilise local opposition to fracking.

The aims of the Barton Moss Community Protection Camp can be broadly summarised as follows:

- To demonstrate opposition to the drilling by IGas Energy at the Barton Moss site, Salford, Manchester.
- To delay the drilling operation by methods of peaceful protest through having a permanent presence at the site



- To protect the land at Barton Moss and to preserve the water and air of the local community.
- To raise awareness of the drilling procedure taking place at Barton Moss and the dangers of fracking.
- More broadly, the camp aimed to make the above interventions to highlight the general hazards associated with fracking and the impact this could have on future generations⁵⁷.

3.2 THE ROLE OF THE CAMP: PROTESTERS' PERSPECTIVES

For many of the people involved in the protest at Barton Moss, both as camp residents and supporters, the focus of the protest changed as the policing operation developed. The intensification in policing tactics meant that the right to protest became a dual concern which underpinned many of the actions and experiences of camp members and supporters:

'For some people there's definitely been a shift of focus, because obviously none of us that came up here originally were here against the GMP or against that kind of behaviour. But then obviously, with their kind of behaviour, it's left no choice for us but to also campaign against the police, the way they've been treating people that are up here' - Protester

Those involved spoke about the changing nature of their role; as strategies to suppress their protest diversified and intensified, so did the nature of their responses:

'My direct action has been a direct response to the TAU (Tactical Aid Unit) marching people in in

under 15 minutes. That is not facilitating peaceful protest. That is dismantling the protest. It shows us no respect and that is what brings on direct action'

In March 2014, protesters from the camp established a second camp outside GMP headquarters in Newton Heath, Manchester, to protest against the 'brutality and violence' of the policing during the daily demonstrations⁵⁸. As arrests became more frequent and bail conditions more restrictive, members of the Camp provided support to those detained in police custody, and acted as witnesses in court for one another. In part this was a pragmatic response, however, the sustained emphasis on police violence and perceived corruption⁵⁹, as well as the provision of court character references, was also an attempt to counter the official portrayal of the police presence as proportionate and the Camp residents and supporters as unreasonable people. Maintaining a visible presence in the public sphere was linked to the recognition of the struggle at Barton Moss, and to effectively challenging GMP's version of events. As such, another key role of some of those involved was to film and stream the daily marches in order to visually document the protest.

'It is about protecting the line and protecting the air, and protecting the water and protecting the future for the kids, and people protecting themselves. It's like on two levels: protecting the earth and, through necessity of how we're being policed, people protecting each other as best that they can'. - Protester

The articulation of their role as 'protectors', therefore, took on several meanings; not only were they protecting the land, and the future prospects of the environment, they were also defending the right to protest.

In referring to themselves as 'protectors', some camp residents and visitors saw a distinction between pro-

tecting and protesting in their role at Barton Moss. For some, this distinction became clearer as the focus on policing developed:

'As for the slow walk down, that's what we've been trying to protect, the land itself, so that isn't a protest. But then, if there are unlawful arrests that day, I'll go down to the police station and I will make a protest. So, personally, for me, it's both'.

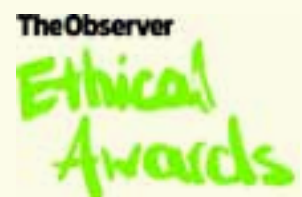
'I'm a protector when it comes to the fracking thing, but I'm also a protester when it comes to the police issue'.

Anne Power, a member of the Barton Moss Community Protection Camp and a committed anti-fracking campaigner won the Observer Ethical Award 2014 in the 'Local Hero Award' category.

The Barton Moss Community Protection Camp came Runner-Up in the same category.

For Anne Power, her role at the camp was pivotal in helping to combat the negative representation of protesters:

*"I stand as witness in court looking like a respectable citizen, which helps the judge decide they're not dealing with morons, layabouts and hippies, but clever, dedicated people, giving up their lives to a cause."*⁶⁰



THE POLICING OF THE PROTEST: KEY FINDINGS



4.1 ROLE OF POLICE OFFICERS

4.1.1 LIAISON AND DIALOGUE

In the public statements made during Operation Geraldton, Chief Constable Peter Fahy and other GMP spokespeople sought to make clear that they understood that the right to protest is a basic human right. Recent changes in protest policing in the UK, driven by a human rights agenda, have revolved around recommendations for effective communication between police and protesters. In 2009, following its inquiry into the policing of protest in the UK, the Joint Committee on Human Rights (JCHR) published its report on a human rights approach to policing protest. In its report the JCHR recommended that police forces ‘foster effective dialogue with protesters’⁶¹ to enable competing rights claims to be balanced in protest situations. The idea of ‘dialogue policing’ was developed by Her Majesty’s Inspectorate of Constabulary (HMIC) in its 2009 review, ‘Adapting to protest – nurturing the British model of policing’, as it recommended that officers on the ground ‘should engage with crowd members to gather information about their intentions, demeanour, concerns and sensibilities’⁶².

Since the resulting updates to the ACPO Manual on Keeping the Peace in 2010, protest policing has involved the use of Protest Liaison Officers (PLOs) whose key function ‘is engagement and communication in order to assist in the facilitation of peaceful protest’⁶³. GMP prides itself on being a centre of excellence for the management of public disorder and has been at the forefront of the pilot training programme for Liaison Officers. During the Barton Moss

protest GMP was training a number of PLOs and they were a regular presence at the camp. GMP explained to the PCC Panel that PLOs ‘worked to build relationships with those at the camp’⁶⁴ and were central to the attempts to establish dialogue between police and protesters.

However, this dialogue was not effectively established at Barton Moss, and for the duration of the camp, officers and protesters were not able to establish either meaningful communication or points of agreement about the management of daily marches. For GMP this lack of dialogue was a result of the refusal by protesters to engage. GMP explained to the PCC Panel that dialogue and negotiation had been attempted by officers at Barton Moss but ‘GMP felt some protesters acted in a cynical way and had no real desire to negotiate with police.’⁶⁵

GMP and the PCC Panel concluded that this refusal to communicate effectively was due to an unwillingness





can let their perceptions go. They have to keep up the company line – ‘we’re facilitating a peaceful protest’ – even when evidently they aren’t’.

For many, the PLOs were part of the policing operation and in a number of cases they appeared to identify protesters for other officers to arrest. Negotiation appeared to be set as a precondition for acceptable protest; in this sense it appeared that ‘peaceful’ protest was only that which is negotiated with, and sanctioned by, police. For many protesters this was an unacceptable constraint placed on their disruptive, yet peaceful, action. The clear lack of trust between protesters and police prevented effective dialogue and this appeared only to become worse as the police operation became notably more physical, and the number of arrests increased, as the protest developed in 2014.

to elect an official spokesperson for the camp and a more general unwillingness to engage with the police. For the PCC Panel, this demonstrated the protesters’ failure to uphold their ‘responsibilities’ and suggested that:

*‘Protesters at similar protests in the future should consider developing a set of principles for their protest – outlining what they will do, what behaviour is acceptable and what behaviour is not. This should include ensuring they have definite individuals with whom the police can liaise effectively (even if these change from day to day in line with their “collective” principles)’.*⁶⁶

For many protesters the different type of police officers who were involved at Barton Moss worked to the same ends and were essentially indistinguishable in terms of their overall function. Officers with apparently different functions at Barton Moss appeared to work together to arrest those involved in the daily marches as evidenced by one protester’s experience described below:

However, this statement fails to consider how the role of PLOs was perceived by protesters at Barton Moss, and how attempts to establish communication by police were received at the camp. Despite speaking with a representative, the PCC Panel failed to acknowledge that one of the key local campaign groups, Frack Free Greater Manchester, had tried to play a liaison role at Barton Moss but GMP had refused to meet with them.⁶⁷ For the PCC Panel, protesters should shoulder responsibility for liaison but the report fails to consider why lines of communication were not sustained.

‘I was marked for it [arrest] this morning. It was very, very obvious that there was a collusion between the police on the line, the TAU (Tactical Aid Unit) again funnily enough, and the liaison officers that I was going to be snatched...err...and suddenly from nowhere, walking at a steady pace, not doing any obstruction, suddenly it became ‘don’t push back on me’, and that seemed to co-ordinate with exactly the same time when this TAU guy decided to push hard against me with his fist and his chest...and as soon as he barged me again, at the immediate same time, he said ‘if you push back on me again you’re gonna be arrested’, and at the exact same time a liaison officer, who wasn’t close enough to be hearing that, came through the crowd with his earpiece and went ‘we are gonna have to tell you now that if you push back again you’re going to be arrested’. And it was very, very obvious that I had been marked for it’

An additional obstacle to effective liaison between protesters and police lay with the perception of the role of protest liaison officers by many involved in the protest. For many protesters, the PLOs were predominantly concerned with gathering intelligence as opposed to establishing meaningful dialogue and negotiation:

PLOs were not trusted by many protesters because information gathered by these officers appeared to be fed directly back to the arresting officers. As the interview above suggests, protesters often felt they had been singled out for police attention and this again

‘They are a bit of a misnomer to me; a bit of a non-starter. They have pre-set limits as to where they



negatively impacted on the levels of trust between protesters and police.

4.1.2 THE TACTICAL AID UNIT

The focal point for many of the complaints by protesters was the Tactical Aid Unit (TAU) which was perceived to have a very specific function at Barton Moss. In an open letter dated 18th July 2014, the Greater Manchester Association of Trades Councils raised concerns with the Police and Crime Commissioner Tony Lloyd specifically about the TAU. The letter made clear that the concern lay not with the behaviour of individual officers but with ‘the leadership of and the operation of the Tactical Aid Unit as a whole service’⁶⁸.

For many of the protesters at Barton Moss, the TAU officers appeared to have a very specific function and were used with increasing frequency as the protest developed. Additionally, for many of those interviewed for this report, the TAU were responsible for the majority of the very physical, and at times violent policing and appeared to be used strategically in the policing operation to prevent the daily protest marches from being effective:

‘I think the routine had been followed – it happens quite often – we’d had the normal constables for the first ten minutes. Somebody behind the lines on the police side deemed it wasn’t going quick enough, so the normal constables were withdrawn, the TAU would take their place. And we all knew then, okay, the aggression is going to go up, they’re going to push

harder, faster’.

For many the experience of policing at Barton Moss was reason enough to refuse to engage with the police. For those protesters who had attended other protests prior to Barton Moss, especially those at Balcombe, their previous experience was itself sufficient to prevent them engaging with officers. Recent documents released following Operation Mansell at Balcombe suggest that the protesters’ perception of PLOs as intelligence gatherers was in that instance well founded⁶⁹. This experience at Balcombe undoubtedly informed the way in which the protest camp developed at Barton Moss and the way in which many residents and visitors interacted with the police. It is therefore unsurprising that many protesters refused to enter into dialogue with police. It is also unsurprising that many were sceptical about engaging with the PCC Panel Report given the perceived lack of independence Tony Lloyd had from GMP in the eyes of many involved in the protest at Barton Moss:

‘They (PCC Panel) turned up, I think it was either Thursday or Friday last week, and there was about, I think I saw about six of them. I didn’t know who they were at first; no one mentioned that they were coming to us. We didn’t have any idea; we were just, kind of, looking, “Who’s that?” And then we asked one of the PLOs and they told us and, yes, they just stood behind the police lines the whole time. We didn’t get to speak to any of them; they didn’t come to ask us any questions afterwards. So I think really it’s just PR exercise’.



4.2 COMMUNICATION AND PUBLIC INFORMATION

The policing operation was represented in very different ways in competing narratives provided by both the police and the protesters. GMP issued public statements, including those authored by the Chief Constable, published news items on the GMP website, and provided commentaries through the Chief Constable's own blog. These updates had a significant effect on the media reporting of the protest at Barton Moss.

Regular updates on the cost of the policing and statements on the number of complaints appear to have been aimed at shaping public perceptions. The cost of the policing operation was regularly updated through public statements and repeated in media reports. This was done in such a way to suggest the police operation was a drain on police resources, inferring that it was the protesters' actions that necessitated the police presence. As Chief Constable Peter Fahy explained:

*'The cost of this operation is met from our normal budget and means that officers on duty at this protest are not patrolling their beats or carrying out operations to investigate crime. We have to be there to ensure the protest is peaceful and to balance the rights of the protesters and those wanting to carry out drilling on the site which are both lawful activities. The police are stuck in the middle.'*⁷⁰

GMP made repeated statements that detailed the low number of complaints received at Barton Moss. This was presented as being illustrative of the nature of the policing operation:

*'For all the hundreds of hours of policing we have received only 21 complaints, five of which are from the same person.'*⁷¹

However, while the number was presented in such a way to suggest limited problems with the policing of the protest, the figures quoted appear not to match up with GMP's own records released after the conclusion of the policing operation. The statement above, from 7th February 2014, stressed the low number of complaints at 21, but is contradicted by GMP's own figures for this date⁷². GMP's figures demonstrate that at this point the number of complaints recorded was over twice the number publicly declared by the Chief Constable; by 4th February 2014, they had reached a total of 50. The emphasis on the low number of complaints in public statements appeared to be driven by an attempt to dispel public concerns about the policing at Barton Moss, and it is unclear why there was such a marked difference between GMP's records and the number quoted by the Chief Constable in his public statements.

