

## Impact case study (REF3)

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| <b>Institution:</b> Liverpool John Moores University (LJMU)  |                                  |  |
| <b>Unit of Assessment:</b> UOA20   |                                  |  |
| <b>Title of case study:</b> Researching the <i>policed</i> : examining developments in public order policing in relation to anti-fracking protests   |                                  |  |
| <b>Period when the underpinning research was undertaken:</b> Sept 2013- present  |                                  |  |
| <b>Details of staff conducting the underpinning research from the submitting unit:</b>   |                                  |  |
| <b>Name(s):</b>  | <b>Role(s) (e.g. job title):</b> | <b>Period(s) employed by submitting HEI:</b> |
| Dr Helen Monk  | Senior Lecturer in Criminology   | September 2011- present                      |
| Dr Will Jackson  | Senior Lecturer in Criminology   | September 2013 – present                     |
| <b>Period when the claimed impact occurred:</b> February 2016- present   |                                  |  |
| <b>Is this case study continued from a case study submitted in 2014? N</b>   |                                  |  |
| <b>1. Summary of the impact</b>  |                                  |  |
| <p>This research provides the first academic study of the policing of protests against ‘fracking’ in the UK. The research documents, maps and conceptualises protesters’ experiences of policing at anti-fracking protest sites and in doing so has influenced both UN Policy discussions about the rights to freedom of peaceful assembly and of association in the UK and legal processes in relation to police responses to protest. The voices of protesters are often absent from public order policing discourse and this research addresses this absence by centralising what we can learn from those who are policed to inform contributions to public and policy debates around the right to protest and the policing of political activism. This approach to data collection and dissemination has enabled the work to shape public and political debate on public order policing and has also led to an increase in protesters’ knowledge of police responses and informed the work of those who advocate on their behalf.</p>  |                                  |  |
| <b>2. Underpinning research</b>  |                                  |  |
| <p>Consistent with the aims of LJMU’s Centre for the Study Crime, Criminalisation and Social Exclusion to represent marginalised voices, this case study has explored the experiences of protesters and campaign groups who have sought to oppose hydraulic fracturing – better known as ‘fracking’ – in England since September 2013. The key researchers on this project were Dr Helen Monk and Dr Will Jackson [both Senior Lecturer in Criminology] and the research was conducted in collaboration with Dr Joanna Gilmore, School of Law, University of York and Professor Damien Short, School of Advanced Study, University of London. Empirical work began with the first study of the policing of anti-fracking protests in the UK in the form of a longitudinal case study of the policing of protests at Barton Moss, Salford, Greater Manchester (2013-2016) and developed into a national study of the policing of anti-fracking protest (2016-2019). To speak to audiences beyond academia from the outset, the findings have been published in two public reports (UR1, UR2). The first report was launched at a series of public events in 2016, including a public launch in Manchester with speakers from campaign groups and solicitors working with protesters, and an event in the House of Lords at the invitation of Baroness Jenny Jones. These two reports provide the foundation to the ICS and have also informed a series of academic publications (UR3, UR4, UR5, UR6).</p> |                                  |  |
| <p>The research has been based upon a combination of research methods and activities, including:</p> <ul style="list-style-type: none"> <li>• Generating original empirical data on the experiences of protesters at protests against fracking in England between 2013 and 2020. By providing the first case study of anti-fracking protest in the UK (UR1), the research has documented significant problems with public order policing practice including the use of excessive force, the misuse of arrest and bail powers and allegations of sexual violence by police. The national study (UR2) has</li> </ul>   |                                  |  |

documented trends in police practice – including the continued use of excessive force in response to peaceful protests – across protest sites around England between 2016 and 2019.

- Producing longitudinal data and analyses of criminal justice responses to anti-fracking protests, documenting the criminalisation of protest against fracking and the wider implications for protest and campaign groups.
- Providing a critical analysis of national policing public order policy and a contribution to academic and policy debates about reforms to protest policing in the UK.

This work (UR3, UR4, UR5, UR6) has directly challenged the idea, set out in police policy and reflected in a significant body of academic work, that public order policing in the UK has undergone wholesale reform since 2009. Monk and Jackson's collaborative work has highlighted that, despite human rights reforms to public order policing policy, protest policing in relation to anti-fracking protests has been marked by the use of violence – including sexualised violence against women protesters – and the use of mass arrest and abuse of bail powers by police. This work has made a direct contribution to public debates about the rights of communities to oppose fracking in the UK but also reflects on the wider implications of the research findings for the right to protest in a liberal democracy (UR3, UR4, UR5).

### 3. References to the research

- **UR1:** Gilmore, J., Jackson, W. and Monk, H. (2016) *'Keep Moving!': Report on the Policing of the Barton Moss Community Protection Camp, November 2013-April 2014*, Liverpool and York: Centre for the Study of Crime, Criminalisation and Social Exclusion, Liverpool John Moores University and the Centre for URBan Research, University of York, pp.1-56. <http://researchonline.ljmu.ac.uk/id/eprint/3140/>
- **UR2:** Gilmore, J., Jackson, W., Monk, H. and Short, D (2019) *Protesters' experiences of policing at anti-fracking protests in England, 2016-2019: A National Study*, Liverpool: Centre for the Study of Crime, Criminalisation and Social Exclusion, Liverpool John Moores University, pp. 1-48. <http://researchonline.ljmu.ac.uk/id/eprint/11633/>

UR1 and UR2 were externally peer-reviewed and reviewed by stakeholders prior to publication.

