

## **Policing protest in an age of austerity:**

### ***How the Metropolitan police service (MPS) responded to anti-austerity movements after the financial crash***

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#### **Abstract**

What follows is PhD-level research submitted in 2017 to the University of Liverpool. The research examined the response of the Metropolitan Police Service (MPS) to anti-austerity protests in London following the financial crisis of 2008 and the election of the Conservative-Liberal Democrat coalition government in 2010. Research began in the wake of prevalent controversies at the time around how the police deployed force against demonstrators including the use of containment of large crowds for a substantial length of time and the death of a member of the public, Ian Tomlinson, after being struck with a baton during the G20 protests in 2009 (Rosie and Gorringe, 2009). There were also concerns around how the MPS gathered intelligence with Forward Intelligence Teams (FIT) accused of gathering and retaining data improperly (HAC, 2009), as well as emerging scandals of undercover officers amongst environmental and social justice campaigns (BBC, 2012a). These controversies led the police to innovate new methods of communication with protesters including liaison officers to mix in the crowd and explain police tactics for the day.

This research investigated how the MPS deployed its different tactics which were grouped under the strategies of force, surveillance and negotiated management. Drawing primarily on writings on police culture it used a documentary analysis and a series of semi-structured interviews with MPS officers to examine how the police conceive of public order policing, anti-austerity protests and how their tactics were deployed and may change in the future.

The conclusion ends with several interesting insights from the data. The most significant is how the police interviewees see little problem with how the MPS deploy surveillance. This is important as they recognise the controversy that can arise through the use of force. They tend to treat the recent moves towards liaison policing to replace the use of force at protests as the uppermost concern. They acknowledge the hostility that surveillance can engender in activists but see this as largely unavoidable and can be dismissive of civil liberty concerns. This is in contrast to the fact that the documentary analysis of policy recognises that the use of intelligence gathering needs to be proportionate (ACPO, 2010). It is also concerning in a time when there are several revelations around undercover officers embedded in environmental and social justice campaigns. This leads the research to recommend that any future research on public order policing must find a

way to surmount the obstacle of gaining access to, and properly assessing, the role of undercover policing to complement research on overt forms of intelligence gathering on the day of the protest.

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Thesis submitted in accordance with the requirements of the University of Liverpool

for the degree of Doctor in Philosophy by

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30/09/2016

## **Acknowledgements**

First and foremost, thanks must be given to Prof. Barry Godfrey and Dr. Ross McGarry, whose constant supervision and valuable suggestions were essential for the formation, and completion of this thesis. Appreciation is also extended to the respective internal and external examiners, Prof. Barry Goldson and Dr. Bethan Loftus, for a challenging yet enlightening thesis examination and the necessary revisions they recommended. Finally, the five years of counsel and general support of family, friends and colleagues is too extensive to satisfactorily detail here, but special mention must be reserved for Lucy Townsend, who has lived with this thesis as long as I have.

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# Chapter 1: Introduction

This work is the culmination of five years of research on the response of the Metropolitan Police Service (MPS) to the anti-austerity protests in London. It covers a timeline from the financial crisis of 2008 and the election of the Conservative and Liberal Democratic coalition government in 2010 who instigated a wide-ranging series of austerity policies on public spending. The timeline ends just after the election of a Conservative government of 2015. This research analyses how rank and file police officers conceived of the MPS public order response to protests against austerity and how these interpretations differ from the narratives of policy bodies, civil rights observers and activist organisations. It argues that unresolved issues in the police use of surveillance can undermine attempts to move to a style of policing based more around facilitation. Also due to certain aspects of the police role, such as the expectation to protect private property and maintain public order, there are limitations as to how far the police can facilitate peaceful protest.

This introduction will explain the background to this research. The next subsection will outline the research questions and the major theories used to answer them. It will reference the major findings at the end of this research and their contribution to knowledge, before outlining the structure of the thesis and its chapters.

The research starts with the G20 protests in 2009 as they were the first significant protest action after the financial crisis. Although they occurred when Labour was in office and before the austerity policies came into being, these protests form an important prelude to protests against the austerity policies of the Conservative-Liberal Democrat coalition voted into government a year later. How the MPS reacted to them gives a good indication of what strategies they had in place just before the anti-austerity movements. The most serious incident however was the death of a member of the public, Ian Tomlinson, who collapsed and died ten minutes after being struck by a police baton (Rosie and Gorringer, 2009; Hemmings, 2009).