The apparent error in reporting the number of complaints may possibly relate in part to problems in the method of recording, or in the communication of these records. Two different records of the number of complaints at Barton Moss have been released by GMP putting the total number at 57 and 77⁷². In the document that puts the total figure at 57, a distinction is drawn between the numbers of 'complaints' and 'allegations', with the number of allegations at 108, suggesting that the final figure for complaints, as published by GMP, does not reflect the number of times those involved at Barton Moss raised an issue with the policing operation. In addition, many of the camp residents and supporters consulted in the research for this report raised concerns about the effectiveness of the existing system for police complaints, with some suggesting that due to the apparent failings with this system, they had simply stopped making complaints:

'To me, personally, I don't see the point in complaining any more. To me it just feels like a waste of time, that I'm wasting my effort and time ringing the police and dealing with it, because nothing ever has ever changed or been done'

This response would appear to reflect a broader erosion of the public's trust and confidence in the police complaints system. Figures collected by the Crime Survey for England and Wales show that only 10 per cent of those who recall being 'really annoyed' with the actions of a police officer in the last five years went on to make a complaint⁷³. The main reason for not

complaining was that there was seen to be no benefit or point in doing so. Indeed, the IPCC has in recent years reported a significant reduction in the number of people making complaints against the police⁷⁴. The apparently low number of complaints arising from the Barton Moss protest is not, therefore, necessarily illustrative of a lack of public concern with the behaviour of GMP officers.

4.3 THE REPRESENTATION OF THE PROTEST AND THE PROTESTERS

‘Flaregate’

On January 6th, 2014, GMP raided the Barton Moss camp and searched it under Section 43 of the Terrorism Act 2000. The raid was immediately press-released by GMP, who claimed they acted in response to a flare fired from the camp at a police helicopter on the evening of 4th January. No evidence relating to the alleged incident was found in the search and the event became known among protesters as ‘Flaregate’.

The PCC Panel report noted the significance of this event in the deterioration of relations between police and protesters. The PCC Panel report suggested that GMP should have provided more evidence to the public to reinforce the press statements. For many protesters, the main aim of the press statements appeared to be to generate negative publicity about the protest.

In the press statement on January 6th, following the ‘Flaregate’ incident, Chief Superintendent Roberts suggested that responsibility lay with the protesters despite the lack of evidence found in the search of the camp:

‘If one of the protesters is responsible, I suspect their identity will be known to others and I would expect those reasonable members of the anti-fracking campaign to provide any information they have to the police.’⁷⁵

In response to the search, GMP statements sought to distance protesters from the local community, portraying many of those involved as ‘regular’ protesters, unreasonable in both their demands and their behaviour:

‘Whilst I recognise the genuine concerns of many of the protesters in relation to exploratory drilling, it is obvious that there is also an element of regular protesters from outside the Greater Manchester area who seem more interested in seeking confrontation with the police.’⁷⁶

This division reinforced the idea, suggested in earlier media reports on Barton Moss⁷⁷, that camp residents and visitors were ‘professional protesters’ who did not reflect the views of the local community. The idea that some of those involved were experienced protesters was highlighted in police statements that inferred a lack of real affinity with the local anti-fracking campaign. Chief Superintendent Roberts sought in later statements to draw a direct distinction between the protesters and local residents and in doing so again located concerns with the policing of the protest outside of the local community, as evidenced below:

“It now seems that the majority of people who are arriving at the site are not there to protest against fracking but are there to disrupt and intimidate the local community and to antagonise police”⁷⁸

The idea of a fundamental distinction, or even opposition, between the Camp and ‘the local community’ was brought into question by the fact that the Camp was sustained by donations and support from members of the local community throughout its 20 week operation⁷⁹. Generalisations about who ‘the local community’ were, and whether they were in support of, or opposed to, the protest, were central to competing narratives provided by protesters and GMP. It was clear that many members of the local community supported the camp by the fact that they joined the protests at Barton Moss and provided donations, as well as joining the much bigger demonstration in Manchester on 9th March 2014⁸⁰.

It was also evident that in some places local residents raised issues with the protest and the apparent disruption caused to the local community, and that this was highlighted by GMP. On 10th March 2014 Chief Superintendent Roberts gave a presentation to the Independent Advisory Panel on the Policing of Protests that was obtained by the authors under the Freedom of Information Act⁸¹. This ‘Barton Moss Briefing’ contained quotes from local residents, apparently collected by GMP, that detailed concern with, and even opposition to, the Barton Moss protest as reproduced

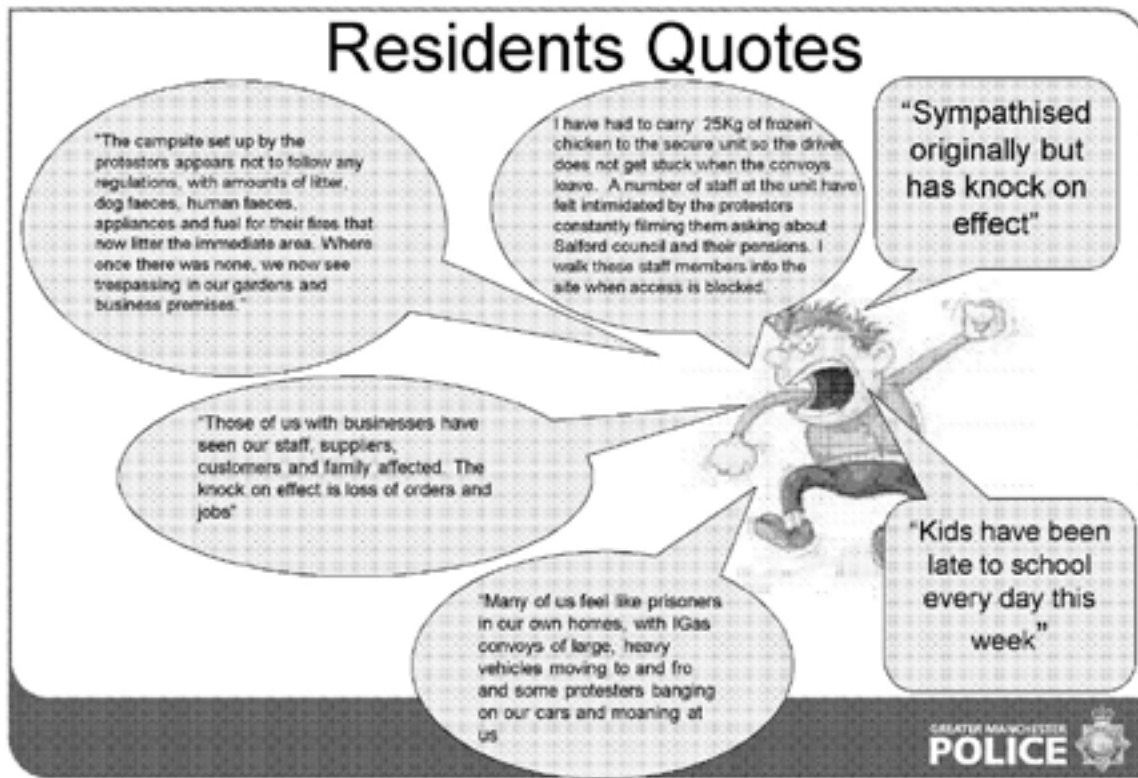


Figure 1, Slide Barton Moss Briefing' presentation given by Chief Superintendent Roberts to the Independent Advisory Panel on Policing of Protests (Greater Manchester Police, Freedom of Information Request Reference No: 1331/15, 7 July 2015.)

in Figure 1.

The presentation gives no detail on the methods used to collect these quotes, and the section titled 'Residents (sic) Quotes' (Figure 1) contained only negative opinions of the protest which was clearly unrepresentative of the spread of local opinion.

The notion that individuals from outside of the 'locality' were illegitimate protesters was also a recurring theme in GMP statements. This appeared to rest on the assumption that fracking at Barton Moss was solely an issue for people living within Greater Manchester. Given the far-reaching nature of the potential environmental impacts of fracking, and the contribution of unconventional fossil fuels to global climate change, as well as the significance of Barton Moss in the advancement of fracking policy at the national level in the UK, defining fracking as a 'local' issue in these terms is problematic. It appears instead that the idea of a distinction between the Camp and the local community was reproduced to shape the public perception of the protest.

A further illustrative example of GMP's apparent attempts to influence the representation of protesters at Barton Moss, came in another section of the presentation to the Independent Advisory Panel on the Policing of Protests given by Chief Superintendent Roberts on 10th March 2014. This presentation con-

tained images of protesters, apparently from Barton Moss, which are contrasted with images of police officers and these images are reproduced below (Figures 2 & 3). All of the images selected of protesters presented them with their faces covered and as a result made them appear intimidating, in stark contrast to the images used of Protest Liaison Officers. The images reinforce the representation of protesters as outsiders who were seeking to intimidate the community. Furthermore, in portraying all protesters as masked, the presentation to the Independent Advisory Panel suggested that this was common practice, and inferred that it was done out of necessity to conceal the identity of those involved at the Camp. These images were wholly unrepresentative of the practices of Camp residents and visitors as shown in numerous pictures shared online and through a range of social and mainstream media sources.

The police commentary provided through a series of public statements contributed to the dominant representation of the protest. The police narrative drew from, and contributed to, public debates on both fracking and on the right to protest. It reproduced and reinforced the image of protesters as unreasonable in both their demands and their behaviour. Portraying protesters as unrepresentative of the local community, in both their origins, and their motivations, appeared to be part of an attempt to deny legitimacy to the protest.



Figure 2, 'Protesters'. Slide taken from the 'Barton Moss Briefing' presentation given by Chief Superintendent Roberts to the Independent Advisory Panel on the Policing of Protests (Greater Manchester Police, Freedom of Information Request Reference No: 1331/15, 7 July 2015.)



Figure 3, 'Role of the Police Liaison Officer'. Slide taken from the 'Barton Moss Briefing' presentation given by Chief Superintendent Roberts to the Independent Advisory Panel on the Policing of Protests (Greater Manchester Police, Freedom of Information Request Reference No: 1331/15, 7 July 2015.)



The statements of Chief Superintendent Roberts, in particular, seemed to reinforce the dominant image of certain anti-fracking protesters as irrational in their opposition to both fracking and the policing of protest, an idea promoted in early 2014 by the Prime Minister⁸². The dominant concern of police spokespeople appeared to be justifying the policing operation, including the use of force, rather than providing effective communication with the protesters or the public. Despite GMPs reassurances of their desire to uphold the right to protest, the communication strategy, including the attempt to reproduce crude stereotypes about protesters, as well as the behaviour of officers at Barton Moss, undermined this claim.

4.4 POLICE VIOLENCE AND HARASSMENT

Police violence at protests is becoming a growing concern among protesters from a range of campaigns and movements, and has been highlighted by observers of trends in public order policing⁸³. Many protesters interviewed for this report cited the policing at Barton Moss as the most brutal that they had witnessed. Antagonistic methods of harassment were outlined by many of the protesters:

I tried to raise it with the Chief Inspector this morning...I'm walking along at what I am agreeing is a reasonable pace, I'm being compliant with them,

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

The twice daily protests, for at least four days a week, of walking the trucks into and off the site over a five month period were unprecedented for those taking part. The intensity of this unrelenting form of protest was exacerbated by the inconsistency of how these marches would play out on a daily basis.

The running battle between the protesters and the police revolved around the length of time taken to travel the 800 metre stretch of road; this could take as little as 15 minutes or up to several hours and this added to the uncertainty of taking part:

'One day we could actually just peacefully and calmly be walking down the road and be allowed to walk down the

road, and other times we'll just be shoved, pushed and beaten, and we just never know what kind of day it's going to be' - Protester

This unpredictability, and the ever looming threat of violence, functioned to aggravate and unsettle protesters and does not appear to have been driven by a response to maintain public safety or public order. For some, over a sustained period of the protest, this uncertainty coupled with several other tactics, including a significant police presence from early in the morning, several hours before IGas lorries would arrive, resulted in psychological and emotional distress. It was predominantly during the walk-ins that protesters also reported being physically handled by the police. They describe, below, the frequent occurrence of being pushed and shoved, having their heels stood on, having knuckles dug into their backs, being grabbed around the waist and pushed down the road, and being verbally harassed:

'The knuckles in the back, stepping on people's feet, stepping on people's heels; it's quite deliberate. I've told them many times that it's a peaceful protest and there is no need for it, but they just carry on doing it – telling me to march faster. I'm clearly moving, I'm clearly within my normal right to keep moving, and they just keep assaulting me and assaulting other people' - Protester

This type of experience was recounted on numerous occasions by protesters:

'Each time on the line I have to say – because I've only been one place and that's on the line – each time I've experienced a fist in my kidneys, not necessarily a punching fist, but certainly fists and twisting them into your kidneys and stuff, and the walking on the back of your heels. That's the favourite one, lifting these big boots up on the toes and stepping on the back of your heel so you start to stagger and fall forward and then they can push you a bit more and threaten you with pushing back on them'

This violence appeared to escalate significantly when TAU officers were deployed to cover the marches. As the protest went on, these officers were involved on a daily basis. The excessive use of force displayed by TAU officers at Barton Moss typified the protest for many of those involved:

'There's a massive, massive difference between the two styles of policing... a gradual, general escalation in violence in TAU deployment' - Protester

Those interviewed for the purpose of this report described the tactic of mass arrest as having a particularly brutalising and destabilising effect on camp residents. Protesters recalled that decisions about who to arrest, and who to remove from the protest, appeared to be pre-planned and pre-emptive, rather than a genuine response to law breaking or disorder at the site. In keeping with this objective, targeted arrests appeared to be initially focussed on those members of the camp who were perceived by police not to be local. Protesters understood this action to be part of the narrative GMP wished to construct about the lack of local involvement in the camp:

'It's definitely intimidation and it's to scare people off, basically to the point that they're too scared or hurt to come back, to deter people, to get us to lose support, to scare away the



locals. They're not afraid to do what they do in front of cameras. It's almost like they want the world to see what they're doing, to send a message, you know, "Stay away or this will be you."