- **UR3:** Gilmore, J., Jackson, W. and Monk, H. (2017): 'That is not facilitating peaceful protest. That is dismantling the protest': anti-fracking protesters' experiences of dialogue policing and mass arrest, *Policing and Society*, 29(1), 36-51.
- **UR4:** Jackson, W, Gilmore, J and Monk, H (2018) 'Policing unacceptable protest in England and Wales: A case study of the policing of anti-fracking protests', *Critical Social Policy*, 39(1), 23-43.
- **UR5:** Monk, H., Gilmore, J. and Jackson, W (2019) 'Gendering Pacification: Policing Women at Anti-Fracking Protests', *Feminist Review*, 122(2): 64-79.
- **UR6:** Jackson, W (2019) 'Researching the policed: critical ethnography and the study of protest policing.' *Policing & Society*, 30(2), 169-185.

UR3-6 went through a rigorous peer-review process prior to publication in line with the requirements for these journals.

### 4. Details of the impact

The key pathway to impact of Monk and Jackson's collaborative research is the production of two public reports (UR1 and UR2) and the influence and effect the research findings have had on a number of key sites. These include; UN policy debates, legal processes and public and private law challenges, protesters' knowledge and awareness of their rights, and public debate on public

order policing. The public reports have also established a body of academic research to ensure the development and legacy of these arguments.

#### **a) Influencing UN Policy Discussions**

The research has international reach. Following his receipt of a copy of UR1, Maina Kiai, the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, made direct reference to the policing at Barton Moss in his 2016 report on the UK. In his summary of issues surrounding the response to protest in the UK, Kiai stated: "the police have continued to use force against protestors in an excessive manner. The Greater Manchester Police, for example, reportedly took violent action against anti-fracking protestors at the Barton Moss Camp from November 2013 to April 2014" (section 5, source 2). In his written report, Maina Kai cited Monk and Jackson's collaborative research at greater length, using the findings to exemplify and evidence violence and harassment of protestors during anti-fracking demonstrations, and the use of mass arrest with a view to gathering intelligence (section 5, source 1 – page 14, footnote 73-75). His report, submitted to the Human Rights Council in May 2017, was intended to reassess the situation pertaining to the freedoms of peaceful assembly and of association in the light of the first mission he undertook in 2013 when he raised concerns about instances of excessive force by police against protestors. The issues raised in the Special Rapporteur's 2016 report, specifically drawn from Monk and Jackson's research, were responded to directly by the UK government in their response to the Human Rights Council in June 2017. The UK government directly refuted concerns about the use of excessive force and allegations of sexual assault at Barton Moss, both issues drawn from UR1 (section 5, source 3). It is here, in the use of Monk and Jackson's research in UN policy discussions, that the international reach and significance of their research can be traced and evidenced.

#### **b) Influencing Legal Processes**

Monk and Jackson's collaborative research has also had an impact on criminal trials and legal challenges relating to the policing at Barton Moss. The findings from the Barton Moss case study (UR1) have informed both criminal trials and litigation relating to the treatment of protestors by police. UR1 has been used by solicitors in criminal trials to support protestors' claims of a link between the aggressive police response and the police's construction of protestors as lacking legitimacy:

*"Shortly after publication, the Keep Moving report was introduced during criminal trials of protestors, to demonstrate the link between police forces using a model of aggressive policing and the narrative by police forces portraying protestors as 'professional protestors' and 'outsiders' as used at Barton Moss in Manchester", Simon Pook, Robert Lizars Solicitors (section 5, source 4).*

UR1 has also been used effectively by Shamik Dutta, Solicitor at Bhatt Murphy Solicitors in litigation related to the policing at Barton Moss:

*"The Barton Moss report was really useful – I have relied upon it in litigation to good effect – so I've been meaning to thank you and the other contributors for all the research and thought that went into it", Shamik Dutta, Solicitor at Bhatt Murphy Solicitors (section 5, source 5).*

#### **c) Informing the work of those involved in protest and campaigning**

This work goes beyond influencing public, policy and legal discussions and demonstrates an impact on long-term changes of knowledge and awareness amongst those who engage in

peaceful protest and advocate on their behalf. Both the Barton Moss case study and national study have had a significant impact on protesters' understandings of public order policing policy and practice:

*"Protesters who had been at previous environmental campaigns and protest camps advised me to read the report "Keep Moving". The combination of this report and anecdotal evidence prepared me for the next stage of the protest and police behaviour. "Keep moving" correlated with what I was experiencing at PNR...Reading it prompted me to ask further questions of fellow protesters and to research rights and the criminal justice system",* Protester, Preston New Road, September 2020 (section 5, source 6).