Police action was prominent at anti-austerity demonstrations. As well as large national demonstrations from public sector unions, there were a lot of different protest groups with differing sizes of memberships, protest methods and objectives. In 2010 student union protests against university fees were prominent. This resulted in high profile stories of damage to the headquarters of the Conservative Party on Embankment in London resulting in several arrests (BBC, 2010) and property damage at another student protest in Parliament Square the same year when the police put them into containment for several hours. Even VIPs were affected when a car carrying the Prince

of Wales and the Duchess of Cornwall got caught up in a melee after breakaway groups of protesters ran through the West End (Wintour and Watt, 2010; Hudson, 2011). Another high profile story involved the UK Uncut collective who engaged in peaceful disruption of businesses it believed avoided tax, thus increasing the austerity burden on public services. Protesters occupied the luxury shopping arcade, Fortnum and Mason and after negotiations with the police, they received a promise of no arrest if they left. However when they complied the police immediately detained them (Malik, 2011). Another key civil disobedience campaign was the Occupy London protests that drew inspiration from the Occupy Wall Street Protest in New York. Occupy London attempted to set up a protest encampment within the London Stock Exchange, but the heavy police presence prevented this happening. This resulted in the encampment being set up in front of the nearby St Paul's Cathedral and remaining there for months under intense media scrutiny before the police broke it up in February 2012 (BBC, 2012b). This was followed by a later protest by Occupy London in 2014 outside Parliament Square that the police once again cleared out after a few days (Johnston, 2014). Controversy often surrounded police tactics in response to these protests. The outcry caused the police to try and redraw their approach and reduce the use of force to a minimum.

All of these examples are only a selection of the many different protest activities and groups that formed in the wake of austerity reforms. It demonstrates how nebulous and widespread they were, consisting of several different groups with different dispositions and styles of protests. The protests that followed in response to austerity presented a substantial new challenge to MPS public order policy and the research built an analysis of how they responded to this by facilitating protest and limiting the disruption it caused.

The following subsection will outline the research questions formed to investigate this new policing environment.

### **1.1 Research question and aims**

This section shall describe the main research question and aims. It will outline how this influenced the choice of literature and the methodology to shape the analysis of the chosen topic. The next two chapters will give a deeper insight into the literature and the methodology respectively.

The main research question of this thesis was to analyse the approaches the MPS used against anti-austerity protests since the financial crisis of 2008. This research detailed the extent to which the MPS resorted to strategies of force, surveillance, communication or a combination of these to reduce disorder from opposition to anti-austerity policies. It also took into account the extent to which the MPS tailored its deployment for each protest, depending on whether they considered it was disruptive yet legal, or if the demonstration in question was illegal and disruptive

yet peaceful or if it was illegal, disruptive and violent. The reason for this choice of research was because the police use of force and surveillance had already raised serious concerns and criticisms. This led commentators to increasingly emphasise police use of communication and facilitation while working with protesters as a way of reshaping the public order policy of the MPS (HMIC, 2009a; HMIC, 2009b). The latter strategies would often be manifest in tactics such as negotiated management, where protest organisations meet the police before the day of the protest and arrange a plan and route that suits both parties. There is also “liaison policing”, where designated police officers mix with the crowd and inform them of what police tactics are for the day and relay information and crowd intentions to the public order commanders.

The research assessed the extent to which the police manage opposition before they judge it to be illegal or a risk to public safety and ultimately respond with force. It outlined the conditions and factors that lead the police to use physical intervention and what they considered to be the ideal balance struck between allowing dissent and minimising disruption to other users of the city.

It paid special attention to tactics of communication like negotiated management and liaison policing and the extent they represent a move away from overt enforcement and surveillance or whether they are just a mere corollary to these tactics. It questioned the degree to which the MPS were receptive to criticism of their initial response to anti-austerity protests and tried to shift their policy to a more communicative and conciliatory approach emphasising consent.

It also questioned whether liaison policing and negotiated management could also act as methods of co-opting protests into regulatory prerogatives and if so what consequences a movement faces if it agrees to this. This included the possibility that if social movements are to be an effective opposition to government policy they must consider whether this requires them to avoid co-option, and to what extent this would put themselves and their members at the risk of more punitive police measures.

To help answer this question and the attendant aims a number of classic and contemporary authors informed this work. Writings on public order included authors such as Della Porta (Della Porta and Reiter, 1998; Della Porta, 1999; Della Porta and Fillieule, 2004), the strategic incapacitation theory of Noakes and Gilham (Noakes and Gilham, 2006; Gilham, Edwards and Noakes, 2013), Fassin’s urban ethnography of inner-city policing (Fassin, 2013) and the Flashpoints model of David Waddington (2007). These outlined previous insights on how the strategies police use and their institutional organisation would influence the approach towards certain demonstrations. The thesis also uses more recent theories such as the Elaborated Social Identity Model from Reicher (2011) that helped form the basis for liaison policing which was a focus of this research. These were synthesised with insights from writers on policing, particularly police culture

such as Skolnick (2011), Waddington (1994; 2005; 2006), Loftus (2009; 2010) and many other authors. The work of these authors on how police conceive of their role and how they construct certain individuals as likely offenders was valuable for analysis on how the MPS viewed their public order role, and how they constructed anti-austerity protesters.

The reason the research focused so prominently on writings on police was due to the fact that recruiting activists as research participants was unsuccessful leading the interviews to consist entirely of police officers. It was decided to sharpen the focus of the research on how the police view their role in keeping public order, the protesters and the tactics they used while pre-existing research and theories helped to analyse and assess interviewees' answers and draw out similarities to, or distinctions from, the pre-existing literature on policing. It also analysed the extent to which the literature on policing can apply to public order and anti-austerity protesters in London since 2008. The conclusion outlines the subtle similarities but also the differences between the picture of policing in the literature and that gained from this research.