- Protester

Those who were constructed as useful to the camp and protest also appeared to be targeted. This category of protester included both those who were perceived to be experienced protesters and/or particularly influential on camp and those new to protest, as well as those who were seen to have a specific role such as filming the marches for live streaming:

'People have been targeted for arrest because they are new on camp, the police haven't seen them before, and the police want to find out who they are. And, also, if you've never been arrested before, it unnerves you, so you might not come back. Also, people have been targeted because of things they've done on other campaigns'.

Protesters also described the provocative targeting of some of the camp's more 'vulnerable' members, including young, elderly and disabled protesters, and women:

'It seems to stem from a more systemic tactical approach. Since being here I've watched them systematically target elderly people, women, the very young ... And I believe that's been a tactic that the police have adopted specifically to try and get a violent reaction from the protesters here'.

The PCC Independent Panel report arrived at an em-

phatic decision that no police violence or brutality could be substantiated. They managed to do this without adequately considering the fairness or proportionality of the policing operation. There was no discussion, in the report or elsewhere, of the suitability or necessity of TAU deployment, nor of their role once deployed or their conduct during the policing operation. The facilitation of a peaceful protest was not aided by the use of TAU officers. The decision to deploy TAU officers so frequently seems incompatible with the size and nature of the protest and to the likelihood of serious disorder. The policing strategy appeared to have been adopted to maintain a hostile environment and to break the will and spirit of the camp, and it was arguably this strategy, defined by what appeared to be deliberate provocation and harassment (rather than the protesters' actions), that exacerbated the threat to public order.

4.5 GENDERED VIOLENCE

Violent police practices also appeared to target women and girls using a specific form of gendered policing which utilised the dynamics between male police officers and female protesters to threaten and intimidate⁸⁴. Although the proportionality of these responses is clearly questionable, the issue identified here is the sexualised nature of this approach, defined by one protester as 'inappropriate' behaviour:

'A lot of the time it is women on the front line, but not only that we've noticed officers specifically target women for violence, they've inappropriately touched them, groped them. I've been inappropriately touched. Every single woman on the front line has had some kind of inappropriate physical contact with an officer...sometimes their hands will just go up way too high.'

'Somebody had their breast groped.' - Protester

This overt 'inappropriate' behaviour took many forms, according to those interviewed, ranging from language and harassment that was used to frame intimidating, everyday interactions between male police officers and female protesters – *'They were just being really sexist'* – through to physical and sexual threats enacted by the bodies of police officers – *'The officers walking in a line, pushing their groins on women'*. This 'inappropriate' physical contact left many women protesters feeling frightened, offended and violated:

'I did have an officer so close behind me, his entire body was pressed against mine the entire time... And because I was walking the slowest, he was pressed right into me and just walked me the entire road...I did tell him all the time I would try to move to one side or another side, he just stayed exactly almost glued to my back, and it felt very, very violating, very violating'. - Protester

The invasive nature of this policing appeared to play upon the use of, or threat of, sexual violence as a way of controlling the behaviour of women and, in this context, their involvement in direct action. Here, protesters suggested that women were policed differently to men and sexualised violent conduct was used as a gendered policing tactic to frighten and intimidate women.

Two incidents which gained a high degree of media coverage involved the arrests of the same female protester. Police violence in both of these instances appears to be substantiated by video footage made avail-



able by protesters online⁸⁵. Explicit, aggressive and disproportionate force appeared to be used to restrain and arrest this protester and the first of these arrests was widely cited by many of those involved in the protest as a turning point in the already problematic relationship between the police and the protesters. As one protester notes:

‘I thought they let themselves down. I generally had a very good opinion of the police, ‘cos they do a lot of good work...After the [incident] it was quite clear that they wouldn’t have minded if she died. I was concerned, I witnessed it and she was in a bad way, and many people questioned the policing that day.’ - Protester

The interviews with protesters conducted for this

report illustrated that this case was seen by many to characterise both the excessive and gendered nature of the policing at Barton Moss, and to highlight the apparent levels of impunity afforded to TAU officers. The PCC Independent Panel report makes reference only to what happened once the arrested protester reached the police station after the second arrest, and does not comment on either of the arrests themselves, despite them both being significant events in the policing operation and the continuing deterioration of relations between police and protesters. In leaving an assessment of the fairness and proportionality of the policing out of its report, the PCC Independent Panel report did not adequately consider the sustained harassment cited by the protesters. The persistent intimidation and brutality described by the protesters appeared to be aimed at preventing the protest being effective rather than responding to breaches of the law.

4.6 IMPARTIALITY

The policing operation was presented by GMP as a balancing act with the police finding themselves “stuck in the middle”⁸⁶, compelled to respect the protesters’ right to protest and IGas’ right to conduct the exploratory drilling for which it had been granted a licence:



*representative in the control room on red days. The rep should be able to manage and update on logistical movements in real time.*⁸⁹

No similar invitation was extended to protesters. GMP have refused requests under the Freedom of Information Act to release full details of the communications between themselves and IGas over the course of Operation Geraldton.⁹⁰

The conduct of GMP officers throughout the course of Operation Geraldton raised further concerns among journalists, legal observers and protesters about the police role. GMP's professed impartiality was questioned in light of the conduct of officers and the public statements made by official GMP spokespeople that sought to underplay the complaints made by those involved. Chief Constable Peter Fahy repeatedly suggested that the low number of complaints received by GMP was indicative of the nature of the police operation. However, the records released under the Freedom of Information Act contradict these suggestions as the numbers were much higher than Fahy suggested, as indicated above in section 4.2. Additionally, a significant proportion (40%) related to the misuse of force. Complaints against GMP officers during Operation Geraldton included 'aggressive behaviour', 'unnecessary force', 'abusive language', 'insulting behaviour', 'improper treatment', and being 'denied legal advice'.

*'We have to be there to ensure the protest is peaceful and to balance the rights of the protesters and those wanting to carry out drilling on the site which are both lawful activities.'*⁸⁷

However, the contents of the Memorandum of Understanding (MOU) signed between GMP and IGas, raises questions about the independence of GMP in their response to the protest at Barton Moss. The MOU demonstrates that IGas had insider access to Gold and Silver senior police command meetings, daily briefings or video conferences with GMP's Silver Commander and shared police and local council information and intelligence. Furthermore, the MOU demonstrates that IGas took a lead in all media communications, "both proactive and reactive"⁸⁸ in liaison with GMP's Corporate Communications team. This memorandum brings into question the idea that the police sought to 'balance' the rights of protesters and IGas impartially. The MOU followed email correspondence between Chief Superintendent Roberts and an IGas representative in which the senior GMP officer encouraged the greater involvement of the company in the planning of the policing operation:

'I think the experience of the last two days has clearly demonstrated the need for a dedicated company rep-

The professed impartiality of GMP was again brought into question by comments made by Deputy District Judge Saunders at Manchester Magistrates Court on 3rd July 2014. Acquitting Barton Moss defendants, the judge accused Greater Manchester Police of exceeding its powers by intervening on IGas' behalf during a civil trespass and of "acting as civil enforcement officers" for the company.⁹¹

For many of those involved at Barton Moss who had also been at Balcombe, the two experiences differed significantly not just in the duration and frequency of protest marches, but in the style and 'intensity' of the policing. It was also notably different from the encounters that some of the more experienced protesters had of direct action at other protests. This appears to reflect a growing trend in the targeting of anti-fracking groups which is being strengthened by the increasing collaboration between police and corporations, as noted by observers of recent developments in public order policing.⁹²



CRIMINALISING PEACEFUL PROTEST: ARRESTS, PROSECUTIONS AND OUTCOMES

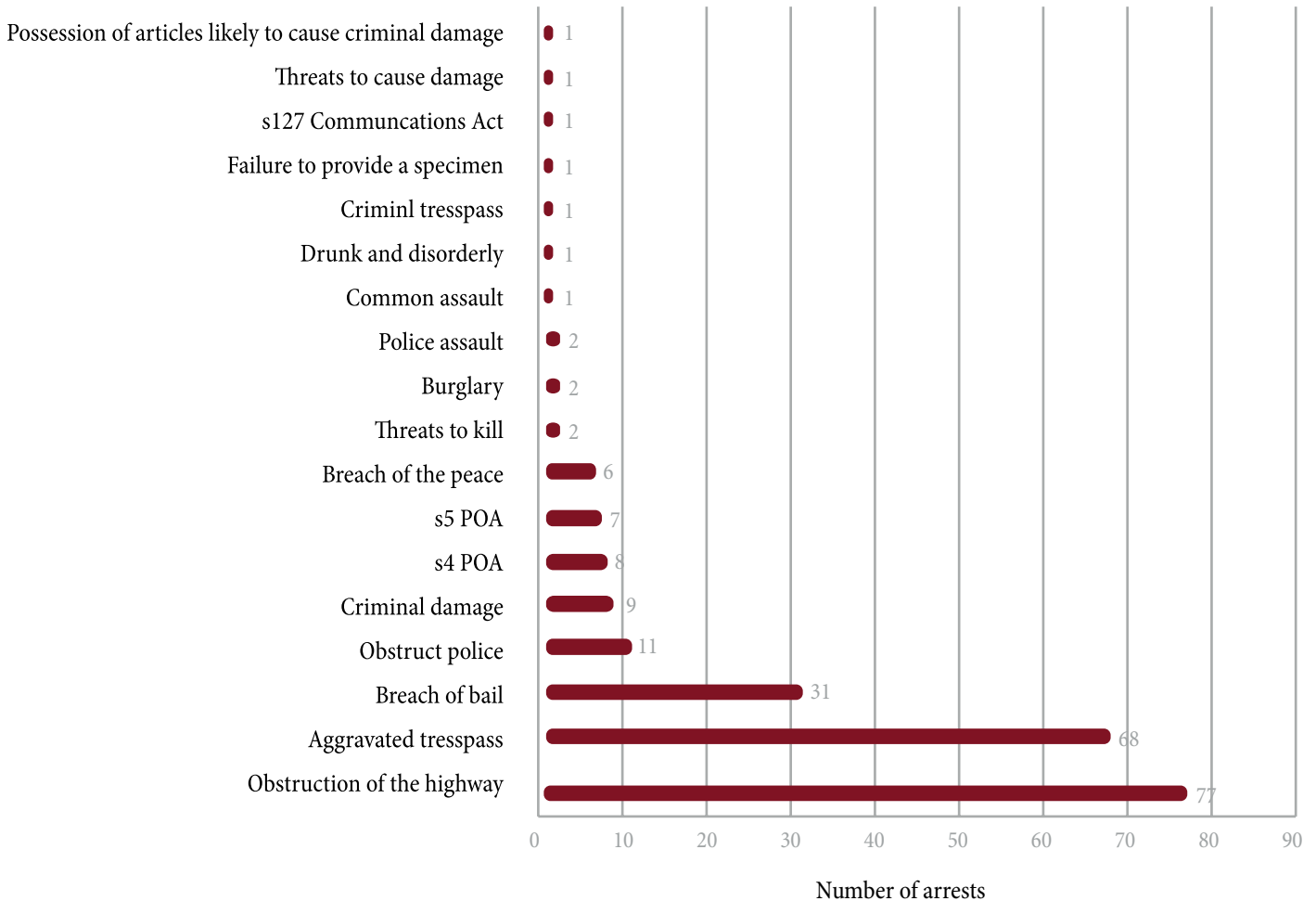


Figure 4, Number of arrests by category of offence (Greater Manchester Police, Freedom of Information request refNo: 1261/15, 1 June 2015)

5.1 ARRESTS

5.1.1 OFFENCES

As the policing operation intensified, concerns were raised by protesters that much of the media reporting of the protest appeared to focus on the protesters' role as the instigators rather than victims of violence. Many of these reports reproduced the regular GMP press releases which provided a running commentary on the number of arrests and cost of the policing operation⁹³. In a statement published on 23rd January 2014, Chief Superintendent Roberts described the ongoing protest as an "emerging threat" that was tainted by widespread violence and criminality. In doing so he sought to impose a meaning on the motivations of those who were joining the protest:

*'The majority of people who are arriving at the site are not there to protest against fracking but are there to disrupt and intimidate the local community and to antagonise police. We have seen offences of assaults, damage, harassment of residents and workers, a flare fired at the police helicopter and threats to kill.'*⁹⁴

Chief Superintendent Roberts also portrayed officers as victims suffering from a sustained campaign of violence from camp residents:

'Officers are verbally abused on a daily basis, one has even been spat at and another officer required stitches to his hand after trying to get a protester down from a fence'

These statements were supported by repeated references to the high volume of arrests under Operation Geraldton – a total of 231 by the conclusion of the protest.⁹⁵

Figures obtained by the authors under the Freedom of Information Act cast doubt on police portrayals of protesters and camp residents as violent⁹⁶. These figures show that arrests were made for one or more of nineteen different offences, ranging in severity from minor public order offences to Threats to Kill (which carries a maximum sentence of ten years imprisonment) (See Figure 4 above). The largest category of arrests was for Obstruction of a Public Highway (77 arrests, 33% of total arrests). This was followed by Aggravated Trespass (68 arrests, 30% of total arrests) and Breach of Conditions of Bail⁹⁷ (31 arrests, 13% of overall arrests). Only 2% of arrests were for offences that require violence or threatened violence against the person as a constituent element of the offence.⁹⁸ In contrast, 83% of arrests were for offences against property, violation of land rights and breaching conditions of bail.