The central aim of Monk and Jackson's research to centralise the voices of protesters has also had a significant impact on research participants:

*"When researchers came to conduct interviews, I was able for the first time to articulate my fears, anger and sense of betrayal by those whom I'd been raised to believe would protect the community...Being listened to enabled me to find a voice and sense of justice. I was able to then become an advocate for fellow protesters...Contributing to academic reports enabled me to reflect and focus upon and then structure experiences and events that often occurred quickly and were difficult to process",* Protester, Preston New Road, September 2020 (section 5, source 6).

UR2 directly informed the work of The Network for Police Monitoring [Netpol], an NGO that works closely with protesters:

*"The completed study has been extremely valuable not only in our subsequent campaigning on the policing of anti-fracking protests but also, because of its timing, on the broader issue of public order policing of protests related to environmental issues. In 2020, the national study was also incredibly helpful in Netpol's preparations for campaigning work against (and to a lesser extent, as background material for a legal challenge to) the sweeping civil injunction granted to UK Oil and Gas (UKOG) in southern England. The scope of that injunction was eventually reduced in May 2020 by the High Court at exploration sites in Sussex and Surrey",* Kevin Blowe, Coordinator, Network for Police Monitoring (section 5, source 7).

#### **d) Shaping Public and Political Debate on Public Order Policing**

It has also been a feature of this collaborative research to disseminate the work beyond academia in order to reach the widest possible practitioner and popular audience. UR2 directly informed the parliamentary work of Baroness Jenny Jones (section 5, source 8) who also supported the dissemination strategy by hosting a public launch in the House of Lords for UR1. Monk and Jackson's proactive strategy of engagement with policymakers, civil society groups and popular audiences has also led to media coverage based on key findings from UR1 and UR2. This work has featured twice in The Guardian (see section 5, source 9) and as part of the BBC 5Live Investigates documentary series (section 5, source 10). This coverage concentrates on sexual violence experienced by some women protesters and demonstrates the influence the research has had on gendering and nuancing public debate on the policing of public order. Whilst the 5Live documentary contains discussion of the research, Monk also acted as a consultant to the programme, establishing an ongoing relationship with the BBC (section 5, source 10). The findings of the two reports, and the broader research project, have generated alternative understandings

of the nature of policing anti-fracking protests, thus shaping the character and content of public discussion and improving the social welfare of those who engage in protest.

In sum, this empirical and theoretical research has challenged official discourse about the nature, size, composition and outcomes of anti-fracking protests, and the discriminatory processes that protesters have experienced. A mark of this research has been to work with protesters themselves, campaign groups and policymakers, to produce a document, which is of use across a variety of discursive sites. This research continues to make an impact on those most closely affected by the policing of public order events.

## 5. Sources to corroborate the impact

### a) Influencing UN Policy Discussions

1. Citation of public report (UR1) by Maina Kiai, UN Special Rapporteur on the rights to freedom of peaceful assembly and of association  
[https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session35/Documents/A\\_HRC\\_35\\_28\\_Add.1\\_AUV.docx](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session35/Documents/A_HRC_35_28_Add.1_AUV.docx)
2. Reference to Barton Moss in the statement by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association at the conclusion of his visit to the United Kingdom:  
<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19854&LangID=E>
3. UK response to UN Special Rapporteur's report that addresses allegations drawn from UR1 by Maina Kiai: [http://freeassembly.net/wp-content/uploads/2017/09/A\\_HRC\\_35\\_28\\_Add.4\\_final.pdf](http://freeassembly.net/wp-content/uploads/2017/09/A_HRC_35_28_Add.4_final.pdf)

### b) Influencing Legal Processes

4. Testimony from Simon Pook, Robert Lizars Solicitors, on the impact of Monk and Jackson's work on criminal trials.
5. Excerpt from email correspondence with Shamik Dutta, Bhatt Murphy Solicitors, on the effective use of Monk and Jackson's research in litigation.

### c) Increasing Awareness of Protesters' Knowledge and Rights

6. Testimony from protester at Preston New Road on their inclusion in, and the impact of, Monk and Jackson's research on protesters' understanding of public order policing at anti-fracking protests.
7. Testimony from Kevin Blowe, Coordinator, The Network for Police Monitoring [Netpol], on the impact of Monk and Jackson's research on the campaigning work of this organisation.

### d) Shaping Public and Political Debate on Public Order Policing

8. Testimony from Ian Wingrove, Spokesperson for Jenny Jones, Baroness Jones of Moulsecoomb on the use of Monk and Jackson's research on her parliamentary work.
9. Articles in *The Guardian* on the public report featuring interviews with Dr Jackson:  
<http://www.theguardian.com/uk-news/2016/feb/23/fracking-police-sexualised-violence-barton-moss-protest>, <https://www.theguardian.com/environment/2019/nov/05/police-accused-of-groping-female-anti-fracking-protesters>
10. *BBC 5Live Investigates* radio documentary on police sexual intimidation which draws upon public report (UR1): <https://www.bbc.co.uk/programmes/b075t47v>