The data search collected a variety of policy documents for analysis including transcripts of parliamentary committee hearings, reports from Her Majesty's Inspectorate of Constabulary (HMIC) after the G20 protests, the then Association for Chief Police Officers (ACPO) (Now the National Police Chiefs' Council), the Mayor's Office for Policing and Crime, NGOs and activists' rights organisations. Analysis of these focused on how the major policy making agencies described the police and the protesters. This was then contrasted with the accounts from interviews with six police officers from the MPS, to see what points of agreement or disagreement there were on attributing causes of disorder. It also investigated what they viewed as the biggest challenges and opportunities for future public order policing in the capital.

The research restricted itself to anti-austerity protest despite being able to have focused on other types of protest such as environmental, anti-racist or far-right protests. The latter might have consisted of entirely different participants to those in the anti-austerity protests and not only that there might be different issues such as the fact that the last two categories often involve a counter-protest, challenging an initial and ideologically hostile demonstration which is a situation not prominent in anti-austerity protest.

The next subsection will outline the major contributions to knowledge that were identified at the end of this research.

## **1.2 Contributions to knowledge**

Researching the response of the MPS to the anti-austerity movements after the global financial crisis produced several valuable findings that stand in contrast to some of the key insights of the established policing literature it relied on.

The thesis relies on the conceptual triad of the strategies of force, surveillance and communication. This leads it to highlight how the tactics these strategies use can have an influence on each other when the police simultaneously deploy them on a protest. The thesis states that one of the most controversial strategies, force, can be reshaped and used more judiciously in tandem with video recording of activists and attempts at pre-event dialogue with protest groups. Video recording activists, as a tactic of surveillance, can identify an activist who committed an offense. This means that the police can arrest the activist when the latter is alone as opposed to in the midst of a crowd who can get hostile with the police there is a show of force. Meanwhile if activist groups do not respond to attempts at communication or dialogue before an event, a tactic of communication, then this means that the police will judge force to be better deployed against them as opposed to groups that do engage with attempts at dialogue. This means that these strategies do not merely complement or replace each other but each one can interact in ways to reshape how the other two are deployed. This forms a conceptual triad, where these strategies exist in an iterative process with each other. This can be used to analyse the public order deployments of other police forces and contexts.

The research also highlighted how public order policing presents a much different modality of policing for constables than the beat policing that several established texts concentrate on. Whereas the latter often focuses on the centrality of discretion for lower-ranking constables due to the relatively low profile they enjoy while they are on patrol (Kinsey, Lea and Young, 1986; Ericson, 2005), public order policing is much different. Commanding officers exhibit a tight control over the operation due to the high profile of the latter scenario and the possibility of negative public reaction. This means that lower-ranking officers often have to resolve themselves to the fact that they do not have much independence of action in their public order roles.

The thesis also discovers instances of enthusiasm for the use of surveillance and communication among research participants as capabilities of their role as police officers. This is not highlighted as much in the policing literature that emphasises an excitement around the possible use of force (Westmarland, 2008; Fassin, 2013).

It also discovers that due to the wide ranging effects of austerity to government spending, including effects on police force budgets (Brogden and Ellison, 2013), interviewees found themselves sympathetic to opposition to austerity. It has always been recognised that the police tend to split

protesters into respectable and more disruptive categories (Della Porta and Fillieule, 2004) with a longstanding animosity towards radical activists (Scraton, 1987; Reiner, 2000). However, in this research there was some sympathy expressed as to why these movements were so angry. This is a testament to the wide-ranging socio-economic consequences of austerity affecting protesters and the officers who police them.

Interviewees also exhibited a measured liberalism and respect for the rights of protesters to peacefully protest and the disruption this might cause. However there was a reluctance to recognise activist concerns around surveillance that marks this attitude as limited. Also due to their role of maintaining order, police tolerance of even peaceful disruption is necessarily limited. Officers are not antipathetic to activism in principal but hold a liberal understanding of their role as facilitating peaceful protest yet also minimising the disruption it causes to other users of the city. This marks a different attitude to more radical protesters who engage in civil disobedience and who are antipathetic to cooperating or engaging in dialogue with the police. They may feel that contravening the law and causing disruption is necessary for maximising the visibility of their campaign.

This research paints a nuanced picture of the police officer in a public order context as experiencing a different police environment and sometimes holding complex and nuanced opinions of those they police than is often described in classic policing literature.

### **1.3 Conclusion**

After a discussion of the rationale for this research and its primary aims it is now essential to outline the basic structure of this thesis. Chapter 2, will outline the theoretical literature that helped inform the analysis of the data and shape the final conclusions. Chapter 3 will outline the methodology including a discussion of why this research is an example of interpretivism and it will describe the methods it used to collect data, to recruit participants and finally how it deployed grounded theory to analyse the data generated from documentary analysis and interviews to arrive at its main findings. A section on reflexivity outlines how my own socio-economic position and role as a university researcher can predispose me to hold certain beliefs or to interpret the accounts of my participants or analysed documents in certain ways. It also includes an exposition of how the thesis maintained research ethics for the benefit of participants and protected their anonymity.