5.1.2 PROFILE OF ARRESTEES

As noted in above in section 4.3 of this report, a key component of GMP's narrative concerning the protest was that the camp consisted of outside 'agitators' who did not have the support of the local population. A press release published by GMP on 23rd January 2014 claimed that the overwhelming majority of those arrested were 'from outside the Greater Manchester area, many from the South of England', adding that the local residents felt 'intimidated in their own homes from people who have travelled from all parts of the country to set up camp in Barton Moss.'⁹⁹ Whilst, as noted above, the 'local' character of the protest is arguably of limited significance given the apparent global threats from fracking, it is somewhat revealing that GMP's account appears to be contradicted by their own figures on the issue. Figure 5 is taken from the PowerPoint presentation delivered by Chief Superintendent Roberts to the Independent Advisory Panel on 10th March 2014¹⁰⁰. The slide provides a breakdown of the home addresses of 132 arrestees under Operation Geraldton. According to these figures, by far the largest category of arrestees (38 in total, 29% of arrestees) resided in the Irlam/Eccles/Salford area (i.e. in the direct vicinity of the Barton Moss site). This was followed by 25 arrests (19%) of individuals with no fixed address,

14 arrests (11%) of Manchester residents and 5 arrests (4%) of people from Wigan. In other words, just under two-thirds (64%, 84 in total) of the 132 arrests included on Chief Superintendent Roberts' list were for people who either resided in 'the Greater Manchester area' or had no fixed address. In contrast, only 23 arrests (17%) were of people whose home address could legitimately be described as 'the South of England'¹⁰¹. This compares to 99 (75%) arrestees from North West England or with no fixed address. These figures would suggest that those arrested under Operation Geraldton were overwhelmingly 'local'.

5.1.3 PRE-EMPTIVE ARRESTS

Between 27th November 2013 and 12th February 2014, the majority of those arrested in connection with stopping or slowing the trucks through the daily slow marches were arrested on suspicion of Obstruction of the Highway¹⁰². In what appeared to be a well-planned manoeuvre by GMP, protesters were issued with flyers which informed them that Barton Moss Road was a 'highway' as it was 'a public right of way' (Figure 6)¹⁰³. Following a ruling by Manchester and Salford Magistrates' Court on 12th February that the land in question was a public footpath, rather than a public highway, officers began to make large numbers of arrests for the alternative offence of Aggravated Trespass¹⁰⁴. This shift from one arrest power to another in the absence of a significant change in protesters' behaviour fuelled speculation that arrest under Operation Geraldton was part of a broader mission to gather intelligence, control and suppress the protest and disrupt and undermine the campaign.

A document obtained by the authors entitled, 'Op Geraldton: Protest Demonstration, Barton Moss, Eccles' lends support to the view that GMP were well prepared for the protest and were determined to influence how it would develop (Figure 7)¹⁰⁵. Although the specific reasons for the production of this document are unclear, it appears to be a briefing document for Gold, Silver and Bronze commanders within GMP. The document includes advice from an in-house GMP lawyer on the potential legal basis for arrests at the Barton Moss site. The legislative provisions referred to in the document include wilful obstruction of the highway under the Highways Act 1980, conditions on assemblies under the Public Order Act 1986, aggravated trespass under the Criminal Justice and Public Order Act 1994 and 'watching and besetting' under

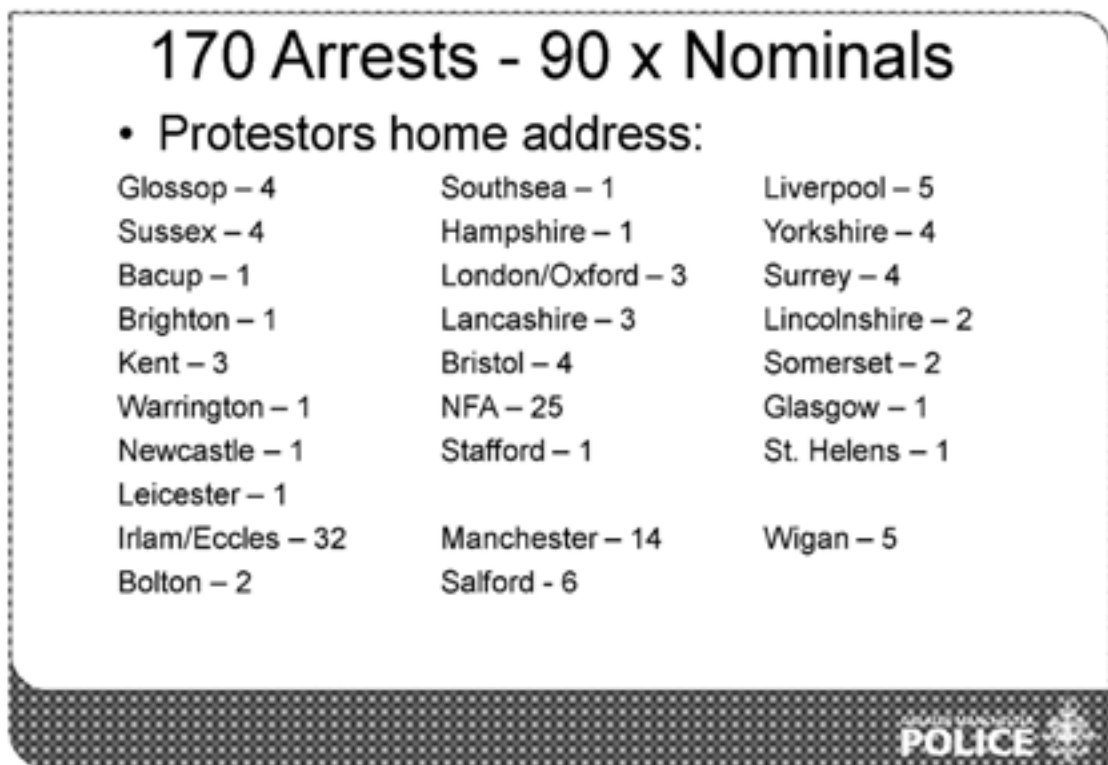


Figure 5, PowerPoint slide detailing home addresses of individuals arrested under Operation Geraldton (Greater Manchester Police, Freedom of Information Request Reference No: 1331/15, 7 July 2015.)

the Trade Union and Labour Relations (Consolidation) Act 1992. It would appear that the 'Op Geraldton' document enabled police officers to 'cherry pick' from a range of arrest powers in order to legitimise an operational decision to clear specific protesters from the site. As one protester noted:

'They're arresting lots of people for aggravated trespass, but at the same time if they're arresting one they should arrest everyone ... they specifically target people, so they actually do have a list of people they specifically want.'

5.1.4 POLICE BAIL

Allegations of the arbitrary application of arrest powers are further supported by the way in which arrestees were processed in the police station. Amendments to the Police and Criminal Evidence Act 1984 under the Criminal Justice Act 2003 extended police bail powers to allow officers to attach conditions of bail prior to any decision to prosecute. These highly discretionary powers require that the officer regards the conditions as being 'necessary' to ensure, for example, that the person in question does not commit an offence while on bail¹⁰⁶. The majority of protesters arrested under Operation Geraldton were released on police bail which contained one or more of the following conditions (see Figure 8):

- Not to go onto Barton Moss Road from its junction with the A57 Liverpool Road (including the lay-by along the A57) to its junction with Twelve Yards Road (including the bridge over the M62) and beyond, half mile to the railway.
- Not to go onto Twelve Yards Road from its junction with Barton Moss Road for half a mile to Black Wood and to include the area of Black Wood.
- Not to go into the area marked in RED opposite Black Wood.
- Not to enter the area shaded RED by the protesters' camp.
- Not to enter the area of the A57 shaded in RED on the map, including the central reservation and the bus lay-by opposite Barton Moss Road. **Travel along the A57 through this area is allowed as long as it is in a vehicle which must not stop to allow alighting**¹⁰⁷.

These highly restrictive conditions amounted to a de facto ban on attending protests at Barton Moss. Anyone returning to the protest, following their release from custody would risk further arrest¹⁰⁸. Indeed, as noted above, 31 arrests (13% of the total number arrests) were for breaching conditions of bail.

The imposition of blanket bail conditions had little regard to the individual circumstances of the arrestee or the nature of the alleged offence. For example, it should be noted that very few of those arrested for obstruction offences were interviewed at the police station before being released on police bail, suggesting that there was little or no attempt to consider the necessity to impose conditions nor the proportionality of the conditions imposed. We are also aware of a significant disparity between the pre-charge bail conditions imposed by the police and those subsequently imposed by the Magistrates' Court:

'But, what struck me immediately was when they came to the magistrates' court – they [GMP] were putting bail restrictions on – the magistrates' courts were just taking the bail conditions off. So, they were trying to exclude people from the protests.' - Protester

The decision to continue to impose broad bail conditions, despite the readiness of the Magistrates' Court to vary conditions, raises questions about the extent to which the police were aware of the potential interference with Articles 10 and 11 of the European Convention on Human Rights (guaranteeing rights to free speech and peaceful assembly). The use of police bail to restrict legitimate protest led some protesters who were taken into custody to refuse bail conditions in order to seek advice from solicitors and have the opportunity to appear in court. This was a course of action that was met with some resistance by the police:

Police Notice – Status of Barton Moss Rd

Road in relation to England and Wales, means any (length of) highway and any other road to which the public has access, and includes bridges over which a road passes.

(Section 142 Road Traffic Regulations Act 1984)

Where there is a public right of way, a road falls within the definition of a 'highway' which is 'a way over which all members of the public have the right to pass and repass. Their use of the way must be as of right, not on sufferance or by licence'.

Greater Manchester Police have been advised by the local highways authority, Salford City Council, that Barton Moss Rd is a public right of way and therefore a highway, and therefore also a road to which the public have access.

Figure 6, Flyer issued to camp residents, reproduced in 'Greater Manchester Police, Op Geraldton: Protest Demonstration, Barton Moss, Eccles' (Greater Manchester Police, date unknown)

Definition Of A Road

GSB Log 106 - Op Geraldton - from Jane Inskip Legal

A 'private road' simply means a road that is not maintained at public expense (also known as an 'unadopted' road)

Crucially, there can still be a public right of way on a private road. Barton Moss Road, notwithstanding that there is a sign up saying 'private', can clearly be accessed by members of the public by vehicle and on foot without hindrance This means there is a public right of way on Barton Moss Road.

Where there is a public right of way, a road falls within the definition of a 'highway' which is 'a way over which all members of the public have the right to pass and repass. Their use of the way must be as of right, not on sufferance or by licence'.

Since Barton Moss Road falls within the definition of a 'highway', offences under the Highways Act 1980 may be committed by people on it.

Figure 7, Extract from 'Greater Manchester Police, Op Geraldton: Protest Demonstration, Barton Moss, Eccles' (Greater Manchester Police, date unknown)

‘when they give you your bail conditions you’re supposed to be able to say, “No,” and then stay in overnight and go to court, but they were refusing people to do that ... First arrest I kept saying, “Can I talk to the solicitors?” and they kept saying, “Yes, we’ll ring later,” and they tried to bail me out the station before I talked to them and I refused. I said, “No, I want to talk a solicitor before I leave,” and they were just, like, “Oh, well, if they don’t answer now then you’ll have to go.”’

The use of blanket bail conditions in this context enabled the police to disrupt the protest without recourse to the formal criminal justice system, amounting to a form of summary justice. Police officers merely require ‘reasonable suspicion’ to make an arrest – a much lower threshold than that required to establish legal guilt (‘beyond all reasonable doubt’) and Crown Prosecution Service decisions to prosecute (‘a realistic prospect of conviction’). Whilst an application to the Magistrates’ Court can be made to vary pre-charge bail conditions¹⁰⁹, it is increasingly difficult to access legal aid in order to do so. The (mis)use of strict pre-charge bail conditions in this context has been strongly condemned by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association:

‘I am also dismayed about very strict police bail conditions which have been imposed on protesters who have been arrested, to deter them from further exercising their rights. Such conditions may be challenged before a court, but the process is costly and can be a strain to some, especially when legal aid is being cut as part of austerity measures.’¹¹⁰

Despite the obvious threat to civil liberties posed by the use of indiscriminate bail conditions at Barton Moss, no reference was made to police bail in the PCC Panel report.

5.2 OUTCOMES

‘I don’t think in terms of numbers of arrested, we’re screening anything other than normal attrition rates’

- CHIEF SUPERINTENDENT ROBERTS, GMP, 19TH MARCH 2014

Whilst the initial arrests received some media attention, far less coverage was given to these cases once they eventually reached court. Of the 231 arrests, 226 led to charges relating to 115 individuals¹¹¹. Some of the first cases to reach court were for Obstruction of the Highway. These cases collapsed following a hearing on 12th February 2014 at Manchester and Salford Magistrates’ Court, when District Judge Qureshi ruled that the land in question was not a public highway¹¹². Concurrent charges of obstructing a police officer in the course of a lawful duty were later dismissed on the grounds that the arrests and the force used to ‘push’ protesters down the road, were unlawful¹¹³. When concerns about the number of cases that were collapsing before trial were put to GMP, they were dismissed as part of the ordinary criminal justice process. In an interview published on YouTube on 19th March 2014, Chief Superintendent Roberts claimed, ‘I don’t think in terms of the numbers arrested, we’re seeing anything other than normal attrition rates’, adding that he was ‘very happy’ with how the cases were progress-

A NOTE ON THE DATA

During the course of preparing this report we have found it very difficult to access accurate and reliable information on the progress of the Barton Moss prosecutions. Freedom of Information Act requests have been refused by GMP and the CPS on the basis that a collective list of case outcomes has not been collated by either organisation¹¹⁵. In light of the ongoing public concerns about the high volume of failed prosecutions discussed below¹¹⁶, these responses indicate at the very least a remarkable lack of assessment and evaluation on the part of GMP and the CPS. Moreover, reports that GMP officers have been present in court during the criminal hearings would appear to suggest that there has been an attempt to keep a record of case outcomes.¹¹⁷ The CPS has also stated that the Barton Moss cases are “kept under constant review”¹¹⁸. Interim figures obtained from GMP and reportedly verified by the CPS were also published by the Manchester Evening News in June 2014.¹¹⁹

On the 27th May 2015 we made a request for internal review of the CPS’ refusal to comply with our

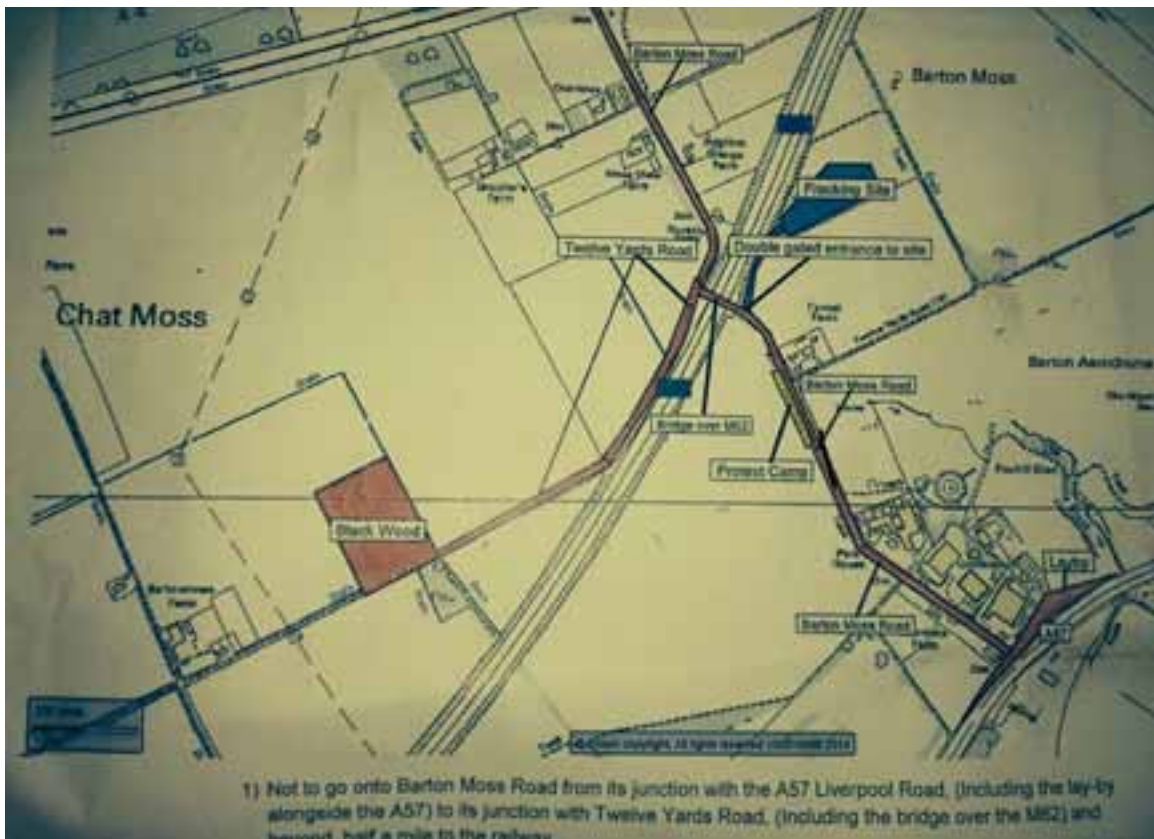


Figure 8, Map provided to bailed protesters by GMP detailing conditions of bail (source: personal correspondence)

information request. After failing to receive a decision within the statutory 20 working day time limit, we contacted the Information Commissioner’s Office (ICO) who wrote to the CPS on the 22nd September 2015 instructing them to conduct an internal review within another further 20 working days. The CPS again failed to provide an internal review within the time frame. Our complaint is now the subject of a formal investigation by the ICO and we await their final declaration.¹²⁰

The following analysis is based on information that we have been able to piece together from a combination of Freedom of Information Act requests, media reports, personal correspondence and listings information provided by Manchester and Salford Magistrates’ Court. For the reasons noted above, we are not able to verify the accuracy of the case outcome figures at the time of publication of this report. We are also aware of 22 Aggravated Trespass cases that are still ongoing, nearly two years since the conclusion of the protest. Nevertheless, the information available to us on that cases that have concluded so far is indicative of a general trend in the progress in the Barton Moss prosecutions which warrants further investigation.

ing.¹¹⁴

Figure 9 illustrates the ‘conviction rate’ – the number of people convicted relative to the number charged with offences – within the criminal justice system as a whole and under Operation Geraldton up to 12th February 2016. The conviction rate within the criminal justice system as a whole is 83%. For summary offences (those heard in the Magistrates’ Court) the figure is 81%¹²¹. For public order offences this rises to 96%. At the time of publication of this report, the Barton Moss cases have a conviction rate of just 29%. That is, of the 93 prosecuted protesters whose cases have concluded, only 33 have been convicted of offences. Taking into account those individuals who had no further action taken against them following arrest, two thirds (66%) of protesters whose cases have concluded have been cleared of wrongdoing. Some twenty two cases connected to protests are ongoing.

In those cases where protesters have challenged the evidence against them, conviction rates are even lower (Figure 10). Of the 72 concluded cases where Not Guilty pleas have been maintained, only 12 (17%) have been found guilty after trial. The remaining 60 protesters (83%) have either had their cases discontinued by the CPS before trial (40) or

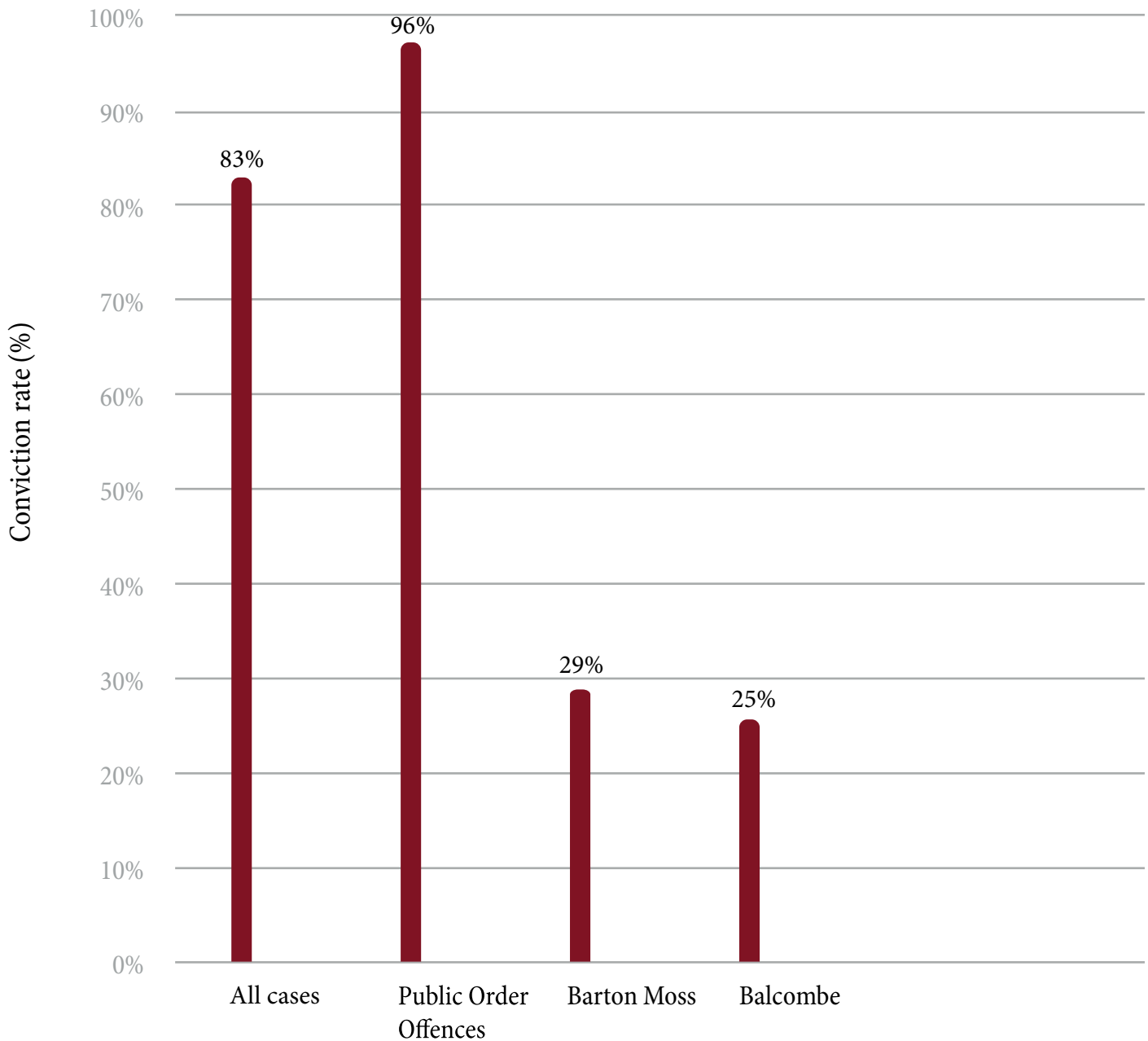


Figure 9: Comparison of conviction rates: all offences, public order offences, Barton Moss protests (up to 12th February 2016) and Balcombe protests

been found Not Guilty by the courts (20). In other words, 79% of arrested protesters who challenged the evidence against them saw their cases dropped, discontinued or were found not guilty by the courts. It would appear that conviction and attrition rates under Operation Geraldton are far from ‘normal’.

The unsuccessful prosecutions included:

- A fifteen year old child, arrested on 21st February 2014 for Aggravated Trespass after she visited the site in order to complete a school geography project. The schoolgirl was reportedly detained for over 6 hours following her arrest before being released from Swinton Police Station. Bail conditions imposed at the po-

lice station prohibited her accessing the Barton Moss site and stopping along the A57 road in Salford - the road her father lives on. The case was discontinued by the CPS on 30th May 2014, three days before she was due to stand trial.¹²²

- An adult male arrested on 14th January 2014 for failure to provide a specimen. A video published on the YouTube website shortly after the incident shows an officer aggressively pushing the protester down the road before accusing him of driving under the influence.¹²³ The protester can be heard explaining to the officer that he had only been drinking a cup of tea. The case was withdrawn by the CPS on 28th January 2014 on the grounds that there was insufficient evi-

dence to substantiate the charge. Dubbed the ‘Teagate’ incident, the arrest was widely reported in the press and on social media. Following an investigation of the incident, the Independent Police Complaints Commission recommended in October 2015 that gross misconduct proceedings should be brought against the officer involved.¹²⁴

- An adult male arrested in January 2014 for ‘Threats to Kill’ following allegations from IGas employees. Bail conditions imposed at the police station prohibited access to the Barton Moss site. The protester was acquitted on 8th May 2014 after District Judge Qureshi ruled that there were “wide inconsistencies” in the testimony from IGas witnesses.¹²⁵

The Barton Moss cases have followed a similar pattern to those arising from the Balcombe protests. Research by the Guardian newspaper found that of the 126 arrests made by Sussex Police during days of action outside the Cuadrilla site, 114 led to charges relating to 90 individuals. Only 29 of these resulted in convictions – a conviction rate of just 25%¹²⁶.

It is notable that a significant number of cases prosecuted under Operation Geraldton were discontinued by the CPS prior to any opportunity to evaluate the strength of evidence in an open court. Of the 65 prosecuted cases that had concluded at the time of publication of this report, 28% (18) were discontinued by the CPS before trial. This is well over twice the national average of 11%¹²⁷. In reality, the number of cases in which the CPS offered no evidence at a late stage in the proceedings is likely to be higher, given that many of the Not Guilty verdicts were triggered by a hearing at the request of the defence following a CPS decision to discontinue the case. These figures suggest a remarkable lack of preparation and adequate case evaluation by the CPS. It is particularly concerning that many of these cases were withdrawn by the CPS days before protesters were due to stand trial, having already endured a wait of up to two years which, in some cases, impacted on their physical and mental health, financial stability and relationships with friends and family. The number of cases withdrawn by the CPS due to lack of evidence would also appear to be at odds with the scale and intensity of the police intelligence gathering operation at Barton Moss. As Chief Superintendent Roberts noted in his YouTube interview, (responding in this instance to allegations of police violence): ‘Surely if there were those out-

rageous types of acts we’ve been accused of, then it would be on film.¹²⁸ At a time of increased financial pressure on the criminal justice system, the substantial cost to the public purse arising from these failed prosecutions is a matter of public concern that warrants further investigation.