Chapters 4 and 5 outline the pre-eminent and underlying definitions from the data of the police and the protestors respectively. Chapter 4 extracted what the police see their ultimate role is and who they represent. It also contrasts this with the policy documents and any conflicting interpretations therein. The proceeding chapter looks at descriptions of protestors and outlines one of the core concepts of this research being, the division of protesters into 'respectable' groups and

those groups that are believed to be the most likely to engage in or encourage violence. The chapter outlines the ideas that officers and public order commanders share, in identifying suspected imminent vandalism or trespass from certain sections of the anti-austerity movement.

Chapters 6, 7 and 8 will look at the tactics of force, surveillance and communication in turn. They investigate the scenarios in which each of these tactics are deployed and against whom. They also present the different ways these tactical deployments can interact negatively or positively with each other. There is also a discussion for future developments for each of these strategies encapsulating new developments perceived in activism, new developments in technology and new demands and challenges from the political establishment and the public.

Finally the thesis ends with chapter 9, the conclusion, and a consideration of the main findings from the research on the policing approach to anti-austerity protests since the financial crisis. It also considers further avenues of research into surveillance, particularly emerging revelations around covert surveillance at the time of writing and its relevance for any study of public order policing in the UK.

## Chapter 2: Theorising Policing, Crowds and Powers

This chapter outlines the prominent theories and literature that formed the analysis of this research. It is divided into four sections. It first focuses on the literature explaining the background to the financial crisis of 2008 and its influence on the rise in social movements against austerity policies. The next section outlines the pre-existing literature on policing to form a picture of police work in terms of occupational culture and its institutional characteristics respectively. This is essential before examining how the MPS responded to new anti-austerity movements and how this followed or departed from what other researchers documented. It was important to document how both the cultural disposition of officers and the institutional aspects of their role can influence how they respond to anti-austerity protests.

The next section focuses more specifically on public order policing and reviews some of the most prominent social and psychological theories of crowd control. It contrasts the 'flashpoints model' of David Waddington (2007) and the Elaborated Social Identity Model (Drury and Stott, 2011; Reicher, 2011; Gorringer et al., 2012) and explains how these can help in explaining the challenges of public order policing using insights from research on the 2011 August Riots in England (LSE, 2011) and Fassin's ethnography of urban policing in Paris (Fassin, 2013). These theories plot how a protest crowd can become violent and engage in a riot. This helped the research assess the different tactics that the police use and their potential for eliciting violence from a demonstration or whether they were used to specifically avoid such a scenario. The proceeding section then outlines literature that helps the research form three central concepts each representing a public order strategy of force, surveillance or communication and their associated individual tactics.

### **2.1 The Social consequences of the Financial Crisis of 2008**

It is important to delineate the current socio-economic circumstances that anti-austerity movements arose in response to. This section outlines the causes of financial crisis of 2008 and the anti-austerity policies that governments enacted in response to it. Then, using the theory of the Beck's 'risk society' (Beck, 1992) and insights from Mills, it will theorise how both the mobilisation of anti-austerity social movements and the public order policy of MPS are both responses to the national and localised consequences of this major global event.

The global financial crisis began as the mortgage crisis of 2007 in America that spread to the international real estate and mortgage market. Numerous financial companies collapsed and

hundreds of US banks disappeared. This was due to the preponderance of lending easy credit to heavily indebted customers to drive consumption on the part of an irresponsible finance system. Credit accounted for three quarters of GDP growth in the States and two quarters in Europe since 2000 (Castells, Caraca and Cardoso, 2012). The risk was global and no borders insulated national economies of the two continents. Demand fell and firms filed for bankruptcy or downsized. The climb in unemployment also adversely affected demand and social spending. In the UK bank assets had grown to 500% of GDP but, as Thompson emphasises, bank assets are loans and if outstanding debt increases there must be an increase in capital and liquidity ratios to offset any losses caused by defaults on debts to the banks. But this did not happen and any profits from lending went to increase dividends and bonuses and further speculative activity rather than strengthening reserves (Thompson, 2012).

One consequence of this was that the state was expected to decisively intervene in their economies by saving these financial institutions from collapse (Castells, Caraca and Cardoso 2012). This contravened long established economic principles of neo-liberalism which disavowed the state's role in the free market and that the latter should regulate itself. Governments, using tax money and loans from the global financial market, invested it into struggling banks and financial institutions. They also invested in infrastructure to stimulate the creation of jobs. The result was a deepening of public debt with a growing budget deficit and payments expected on interest. This led to the next phase of the crisis, with governments cutting public sector spending and implementing austerity policies (Castells, Caraca and Cardoso, 2012). With their election in 2010 the Conservative Party with their coalition partners, the Liberal Democrats, enacted this policy in Great Britain. Himanen has said this initiates a 'vicious circle' where cuts in areas of the public sector essential for growth like education, research and development actually *depress* growth. This will result in further cuts in public investment. Also cuts in the welfare state will mean less well-educated and healthy workers operating in the economy (Himanen, 2012, 160).