Arrested	120
No Further Action	5
Charged	115
Discontinued by CPS	40
Found Not Guilty	20
Convicted (Guilty Plea)	21
Convicted (Not Guilty Plea)	12
Cases Ongoing	22

Figure 10: Outcome of arrests under Operation Geraldton up to 12th February 2016

Given the low conviction rates, arrest under Operation Geraldton did not appear to have been carried out with a view to securing convictions. Rather, mass arrest and blanket bail served to create a de facto protest exclusion zone around the fracking site – an action that would otherwise have no basis in law as well as being a clear violation of the protesters’ right to freedom of assembly under Article 11 of the European Convention on Human Rights. Following an often violent arrest, as described in section 4.4 above, those pursued under Operation Geraldton were photographed, fingerprinted, had their DNA taken, were held in police cells (in some cases overnight) and subject to bail conditions which severely restricted their freedom of assembly. The dubious legality under which arrests were carried out, evidenced by the readiness of the courts to challenge their legal basis, raises important questions about the extent to which the policing operation was driven by interests other than public order and crime prevention. It is clear from the above analysis that mass arrest was a central component of Operation Geraldton. The tactic served to physically clear protesters from the site, to deter others from attending the camp and to reinforce the construction of protesters as violent criminals and thereby legitimise the intensity of the policing operation. Whilst there have been a small number of convictions arising from Operation Geraldton, a closer examination of these cases does not appear to lend support to GMP’s characterisation of protesters as violent nor legitimise the type of policing response that we observed at Barton

Moss. These cases include:

- Three protesters convicted of obstructing an officer following their involvement in a peaceful ‘picnic lock-on’ during a visit to the camp by Green Party leader, Natalie Bennett on 6th February 2014. All three received absolute discharges¹²⁹ on 23rd September 2014 by District Judge Clark at Manchester and Salford Magistrates’ Court, with no order for costs or fines.¹³⁰
- A protester associated with the Barton Moss protest convicted of criminal damage after supergluing himself to the windows of a Salford City Council building. Following a guilty plea the protester was fined £10, reduced from £150, after the defence successfully argued that police officers caused the majority of the damage.¹³¹

“Throughout the evidence-gathering process of this report, no panel members witnessed any behaviour by police that could objectively be described as “brutality”. Significantly, none of those we spoke to witnessed behaviour by police that could be categorised as violent. No protester we spoke to witnessed police violence, no panel member witnessed police violence, nor did anyone else we spoke to including impartial media representatives who were present at Barton Moss ... Claims of police violence have not been substantiated (PCC Panel Report)”¹³²



CONCLUSION: INFRINGING ON THE RIGHT TO PROTEST

Despite the PCC Panel's insistence that the policing operation was proportionate and balanced, the experiences of the protesters, and those who frequented the camp, would suggest that police violence and intimidation was a central feature of the policing operation. Protesters described the cumulative effects of being involved in the protest. The use of violent arrest, restrictive bail conditions and the daily presence of police officers, including the almost constant presence of PLOs, and the violent presence of the TAU at the camp, resulted in a combination of physical, emotional and psychological harm. The PCC Panel report denies these experiences and states categorically that no allegations of police violence or brutality can be substantiated.¹³³ This stance fails to take into account widely publicised reports and video evidence of disproportionate and heavy-handed policing, as well as the voices of the protesters themselves¹³⁴, which serve to undermine the PCC Panel report and GMP's assertion that the policing at Barton Moss was proportionate and responsive¹³⁵. The number of protesters who were present daily, and their peaceful nature, is at odds with the sheer number of police officers assigned to Barton Moss¹³⁶ and this reflects a growing trend of 'overbearing and unnecessary police presence'¹³⁷ at sites of protest where direct action is expected.

In light of the remarkably low conviction rates, policing at Barton Moss does not appear to have been concerned with public safety or crime prevention. Instead the main police concern appears to have been a desire, via whatever means were at their disposal, to gather intelligence, intimidate those involved in direct action and those at the fringes of the movement, to shape the political and media narrative of the protest, and, ultimately, to limit the protest and delegitimise dissent. The use of sustained violent tactics had a series of brutalising effects on Camp members and visitors, and directly undermined the idea that GMP sought to balance protesters' rights with those of the 'wider community'.

The protest at Barton Moss was underpinned by a disproportionate policing operation by GMP – repeatedly violent and aggressive, and incompatible with the size and nature of the protest. Our analysis would suggest that the violation of protesters' rights was not limited to the Barton Moss site. The humiliating ex-

periences of arrest, detention, restrictions on movement and lengthy criminal proceedings will have a lasting impact on those involved. Whilst the protest concluded in April 2014, for many this is an enduring ordeal – at the time of publication of this report, some 22 criminal cases are yet to conclude and we are aware of several ongoing criminal appeals and civil actions against the police.

Throughout the course of this research, we have found evidence of a carefully planned policing operation in which commercial interests were prioritised over the human rights of citizens attempting to exercise their democratic right to protest. It is important to note, however, that while many protesters reported the negative impact that the style of policing had had on the camp, for a number of camp residents and visitors the experience of policing galvanised the campaign in some respects, and brought some people both to the Camp and to the issue of fracking:

'It's a combination primarily, of course, anti-fracking, because that's the main reason we're here, but the police brutality has attracted actually even more support from people who may not have really bothered about fracking. But from seeing the footage and the pictures and the articles of how the police are treating us, they've become angry, they've felt outrage. And they've come here, and they've got involved, and also found out more about fracking and, you know, are now part of our support network. So it is a combination of both'.

Finally, we found that the harmful effect of the criminalisation process was mediated by three factors. The first was the involvement of a criminal defence team which acted for the vast majority of those arrested under Operation Geraldton. Led by Simon Pook at Robert Lizar Solicitors in Manchester, the legal team have devoted many hours pro bono to the cases, which has included viewing film and photographic evidence, taking witness testimony and engaging in legal research. Given the limited availability of legal aid funding, and the legal and evidential complexity of the cases, it is doubtful that an adequate defence could have been mounted without lawyers being prepared to work for free. The second factor was the collective action of the protesters themselves. The de-

fence campaign 'Justice4Barton Moss' was launched at a meeting hosted by the *Northern Police Monitoring Project*¹³⁸ in February 2014. Together with the human rights group *Green and Black Cross*¹³⁹, the campaign played a vital role in monitoring the policing operation, gathering statements, identifying witnesses and providing information to protesters at the site and via social media. Finally, the coverage of a not-for-profit local community publication, the *Salford Star*, provided a powerful challenge to the official police account of the protest that was largely reproduced in the mainstream media. Journalists for the *Salford Star* regularly visited the site and published a series of articles on the policing operation and subsequent prosecutions that were grounded in the experiences of the protesters. In the absence of a fully independent system of police complaints, police monitoring groups, defence campaigns and independent community media will continue to play a central role in holding police officers to account.¹⁴⁰

RECOMMENDATIONS

We conclude this report with six key recommendations. The first two recommendations relate directly to the Barton Moss protest. Our findings also raise a number of issues which go beyond the specifics at Barton Moss and the final four recommendations apply to this broader context.

1 PUBLIC INQUIRY

This report has highlighted a number of concerns about the proportionality of the policing operation at Barton Moss and subsequent criminal proceedings. Given the centrality of the right to protest in a liberal democracy, and that fracking and public opposition to fracking continues to be a live issue in the UK, it is in the public interest that these issues are investigated thoroughly and transparently. To this end we call for a fully independent public inquiry into the policing of the Barton Moss protests. This inquiry should consider, among other things: (i) the relationship between GMP and IGas; (ii) the proportionality of policing tactics at the Barton Moss site; (iii) the accuracy of information conveyed to the public by GMP during the course of the policing operation; (iv) the use of police bail to restrict the right to protest; (v) the circumstances surrounding the high number of failed prosecutions; and (vi) the total amount of public expenditure arising from the policing operation and subsequent prosecutions.

2 TRANSPARENCY

During the production of this report, we have experienced a remarkable lack of transparency from the authorities on specific details of the Barton Moss policing operation. For example, we have been faced with conflicting statistics from GMP on the num-

bers of complaints against the police arising from the protests. We have also faced a wall of silence from the CPS on the progress of the Barton Moss prosecutions. Access to information is vital for any well-functioning democracy. Transparency in public institutions ensures that they are accountable to the citizens they are entrusted to serve. We urge GMP and the CPS to publish full details of arrests, charges and outcomes arising from the Barton Moss protest as a matter of some urgency.

3 POLICE BAIL

We echo the concerns of the United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association on the use of “very strict police bail conditions which have been imposed on detained protesters with a view to deterring them from further exercising their rights”¹⁴¹. We support Netpol’s call for the routine collection of pre-charge bail statistics and a complete withdrawal of the use of pre-charge conditions for protest-related offences.¹⁴²

4

LEGAL AID FUNDING

We are concerned that the drastic cuts to legal aid are severely undermining the right to protest in England and Wales. In particular, it has become increasingly difficult to access legal aid in the context of civil actions against the police which in some cases has denied protesters the opportunity to hold police officers to account for their unlawful behaviour. Restrictions on accessing legal advice and representation for non-imprisonable offences such as obstruction of the highway, have made it increasingly difficult to prevent miscarriages of justice in the context of public protest. We therefore support calls by the *Justice Alliance*¹⁴³ for the Government to abandon the restructuring of criminal defence and restore legal help to the many currently without redress.

5

HUMAN RIGHTS ACT 1998

The introduction into domestic law of positive rights to free speech and peaceful assembly under the Human Rights Act 1998 represented a step forward in the recognition of a right to protest in England and Wales. These rights were central to the legal and political campaigns arising from the Barton Moss protests. Government proposals to repeal the Human Rights Act 1998 are part of a worrying trend towards the erosion of rights to free expression and assembly. We support calls made by *Liberty*¹⁴⁴ and others to defend the Human Rights Act and improve access to justice for those seeking to rely upon it.

6

INDEPENDENT COMPLAINTS SYSTEM

All protesters consulted for this research had direct experience of police violence exercised in the policing of daily slow marches. Yet very few made formal complaints to the police or the IPCC. This response would appear to reflect the broader erosion in the public's trust and confidence in the police complaints system. Our findings highlight the urgent need for a fully independent, properly resourced system of police complaints in order to maintain public confidence and prevent police misconduct.

APPENDIX 1 – METHODOLOGY

The data collected for this research has come from a number of sources, including interviews with protestors; Freedom of Information Act requests; public statements; press releases; and social and other media sources. All three authors were involved in data collection and data analysis. Additionally, two research assistants developed a timeline of the policing of the protest at the Barton Moss site, using publicly available information, such as local and national news sources and social media.

The authors of this report made a series of visits to the Barton Moss Community Protection Camp to engage in fieldwork and undertake semi-structured interviews with camp residents and those taking part in direct action. One or more of the three authors visited the camp to conduct interviews or observations on 15 separate occasions. All of the interviews took place on site. As the primary objective of the research is to uncover the experiences of policing at Barton Moss from the perspectives of the protestors, qualitative semi-structured interviews were the preferred method. This method has the ability to centralise and project unrecognised voices and facilitates a view from below. Semi-structured interviews enabled extended discussion and allowed for a combination of structure and flexibility.¹⁴⁵

In total 13 interviews were conducted, four of which were group interviews (2 x two people; and 2 x three people) resulting in 17 participants. Each interview lasted a minimum of 30 minutes, though some were much longer, and 14 hours of interviews were obtained. These interviews provide in-depth, first-person accounts of people's experiences of the protest at Barton Moss and their perspectives on the policing of the protest. As such, they centralise the role that experience should play in research¹⁴⁶. Purposive sampling was undertaken; the authors approached members of the camp directly to seek participation after initial discussions with gatekeepers from the Justice4Barton Moss campaign. 11 men and 6 women were interviewed. The age of participants ranged from 19 to 48. All interviews were recorded, transcribed and stored securely.

An interpretive approach to data analysis was adopted and this approach sought to illuminate meaning, insight and understandings from the interview transcripts.¹⁴⁷ 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 conclu-

sions in the knowledge generated from the data. This thematic approach was undertaken by all three authors ensuring that the reliability and validity of findings was maximised. The interview transcripts will be subject to further analysis for the purpose of publishing the findings, in anonymised format, in scholarly journals.

As part of the research methodology Freedom of Information Act requests were sent to Greater Manchester Police, the Office of the Police and Crime Commissioner for Greater Manchester, the Independent Police Complaints Commission, the Crown Prosecution Service and the Ministry of Justice. The authors made ten applications,¹⁴⁸ which made the following requests for information:

- Total costs of the policing operation at Barton Moss
- How many, and what types of, complaints have been made to Greater Manchester Police about the policing of Barton Moss? What were the outcomes of these complaints?
- How many protestors/ observers have been arrested at the Barton Moss anti-fracking protests? What were the grounds for these arrests?
- How many protestors/ observers were charged with offences?
- How many protestors / observers were convicted of offences?
- What were the bail conditions imposed on arrestees?
- A copy of a presentation by Chief Superintendent Mark Roberts

We utilised a further four Freedom of Information Act responses, all of which were publicly available.

The data drawn from the interviews and the Freedom of Information Act requests was triangulated with other publicly available information, including Greater Manchester Police press statements and the Police and Crime Commissioner's Independent Panel Report, in order to ensure a rich and detailed analysis and to produce balanced and accurate findings.

The research was undertaken in accordance with Liverpool John Moores University and the University of York ethical regulations and the principles of ethical research as set out by the British Society of Criminology.¹⁴⁹ All participants were fully aware of the nature and objectives of the research and gave their full informed consent prior to any interviews taking place. The participants were assured that this research was confidential and that tape recordings and transcripts were only available to those working on the project. Anonymity was assured at all times and the participants were free to withdraw from the research at any point up until publication of the findings.

ENDNOTES

- 1 European Convention on Human Rights, (Strasbourg: Council of Europe, 2010), http://www.echr.coe.int/Documents/Convention_ENG.pdf
- 2 Please see Appendix 1 – Methodology for further details.
- 3 European Convention on Human Rights, (Strasbourg: Council of Europe, 2010), http://www.echr.coe.int/Documents/Convention_ENG.pdf
- 4 Police and Crime Commissioner’s Independent Panel on the Policing of Protests and Demonstrations, The Barton Moss Environmental Protest, (Manchester: GMPCC, 2014), accessed June 25, 2015, <http://www.gmpcc.org.uk/wp-content/uploads/2014/10/ProtestPanel-FrackingReport-Oct-2014.pdf>
- 5 UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association on his mission to the United Kingdom (14-23 January 2013), A/HRC/23/39/Add.1 (June 17, 2013), www.ohchr.org/Documents/HRBodies/.../A-HRC-23-39-Add1_en.pdf
- 6 Ben Schiller, “‘Fracking’ Comes to Europe, Sparking Rising Controversy.” *Yale Environment* 360, February 28, 2011, accessed June 25, 2015, http://e360.yale.edu/feature/fracking_comes_to_europe_sparking_rising_controversy/2374/
- 7 IJ Andrews, *The Carboniferous Bowland Shale gas study: geology and resource estimation*. British Geological Survey for Department of Energy and Climate Change, (Department for Energy and Climate Change: London, 2013).
- 8 Bernie Vining and Steve Pickering, eds. *Petroleum Geology: From Mature Basins to New Frontiers – Proceedings of the 7th Petroleum Geology Conference*. (The Geological Society: London, 2010).
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- 10 Michael Gross, “Dash for Gas Leaves Earth to Fry”, *Current Biology* 23, (2013): R901–R904
- 11 The Scottish Government, *Moratorium called on fracking*, January 28, 2015, accessed June 25, 2015, <http://news.scotland.gov.uk/News/Moratorium-called-on-fracking-1555.aspx>
- 12 David Deans, “Is this the end of fracking in Wales? Welsh Government moves to impose a ‘moratorium’ on all of the planning bids,” *Wales Online*, February 13, 2015, accessed June 25, 2015, <http://www.walesonline.co.uk/news/wales-news/end-fracking-wales-welsh-government-8638802>
- 13 “Fracking ban upheld by French court,” *BBC News*, October 11, 2013, <http://www.bbc.co.uk/news/business-24489986>
- 14 “Bulgaria bans shale gas drilling with ‘fracking’ method,” *BBC News*, January 19, 2012, <http://www.bbc.co.uk/news/world-europe-16626580>
- 15 Jan Hromadko and Harriet Torry, “Germany Shelves Shale-Gas Drilling For Next Seven Years,” *The Wall Street Journal*, July 4, 2014, http://online.wsj.com/articles/germany-shelves-shale-gas-drilling-for-next-seven-years-1404481174?mod=europe_home&cb=logged0.5687639999702099
- 16 Lancashire County Council, “Shale gas developments in Lancashire”, last modified 31st July, 2015, <http://www.lancashire.gov.uk/council/planning/major-planning-applications/shale-gas-developments-in-lancashire.aspx>
- 17 Mathew Weaver, “Minister says he will have final say on Lancashire fracking plan,” *The Guardian*, November 27, 2015, accessed December 15, 2015, <http://www.theguardian.com/environment/2015/nov/27/lancashire-fracking-shale-gas-drilling-cuadrilla-greg-clark>
- 18 Sarah O’Hara, Mathew Humphrey, Jessica Andersson, Rusi Jaspal, Brigitte Nerlich and Wil Knight, *Public Perception of Shale Gas Extraction in the UK: Has Balcombe Bottomed Out?*, (Nottingham: University of Nottingham, 2013), accessed June 25, 2015, <http://www.nottingham.ac.uk/news/pressreleases/2014/may/support-for-fracking-drops-for-third-time-in-a-row-with-conservatives-most-in-favour.aspx>
- 19 The government consultation on changes to trespass laws received a total of 40,647 respondents. Over 99% of all respondents opposed the proposal to legislate to provide underground access to gas, oil and geothermal energy below 300 metres. Despite this, the then Coalition government remained convinced that the proposed changes were the right option and implemented the changes in the Infrastructure Act 2015. See Government response to consultation: Department for Energy and Climate Change, *Underground Drilling Access: Government Response to the Consultation on Proposal for Underground Access for the Extraction of Gas, Oil or Geothermal Energy*, London: Department for Energy and Climate Change, 2014, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/358521/Government_Response_FINAL.pdf
- 20 ‘A lock-on is a technique used by peaceful protesters to make it difficult to remove them from their place of protest. It often involves the use of improvised or specially designed and constructed hardware, although a basic lock-on is the human chain which relies simply on hand grip’. See, Wikipedia contributors, “Lock on,” *Wikipedia, The Free Encyclopaedia*, <https://en.wikipedia.org/wiki/Lock-on> (accessed July 1, 2015).
- 21 Human Rights Act 1998, s6.

- 22 Articles 10 (2) and 11(2) ECHR.
- 23 See e.g. *Otto-Preminger Institut v Austria* (1994) 19 EHRR 34.
- 24 *Handyside v. the United Kingdom* [1976] 1 EHRR 737.
- 25 House of Commons Home Affairs Committee (2009), Eighth Report of the Session 2008-09, Policing of the G20 Protests, HC 418 (London: HMSO, 2009), p.25.
- 26 UN Special Rapporteur, Maina Kiai, Report on the United Kingdom (14-23 January 2013), 20
- 27 Greater Manchester Police, Freedom of Information Request Reference No: GSA725/14, 13 May 2014.
- 28 Greater Manchester Police, Memorandum of Understanding (MOU) : Exploratory drilling & potential oil recovery Barton Moss, Salford, Greater Manchester, v2, December 2013, accessed July 3, 2015, <http://www.gmp.police.uk/content/WebAttachments/5D90D5D6C19B06F080257D0300528FC3/File/MOU%20%20Other%20Correspondence%20re%20Fracking%20Barton%20Moss%20Redacted%20MOU.pdf>
- 29 Greater Manchester Police, Memorandum of Understanding, 3. 'Gold strategy' is explained in Authorised Professional Practice guidance provided by the College of Policing: "The generic command structure, nationally recognised, accepted and used by the police, other emergency services and partner agencies, is based on the gold, silver, bronze (GSB) hierarchy of command and can be applied to the resolution of both spontaneous incidents and planned operations....The gold commander assumes and retains overall command for the operation or incident. They have overall responsibility and authority for the gold strategy and any tactical parameters that silver or bronze commanders should follow. The gold commander, however, should not make tactical decisions. They are responsible for ensuring that any tactics deployed are proportionate to the risks identified, meet the objectives of the strategy and are legally compliant, particularly in terms of the Human Rights Act 1998". College of Policing, "Command structures", last modified 23 October 2013, <https://www.app.college.police.uk/app-content/operations/command-and-control/command-structures/> [Accessed 28 August 2015]
- 30 Greater Manchester Police, Freedom of Information Request Reference No: 1261/15, June 1, 2015.
- 31 Greater Manchester Police, Freedom of Information Request Reference No: 1126/15, June 2, 2015.
- 32 "Government will not pay Barton Moss fracking demo cost", BBC News, October 16, 2014, accessed June 25, 2015, <http://www.bbc.co.uk/news/uk-england-manchester-29651888>
- 33 The precise number of complaints is not clear. Different records released by GMP have contradictory numbers of complaints with the total set at 57 and 77 in different documents. In places the documents also make a distinction between the number of complaints and the number of allegations against GMP. See section 4.2 below for further discussion. See also, Greater Manchester Police, Freedom of Information Request Reference No: 850/14, July 21 2014; Greater Manchester Police, Freedom of Information Request Reference No: 001127/15, May 19, 2015
- 34 Greater Manchester Police, Freedom of Information Request Reference No: 850/14, July 21 2014
- 35 'Barbara questions scale and cost of police force used at Barton Moss protest', November 27, 2013, accessed September 15, 2015, http://www.barbarakeeley.co.uk/barbara_questions_scale_and_cost_of_police_force_used_at_barton_moss_protest
- 36 'Barton Moss: MP says anti-fracking protest 'over policed'', BBC News, December 3, 2013, accessed September 15, 2015, <http://www.bbc.co.uk/news/uk-england-manchester-25196705>
- 37 Tony Lloyd, Police and Crime Commissioner for Greater Manchester, "Independent panel - protests and demonstrations", <http://www.gmpcc.org.uk/down-to-business/protests-and-demonstrations/> [accessed 16/9/15]. The Chair of the panel was Martin Miller, Chief Executive of the Diocese of Manchester, and the rest of the panel was composed of: Atiha Chaudry, an equalities and diversity specialist and magistrate; Matthew Colledge, former leader of Trafford Council and a Vice Chair of the Greater Manchester Combined Authority; Diane Curry OBE, Partners of Prisoners Chief Executive and independent member of the Greater Manchester Police and Crime Panel; Davine Forde, a youth and community organisation manager who is currently Project Coordinator at Manchester charity Reclaim; Alan Manning, former TUC Regional Secretary; Mohammed Sultan, a retired police inspector with more than 30 years' policing experience; Janine Watson, who has 30 years' experience in communications and community engagement in Greater Manchester local authorities and media organisations. The selection process for this panel is unclear, with the PCC stressing only their relevant experience. The panel was brought together with the full support of Peter Fahy, Chief Constable of GMP. See, Tony Lloyd, Police and Crime Commissioner for Greater Manchester, "Commissioner sets up independent panel to scrutinise protests and demonstrations", March 3rd, 2014, <http://www.gmpcc.org.uk/down-to-business/protests-and-demonstrations/> [accessed 16/9/15].
- 38 Police and Crime Commissioner's Independent Panel, The Barton Moss Environmental Protest, 3
- 39 Police and Crime Commissioner's Independent Panel, The Barton Moss Environmental Protest, 4
- 40 Police and Crime Commissioner's Independent Panel, The Barton Moss Environmental Protest, 5
- 41 Police and Crime Commissioner's Independent Panel, The Barton Moss Environmental Protest, 6
- 42 The report explains that panel members spoke to "Greater Manchester Police – officers and staff involved directly and indirectly in the operation and the associated communications", and to "Protesters, both on-site at Barton Moss and in interviews. We spoke to both grassroots activists and a representative from Frack Free Greater Manchester". Police and Crime Commissioner's Independent Panel, The Barton Moss Environmental

43 Police and Crime Commissioner's Independent Panel, The Barton Moss Environmental Protest, 22

44 Police and Crime Commissioner's Independent Panel, The Barton Moss Environmental Protest, 13

45 Police and Crime Commissioner's Independent Panel, The Barton Moss Environmental Protest, 12

46 Police and Crime Commissioner's Independent Panel, The Barton Moss Environmental Protest, 12

47 Police and Crime Commissioner's Independent Panel, The Barton Moss Environmental Protest, 22

48 The nine recommendation of the PCC panel report were as follows:

- Recommendation 1 [for planning authorities]: The panel recommends that when planning applications are submitted for this kind of controversial activity, public safety and potential protests should be considered carefully.
- Recommendation 2 [for all agencies]: The panel recommends a partnership approach to communications and engagement should be developed and a joint strategy for both should be developed ahead of controversial activity such as the Barton Moss operation.
- Recommendation 3 [for Greater Manchester Police]: The panel recommends that police should do more to engage with protest groups in the run-up to, and during, a policing operation which has generated significant public concern.
- Recommendation 4 [for Greater Manchester Police]: If there is a complete breakdown in trust, the panel recommends that all other alternatives should be explored to reach agreement.
- Recommendation 5 [for protesters and protest organisers]: Protesters should do more to recognise their responsibilities during protests. Whilst the majority of protesters at Barton Moss behaved lawfully, there were isolated incidents that were unacceptable.
- Recommendation 6 [for Greater Manchester Police]: During major protest operations, GMP should consider inviting a nominated representative agreed by police and protesters into the police control room, on the same advisory status as other third party bodies.
- Recommendation 7 [for Greater Manchester Police]: Police should do more to recognise the diverse nature of those who take part in protests such as Barton Moss.
- Recommendation 8 [for public bodies]: The panel recommends that all public bodies consider the public interest when assessing what information is appropriate to issue to counteract exaggerated or false claims which could affect confidence in public services.
- Recommendation 9 [for Greater Manchester Police]: The panel recommends that when police publicise a controversial incident during a protest operation, the service provides supporting information to provide additional assurance to the public.

49 Police and Crime Commissioner's Independent Panel, The Barton Moss Environmental Protest, 4

50 'Manchester protest panel report 'a significant missed opportunity'', NetPol, October 27, 2014, accessed July 13, 2015, <https://netpol.org/2014/10/27/gmpcc-protest-panel-report/>

51 Barton Moss Independent Policing Report Not Credible Says Solicitor', Salford Star, October 16, 2014, accessed July 13, 2015, <http://www.salfordstar.com/article.asp?id=2460>

52 'Press Release: Report on Barton Moss fracking protest shows urgent need for investigation into 'Flaregate'', Frack Free Greater Manchester, October 12, 2014, accessed July 13, 2015, <http://frackfreegtrmanchester.org.uk/press-release-report-on-barton-moss-fracking-protest-shows-urgent-need-for-investigation-into-flaregate/>; Manchester protest panel report 'a significant missed opportunity'', NetPol, October 27, 2014

53 This can be said of anti-fracking campaigns, broadly conceived, across the UK.

54 See, Helen Pidd, 'Salford anti-fracking camp enjoys local support', The Guardian, December 26, 2013, <http://www.theguardian.com/environment/2013/dec/26/salford-anti-fracking-camp>

55 In this report the term 'protester' is predominantly used to refer to Camp residents and supporters who were involved at Barton Moss. While some members of the camp preferred the term 'protector' to describe their interventions at Barton Moss, the centrality of discussions around the fundamental right to protest have led the authors here to use the term 'protester' in the majority of this document. The distinction and the importance of the term 'protector' is discussed in the following sections.