This scenario is similar to certain themes in Beck's 'risk society' thesis (Beck, 1992). This maintains that present day modernity is marked by a multitude of manmade hazards that threaten the health and wellbeing of populations across the globe. He originally focused on science and industry as the defining features of modernity that give rise to pollution on a transnational scale, as opposed to being restricted within the nations they originally emitted from (ibid.). These are '*supra-national, non-class-specific global hazards*' (Beck, 1992, 12-13). This ties in with Beck's concept of reflexive modernisation. Modernisation is attended with vast techno-scientific growth which was originally seen as a positive for civilisation, but the environmental risks produced undercuts this simplistic depiction much as modernisation had undercut longstanding traditions such as religious

authority and absolutist power in its first wave, "...scepticism is extended to the foundations and hazards of scientific work and science..." (Beck, 1993, 14). This is a second modernisation where modernity modernises itself, 'reflexive modernisation', (Beck, 2003, 1).

The financial crisis can fit in the risk society framework where the faith in free markets resulted in a deeply unstable economic order that was also a, '*supra-national...global hazard*' (Beck, 1992, 12-13). But its hazards *are* also class specific. The knock on effect of massive structural crisis echoes Mills' 'public issues'/private troubles' divide which states that the public issues can often manifest as private troubles in people's lives. This points to a continuum between massive structural changes in society and in its inhabitants' personal experience (Wright Mills, 2000). Thompson speaks of the recession of 2008 as representing a crisis in the economy. Governments in the affected countries intervene, but as they then cut public sector growth, wage growth and welfare services, this means they cannot serve their citizens as expected. This sets up what Habermas called a 'rationality crisis', where the government cannot reconcile the two contradicting demands between stabilising the economy and providing what their citizens expect them to. Citizens then withdraw their belief in the government's competency and this leads to a 'legitimation crisis' (Thompson, 2012, 62). This results in social unrest across affected societies just as the globalised nature of pollution can affect environments far away from its place of origin.

These austerity measures are being imposed on the economy during a time of already great inequality after the last thirty years of deregulation (Wieviorka, 2012) and after the multi-billion pound bailouts of financial institutions often seen as responsible for the crash. Britain was facing predictions of years of sluggish economic growth, which for young people did not bode well for their long term career prospects after school. There is also an observed distrust of political leaders and the elites who set policy on finance yet did not feel motivated enough to undertake proper oversight of the banking sector before the crisis (Castells, Caraca and Cardoso, 2012).

Anti-austerity movements are one of the consequences of this loss of legitimacy. In the UK there were mass protests from numerous quarters including public sector unions, student unions, tax avoidance campaigners and various NGOs and direct action groups against the perceived risks these policies presented to livelihoods, economic growth and those reliant on welfare. While it would be impulsive to declare that globalised neo-liberal economics are fully discredited, dissent is more visible and mainstream. For the last three years the UK has seen several national demonstrations which have at times become sites of disorder. There have also been riots across major English cities with reports suggesting that austerity may have been a contributing motive (LSE,

2011). The internal instabilities of globalised financial capitalism have led to recessions in several countries and social upheavals as a consequence.

However these social upheavals and crises do not necessarily have only negative consequences. Cardoso and Jacobetty have said that crises cause doubts to arise and once dominant social actors do not have their power recognised. This creates alternative spaces where new views of reality can arise (Cardoso and Jacobetty, 2012). Wieviorka talked about the recession as having a set of distinctive consequences:

1. '...an event that reveals': In this case the 2008 crisis revealed the 'brutality' and 'extreme injustice' of deregulated capitalism that has existed for 30 years
2. '...an event that has an effect': This moment can be destructive of previous institutions or pre-existing ideas and beliefs on the economy, but it can also mark a moment of transformation and innovation (Wieviorka, 2012, 96).

Beck already theorises mass movements as a force for reflexive modernization. They represent a distinct layer of political action in risk society called 'subpolitics'. Subpolitics operate outside the official government apparatus or political parties of the state in the form of citizen's initiatives and the public sphere (Beck, 1997). They are a response to numerous risks produced by the systems of modernity. Ulrich Beck focused largely on ecological politics and movements, but after the financial crisis it is clear that class based concerns have regained their power to mobilise. While UK movements are largely focused on national concerns about jobs and the welfare state, it does represent a dissent from the perceived risks of an economic approach that has been the defining feature of global capitalism for more than three decades.

It is this account that helps to outline the motivating factors for the rise in anti-austerity movements in the United Kingdom. However this research is focusing on the MPS in London and it focuses on whether the anti-austerity movements represent a new or escalated challenge to the policing of public order. There needs to be a more critical appraisal of the optimistic scenarios described around the rise of anti-austerity protests. As Mythen (2004) points out, Beck does not seem to consider that movements of 'subpolitics' often meet with official resistance and even oppression in certain contexts. Not everyone will support the protestors and may approve of punitive measures. Some sections of the public may trust the police as a response to what they

perceive as the greater risk of anti-austerity demonstrators. The police and political establishment can define anti-austerity mobilisation as a risk to public order, giving the police a free hand to do as they see fit. The focus on risk can be utilised not just amongst the progressive movements but by those who perceive these movements as the risk, as one of the unfortunate societal upheavals of a financial crisis.

Previous movements like this have created massive changes in their societies, but plenty have also failed through external pressures. While focusing on the police, this research is conducted during a time when the financial crisis has mobilised huge and social movements against austerity. It assesses in the UK context, whether the police facilitated or obstructed the full expression of anti-austerity street demonstrations and their potential to enact reform and change.

## **2.2 Characteristics of the Police**

This section outlines the theories on how police culture and its institutional character is presented to outline the effect of these on how the police undertake their duties. The first subsection looks at the question of occupational culture. This refers to the general beliefs and values police officers hold about their role and those they police. The next subsection concentrates on the police as an institution in terms of its role and function and how it interacts with other powerful actors in society. These helped explain the main motivations and influences on MPS public order policy.

### *2.2.1 The role of occupational culture in public order policing*

The first set of literature the research engaged with was on the occupational culture of the police. This section outlines the observed characteristics of police officers and how they implement the law from the pre-existing literature. This is important due to the research aim to elicit and analyse how MPS officers conceive of the anti-austerity movements and the police response to them. It was essential to see how the context of policing anti-austerity protests in London demonstrated enduring themes identified in the literature or if there were any departures from this due to different demands of public order policing or the particular profile of protesters the police came into contact with.

The literature emphasises some general characteristics of different police forces. The first to consider is class background. Reiner's studies in the late 1980s and early 1990s emphasise that the majority of rank and file officers and supervisors come from a 'lower middle class' or 'respectable working class' background (Reiner, 2000, 96; 1991; vii) with the chief constables in Reiner's study from 1991 being all 'male and white' (Reiner, 1991, 6). Reiner identifies these class backgrounds as bringing a conventional sense of morality to bear on the job that looks unfavourably on anyone that contravenes this. These include youth subcultures, radical political organisations or 'political types,

people who spout 'extremist' babble and anyone who holds a 'your rights' card' (Reiner, 2000, 91). Loftus mentions the police divide populations into 'rough' classes and 'respectable' classes and officers often consider themselves to be part of the latter (Loftus, 2009, 42). This means that the police can mark out certain types of individuals as more worthy of suspicion than others.

Another author who spoke of this tendency for marking certain individuals or strata of a single population as worthy of suspicion was Skolnick. He said that the police role is one of 'danger, authority and efficiency' and that these combine to generate, 'distinctive cognitive and behavioural responses' (Skolnick, 2011, 40-41). If a police officer is expected to be continuously alert to signs of law-breaking or violence, then this will make them generally suspicious in undertaking their routine duties with the added obligation to appear efficient in doing so. He describes the police officer developing a 'perceptual shorthand to identify certain kinds of people as symbolic assailants' (Skolnick, 2011, 42). He states that often the language people use, their clothing and their gestures are among factors that can signal to the police officer the possibility that the person in question is capable of violence and is planning on engaging in it (ibid.). This means police constantly look for what and who is out of place, or incongruous with the area and the people that usually populate it.

Scholars have suggested that the police also divide protestors into comparable categories and take up different approaches in policing each of them (Della Porta and Fillieule, 2004). This discussion helped raise the possibility that MPS officers also might have different responses to different groups within the anti-austerity protests and whether they engage in making these distinction, how they do it and how it affects their choice of deployment between force, surveillance and communication.

This division in two separate types of classes of people, and by extension two types of protestors, is connected to the constant suspicion that officers exercise when on patrol and making snap decisions of who to question (Loftus, 2010), but may also reflect prejudices of the social group from which police are recruited and reflect the existing power structures and inequalities of the wider society (Reiner, 2000).

Another characteristic to take into account is the gender of the officers. Fielding, in his study of 'canteen culture', points to the overwhelming masculine ethos in the police force. He states that female officers were usually 'ghettoised' into certain clerical duties such as dealing with victims and never being put on the frontline of pickets resulting in a poor portfolio of arrests halting their advancement. They also resorted to, 'taking on masculine values of their own' (Fielding, 1994, 56-7). Scraton has also mentioned how the 'mess-room' culture often included a 'cult of masculinity' with heavy drinking, sexism as well as received notions about women and black people (Scraton, 1987, 151). For a more contemporary view Loftus in an ethnographic study described the officers she