56 Chris Slater, '1,000 take to the streets for biggest ever fracking protest, Manchester Evening News, March 9, 2014, accessed January 1, 2016, <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/fracking-protest-manchester-1000-take-6791027>

57 For more information see local campaign websites, <http://justice4bartonmoss.org.uk>, <http://frackfreegtrmanchester.org.uk>, <http://www.northerngasgala.org.uk>

58 Greater Manchester Police HQ Occupied by Barton Moss Campaigners', Salford Star, March 3, 2014, accessed June 25, 2015, <http://www.salfordstar.com/article.asp?id=2174>

59 The perception of police corruption related in many cases to the arrest of a 'legal observer' for failing to provide a specimen of breath for screening on January 14, 2014. The observer was filming the demonstration at Barton Moss when he was arrested for refusing a breath test after a police officer accused him of driving to the site whilst drunk. The encounter between the observer and the arresting officer was recorded and uploaded to the YouTube website. The observer claimed that the accusation of drunk driving had been fabricated by the arresting officer to remove him from the site, and the observer made a complaint to GMP. Dubbed the 'Teagate' affair by supporters of the camp, the incident, and related video, received wide-

spread media attention. See, Dan Thomsson, 'Anti-fracking protester to sue police over 'trumped-up' drink arrest caught on video', Manchester Evening News, February 5, 2014, accessed September 15, 2015, <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/salford-anti-fracking-protester-sue-greater-6676499>; Mark Molloy, 'Anti-fracking protester accuses policeman of lying in 'trumped-up' drink arrest video', Metro, February 6, 2014, accessed September 15, 2015, <http://metro.co.uk/2014/02/06/barton-moss-fracking-protester-to-sue-police-over-trumped-up-drink-arrest-video-4293092/#ixzz3lu3j9jFZ>; Rob Cooper, 'Father 'wrongly' arrested by police at anti-fracking protest over 'trumped-up' drink drive claims even though he 'only drank a cup of tea and his car was not in sight'', Daily Mail, February 7, 2014, accessed September 15, 2015, <http://www.dailymail.co.uk/news/article-2553705/Father-wrongly-arrested-police-anti-fracking-protest-trumped-drink-drive-claims-drunk-cup-tea-car-not-sight.html>.

The case collapsed when it reached court as the prosecution offered no evidence. The incident was significant in influencing many protesters' views of GMP, and was highlighted by the PCC report as a negative factor affecting relations between the police and protesters. The PCC panel suggested that 'rightly or wrongly, the video does give the impression that the officer, at best, overreacted and, at worst, abused his powers'. Police and Crime Commissioner's Independent Panel, The Barton Moss Environmental Protest, 15.

GMP's Professional Standards Branch investigated the incident but did not uphold the complaint, finding that the policemen involved in the incident had reasonable beliefs that their actions were correct. However, the complaint was then taken up by the Independent Police Complaints Commission (IPCC) who decided to step to investigate the matter independently due to their 'concerns about the findings reached by the investigating officer' but, is yet to report its findings. See, Dan Thomsson, 'Police watchdog to re-investigate arrest of anti-fracking protester after GMP clears officers of wrongdoing', Manchester Evening News, October 11, 2014, accessed September 16, 2015, <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/police-watchdog-reinvestigate-barton-moss-7918298>.

The video uploaded to YouTube has been viewed over 225,000 times. See, "Unlawful Arrest of Lawful Observer on Barton Moss Road in Irlam Salford protest against fracking" YouTube video, 6:16, Jan 31, 2014, accessed September 16, 2015, <https://www.youtube.com/watch?v=3gxI4ToNKGQ>. See section 5.2 of this report.

60 Anne Power quoted in Rhik Samadder, 'Observer Ethical Awards 2014 winners: Anne Power', The Guardian, June 12, 2014, <http://www.theguardian.com/environment/2014/jun/12/observer-ethical-awards-2014-winners-anne-power>

61 Joint Committee on Human Rights, Demonstrating respect for rights? A human rights approach to policing protest, Seventh Report of Session 2008-09, Volume 1, (London: TSO, 2009), accessed June 25, 2015, <http://www.publications.parliament.uk/pa/jt200809/jtselect/jtrights/47/47i.pdf>

62 Her Majesty's Chief Inspector of Constabulary, Adapting to Protest: Nurturing the British Model of Policing, (London: HMIC, 2009) accessed June 25, 2015, <https://www.justiceinspectorates.gov.uk/hmic/media/adapting-to-protest-nurturing>

[the-british-model-of-policing-20091125.pdf](http://www.justiceinspectorates.gov.uk/hmic/media/adapting-to-protest-nurturing-the-british-model-of-policing-20091125.pdf)

63 Association of Chief Police Officers, Manual of Guidance on Keeping the Peace, (London: NPIA, 2010). The Association of Chief Police Officers (ACPO) was replaced by the National Police Chief's Council on 1st April, 2015.

64 Police and Crime Commissioner's Independent Panel, The Barton Moss Environmental Protest, 16

65 Police and Crime Commissioner's Independent Panel, The Barton Moss Environmental Protest, 17

66 Police and Crime Commissioner's Independent Panel, The Barton Moss Environmental Protest, 20

67 'Press Release: Report on Barton Moss fracking protest shows urgent need for investigation into 'Flaregate'', Frack Free Greater Manchester, October 12, 2014, accessed July 20, 2015, <http://frackfreegtrmanchester.org.uk/press-release-report-on-barton-moss-fracking-protest-shows-urgent-need-for-investigation-into-faregate/>

68 Greater Manchester Association of Trades Councils, Policing of protest, human rights and justice, July 18, 2014, accessed June 25, 2015, <https://netpol.org/wp-content/uploads/2014/08/GMATUC-to-GMPCC-July-2014.pdf>

69 Following the protests at Balcombe in the summer of 2013 Hertfordshire Police and Essex Police conducted a 'peer group review' which was obtained following a Freedom of Information request by Ruth Hayhurst of the 'Investigating Balcombe and Cuadrilla' website. It was conducted as part of efforts by Sussex Police to prepare for future protests but also to share strategy with other forces around the country. The Network for Police Monitoring (Netpol) have suggested that this report confirmed that Police Liaison Officers, are seen by senior police officers as playing a 'pivotal role' in gathering intelligence on protesters. The review demonstrates that at Balcombe Police Liaison Officers (PLOs) played "a pivotal role in the operation" by "interacting with the protest organisers" and as a result, provided intelligence on the escalation of the protest. As Netpol note, the report is 'critical, however, of the way that this "was not utilised in an effective a manner as possible" and complains that it was unclear how PLOs fed back the intelligence they had gathered to their senior officers.' See, "Review reveals Police Liaison Officers played 'pivotal role' in Balcombe protest intelligence gathering," NetPol, June 17, 2014, accessed July 1, 2015, <https://netpol.org/2014/06/17/police-liaison-intelligence-balcombe/>

70 Peter Fahy, Chief Constable statement on Barton Moss protest, February 7, 2014, accessed June 25, 2015, <http://www.gmp.police.uk/content/WebsitePages/6662DDEE03DF784C680257C78003CF8A6?OpenDocument>

71 Fahy, Chief Constable Statement, February 7, 2014

72 The figure of 57 complaints containing 108 allegations is contained in a Freedom of Information request made by the authors and received on 19th May 2015. See, Greater Manchester Police, Freedom of Information Request Reference No:

001127/15, May 19, 2015. The figure of 77 is contained in a separate FOI response by GMP released on 21 July, 2014. See, Greater Manchester Police, Freedom of Information Request Reference No: 850/14, 21 July 2014.

73 Office for National Statistics, Crime Statistics for England and Wales 2011/12, London: ONS, 2012.

74 IPCC, Annual Report and Statements of Accounts 2012/2013, London: IPCC, 2013. On this point see Joanna Gilmore and Waqas Tufail, Justice Denied: Police Accountability and the Killing of Mark Duggan. In Whyte D, editor, How Corrupt is Britain?. Pluto Press. 2015.

75 Greater Manchester Police, Warrant being executed at Barton Moss, January 6, 2014, accessed June 25, 2015, <http://www.gmp.police.uk/Live/Nhoodv3.nsf/WebsitePagesMobile/03F4039F117B9AA380257C58003B81B4?OpenDocument>

76 Greater Manchester Police, Warrant being executed at Barton Moss, January 6, 2014

77 Patrick Sawyer, "Fracking protests head north as activists mass on proposed Manchester shale gas exploration sites," Telegraph, December 21, 2013, accessed June, 25, 2015, <http://www.telegraph.co.uk/news/earth/energy/10532769/Fracking-protests-head-north-as-activists-mass-on-proposed-Manchester-shale-gas-exploration-sites.html>

78 "Most fracking protesters are there to 'intimidate the local community' and 'antagonise' the force, police claim," Manchester Evening News, January 23, 2014, accessed June 25, 2015, <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/salford-fracking-protesters-intimidate-local-6554055>

79 Helen Pidd, 'Salford anti-fracking camp enjoys local support', The Guardian, December 26, 2013, <http://www.theguardian.com/environment/2013/dec/26/salford-anti-fracking-camp>

80 'Anti-fracking rally held in Manchester', BBC News, March 9, 2014, <http://www.bbc.co.uk/news/uk-26506877>

81 Greater Manchester Police, Freedom of Information Request Reference No: 1331/15, 7 July 2015. The briefing is referred to in the minutes of a meeting of the Independent Advisory Panel on Policing of Protests, 10 March 2014, available at < <http://www.gmpcc.org.uk/wp-content/uploads/2014/10/Protest-panel-minutes-100314.pdf>>, accessed 8 July 2015.3

82 Peter Dominiczak, "Fracking opponents are 'irrational', says David Cameron," Telegraph, January 14, 2014, accessed June 25, 2015, <http://www.telegraph.co.uk/news/earth/energy/fracking/10572517/Fracking-opponents-are-irrational-says-David-Cameron.html>

83 Jag Bahra, Amy Corcoran, Hannah Dee, and Nadine El-Enany, Threats to the right to freedom of peaceful assembly and of association, (London: Defend the Right to Protest, 2014), accessed June 26, 2015, <http://www.defendtherighttoprotest.org/wp-content/uploads/2014/10/DtRtPDraftBriefing.pdf>, 18

84 Dan Thompson, "Fracking protester, 82, 'shocked to the core' by Greater Manchester Police's behaviour at Barton Moss," Manchester Evening News, March 8, 2014, accessed June 25, 2015, <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/fracking-protester-82-shocked-core-6788246>

85 "15th Feb 2014 Brutal arrests of Barton Moss Protectors", YouTube video, 8:40. February 20, 2014, accessed July 3, 2015, <https://www.youtube.com/watch?v=AwU2zapAfj8>; "17th March 2014 Vanda violently arrested by TAU (thugs'r'us) 12933 & 13217", YouTube video, 4:25. March 17, 2014, accessed July 3, 2015, <https://www.youtube.com/watch?v=lMoCLAyDW5g>

86 Fahy, Chief Constable Statement, February 7, 2014

87 Fahy, Chief Constable Statement, February 7, 2014

88 Greater Manchester Police, Memorandum of Understanding, 10

89 Email from Chief Superintendent Roberts to an IGas representative (name redacted), 27 November 2013. Greater Manchester Police, Freedom of Information Request Reference No: 747/14, 15 April 2014.

90 According to GMP "disclosure of the information would increase the likelihood of crime and disorder being conducted at the Barton Moss site should further fracking take place. If such detailed information was to be disclosed potentially this would give advantage to those individuals intent on criminal activity as it will provide them with knowledge of policing tactics specific to policing at Barton Moss". See, Greater Manchester Police, Freedom of Information Request Reference No: 747/14, 15 April 2014.

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- 95 Greater Manchester Police, Freedom of Information Request Reference No: 1261/15, June 1, 2015.
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- 97 Breach of Conditions of Bail is not a criminal offence, but Section 7(3) of the Bail Act 1973 confers power upon a police officer to arrest a person if he has reasonable grounds for believing that that person is likely to break any of the conditions of his bail or has reasonable grounds for suspecting that that person has broken any of those conditions.
- 98 The offences in this category are: common assault (1 arrest), assaulting a police officer (2 arrests) and threats to kill (2 arrests).
- 99 Greater Manchester Police, More than 80 protesters arrested so far over course of anti- fracking protest, January 23, 2014
- 100 Greater Manchester Police, Freedom of Information Request Reference No: 1331/15, July 7 2015.
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- 102 Highways Act 1980, s.137.
- 103 This notice states that GMP had been advised by the local highways authority and Salford City Council that Barton Moss Road was a highway. However, Salford City Council had on record the fact that Barton Moss road was a footpath as confirmed in a Public Rights of Way survey published in 2010. The reason for this oversight is unclear. See, Urban Vision, Wildlife and Countryside Act 1981 Statement Accompanying the Definitive Rights of Way Map Salford, 9th March 2010, (Salford: Salford City Council, 2010).
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- 106 Police and Criminal Evidence Act 1984, s.47.
- 107 Greater Manchester Police, Freedom of Information Request Reference No: 001080/15, 19 May 2015.
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- 134 None of the protesters interviewed by the authors, many of whom were at the camp for its duration, were approached by the PCC Independent Panel.
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- 136 The local MP for Worsley and Eccles South, Barbara Keeley, raised concerns during the Barton Moss protest about the scale and cost of the police operation. She highlighted her concerns that ‘a large police force is being deployed to police a small protest’ and pointed to the deployment of the full 150 strong public order unit (TAU) alongside regular officers as a sign of a disproportionate police presence at Barton Moss. See, ‘Barton Moss: MP says anti-fracking protest ‘over policed’’, BBC News, December 3, 2013, <http://www.bbc.co.uk/news/uk-england-manchester-25196705>
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