observed as, '...predominantly white, heterosexual, male...' (Loftus, 2010, 13). There is an interesting question on the extent to which this might describe the police force in the MPS. At the time of writing in 2016, Home Office statistics measured 27% of the rank of "Constable" in the MPS as female. As the ranks increase in seniority, there is an inverse relationship where "Sergeant" and "Inspector" are marked as 19.1% and 19.5% female composition respectively before a slight rise to 21.4% for the rank of "Chief Inspector and above". This is quite a significant minority of female officers but a minority all the same, which is especially important as the "Force Area Population" of the MPS is quoted as 50.3% female. (Home Office, 2016a). As regards the number of police officers who are not heterosexual the MPS Directorate of Human Resources department responded to one Freedom of Information [FOI] request in 2013 that asked, "How many lesbian, gay and bisexual police officers do you currently employ in each rank from Police Constable to Chief Constable?". It quoted a total number of 567 officers from the rank of "constable" to "superintendent" as *self-declared* as not hetero-sexual with the majority (449) concentrated in the rank of constable. In the higher ranks from chief superintendent to Assistant Commissioner it is marked as "None Identified" (MPS, 2013). These figures need qualification as they rely on responders self-identifying as Lesbian, Gay or Bisexual (LGB)<sup>1</sup>. The numbers the Home Office and MPS Human Resources provide do indicate that Loftus's claim largely holds up. The smaller representation of women and LGB officers does justify the claim that there might be an overwhelming heterosexual and masculine ethos in the police workplace. This might influence all officers to believe that if they need to rise through the ranks they must secure arrests and this can emphasise the use of force as Fielding identifies.

This over-representation of male police officers can possibly explain another common observation of policing, where officers romanticise their work as confrontational crime fighting and that the majority of the job will involve apprehending offenders and enforcing the law. This conception holds despite the fact that most police work is described in the ethnographies as, 'rather less exciting and varied in terms of action and excitement...' (Westmarland, 2008, 257). Because of this, public order policing can be one of the most sought out opportunities for officers of adrenalizing confrontation and confirmation of a more masculine self-image (Fielding, 1994). Loftus warns readers against overlooking the fact that, '...operational policing encompasses a multitude of different styles and orientations, from peacekeeping to order maintenance...' and that a hostile, confrontational department in one context can replace a relaxed, open and friendly attitude in another (Loftus, 2009, 95).

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<sup>1</sup> Normally the acronym "LGB" includes a "T" for transsexual to be rendered as "LGBT" but the FOI request only asked for Lesbian Gay or Bisexual officers and omitted including transsexual in its request even though the response did use the initials "LGBT" in its response (MPS, 2013).

As regards race the proportion of police officers by ethnicity show that 87.4 % of the MPS are white despite the "Force Area Population" being quoted as 40.3% non-white (Home Office, 2016a). This research however did not interrogate the notion of race due to anti-austerity protests focusing on issues of class and economics. The issue of race might have been more pertinent for a study of far-right protests or anti-racist activists. However, some police interviewees made comments about race and perceptions of the policing of ethnic minorities to make wider points about the challenges to public perceptions of police legitimacy.

Overall this seems to suggest that demonstrators face a police force composed of males, largely white, conservative and antipathetic to the aims of more radical or left leaning organisations. The 'cop canteen culture' can then result in co-workers that socialise new officers in more informal settings, to a more confrontational and enforcement-led policing style (Fielding, 1994, 54). But it was important to keep in mind Loftus' aforementioned warning that operational policing requires numerous responses on the part of practitioners and not to expect one code of conduct from the police merely on the bases of their characteristics (Loftus, 2009). Another point the literature emphasises is how the 'police' are not a monolithic entity but in fact, comprised of various subcultures (Reiner, 2000) due to the different dispositions of officers or their role within the force. This meant the research had to avoid collapsing all the different roles that are prominent in public order policing as essentially the same. Another proviso is that attitudes do not automatically translate to action. Despite the views officers express, even if there are opinions regarding stereotypes of certain ethnic groups or subsections of society, this does not automatically translate to prejudicial treatment of these groups. Some argue that it does not matter what officers say, but what they actually do in the routine of their work (Westmarland, 2008; Waddington, 2005). This helped this research avoid a certain reductive relationship between the culture of police officers and what they said as automatically translating into immediate action at street protests.

There is also a historical context to consider here. Reiner's and Fielding's work was first published in the late 1980s and 1990s, not long after a tumultuous period in British history with riots in Brixton, Toxteth and protracted battles between the police and striking miners in 1984-5. The Scarman Report at this time also condemned the over use of 'stop and search' tactics on young black males and it was before the 1999 Stephen Lawrence Inquiry that highlighted and condemned 'institutional racism' within the police (Westmarland, 2008, 266). While this research has no overt concern with race in public order policing it is important to state that tactics like stop and search and police over-enforcement of the law have faced criticism in the context of anti-austerity demonstrations (HAC, 2009). The concentration of this research on tactics of communication gives some examples of how the police can attempt to change this relationship. While Loftus, writing in

2011, has argued that a lot of the concerns and characteristics of the police culture literature still persevere, her study is based on an unnamed and 'provincial' city (Loftus, 2010, 3) which does not sound like the multi-cultural and more highly publicised context of London that the MPS operate in. Loftus even noticed young officers reflecting critically on the beliefs of older generations of officers, giving an example of one such participant criticising the use of pejorative or outmoded terms of reference for individuals of a homosexual orientation or minority background (Loftus, 2009). This pointed to the importance of not expecting there to be a definite universal police response to the protesters and not to take the descriptions of police attitudes and culture in the literature in different police environments, different eras and different countries as immediately transferable to the public order policing of the MPS after the financial crisis. Also there can be dissent and disagreement between police officers.

Also, despite Reiner's contention that the class make-up of the police force engenders a more conventional sense of morality and Fielding's argument that the masculine ethos leads many officers to view public order policing as a chance to reaffirm this in an exciting context (Reiner, 2000; Fielding, 1994), this picture is complicated by the fact that statutory police forces in Britain are subject to austerity measures themselves. Reiner himself points out that while the police may have always favoured the Conservative Party's traditionally strong stance on law and order, they have not been receptive to previous attempts at free-market reform of the forces (Reiner, 2000). During the timeline of study, Conservative-led governments again held an unambiguous emphasis on austerity and privatisation and police support staff conducted a strike (Travis, 2011). Brogden and Ellison have pointed to the police being forced to instigate a 20% reduction in spending and having to cooperate with voluntary and for-profit agencies which they state have resulted in public disputes between the Home Secretary and the representative body of officers from the rank of constable to chief inspector, the Police Federation (Brogden and Ellison, 2013). Police officers might have a residual sympathy for the cause of anti-austerity but this is not necessarily a uniform sympathy for activists in all their guises. It may reinforce the identification with the more 'mainstream' unions as being 'legitimate' protestors. These can be opposed to the direct action groups like the Black Bloc, UK Uncut or Occupy London playing the role of symbolic assailants as 'illegitimate' troublemakers. Officers still need to mix in the canteen culture for far longer than spend training which can serve to reinforce old prejudices (Fielding, 1994) and help basic inequalities of wider society to persevere in the police force (Loftus, 2010).

The next section will look deeper at the police as an institution and its position in society and expected function and how this can influence its response to anti-austerity protests.

### 2.2.2 Institutional considerations

The institutional characteristics of the police and the web of institutional agencies and actors they operate in can have an effect on their public order policy. This sub-section will look first at how this range of actors, agencies and interests can influence the police. It will then focus on the MPS itself in terms of how the role of police officers actually affects their actions. It will look first at some important legislation that shapes public order policy. It then looks at the important role discretion plays when officers must implement the law and as well as that it looks at the MPS as a state police force and how its public order role can result in it implementing state interests.

When looking at the different actors and agencies that can influence public order policy Della Porta and Reiter list a large number of factors that can feed into 'police knowledge'. This gives a far more contextualised account of police as opposed to exclusively focusing on their interactions in a given protest. These can include considerations such as, '...police organisation, the nature of the judiciary, law codes and constitutional rights.....play an important role in defining the opportunities for and the constraints on protest policing' and that 'Moreover, aspects of the political culture, particularly those referring to conceptions of the State and citizen's rights, have similarly important effects' (Della Porta and Reiter, 1998, 9).

Statewatch has conducted several analyses of how British political culture and legislation have changed and how this affects policing. One phenomenon is the expanding use of legislation for dealing with terrorism and anti-social behaviour with adverse effects for the right to protest. This includes the use of stop and search. Historically officers had to demonstrate 'reasonable suspicion' about a suspect before conducting a search. However, under Section 44 of the *Terrorism Act 2000*, they were allowed to undertake searches without this requirement in areas designated as sensitive to national security. Some of these areas covered vast geographical areas of the country. The result was that between April 2008 to March 2009, 256,026 occasions of stop and search occurred under this Act, with only 0.6% resulting in arrests of which a tiny minority were terrorism-related. 95% of these were conducted by the MPS and the British Transport Police and often targeted demonstrators (Rowlands, 2010a; 2010b; 2011). A Human Rights Watch report conducted between April 2007 to April 2009 found a figure of 450,000 who had been stopped and searched with approximately none resulting in a successful terrorism-related prosecution (Rowlands, 2011). In 2010 Theresa May, then Home Secretary, announced that police could no longer use Section 44 of but section 43 instead that states the police must be able to demonstrate reasonable suspicion. However, Rowlands states that the mere revocation of this power will have little effect on the hostile manner with which protesters are treated due to fundamental police practice and the continuing allowance of the power under Section 43, as well as Section 1 of the *Police and Criminal*

*Evidence Act 1984* and Section 60 of the *Criminal Justice and Public Order Act*. Not only that, while Section 44 only covered certain, albeit vast, authorisation zones, Section 43 can be used anywhere in the country (Rowlands, 2011).

Another important development is the expansion of anti-social behaviour legislation far beyond its original target of vandals and nuisance neighbours to include non-criminal forms of behaviour including protest. This means that the government is no longer focused on 'crime', as it is on 'security' and feelings of insecurity as opposed to actual penal law breaches in an effort to get rid of 'undesirable behaviours' (Rowlands, 2005, 3). Scraton has described it as a, '...slide between 'criminal conduct' and 'anti-social behaviour' which is, '...open to broad interpretation and subject to conveniently wide discretion in its enforcement; a definition in the mind's eye of the beholder' (Scraton, 2003, 15).

Anti-social behaviour legislation allows for the dispersal of gatherings of two or more people. During the policing of the Olympic Games in London in 2012, in the context of a police operation that consisted of thousands of officers, private security and soldiers, the police instigated "dispersal zones" under the *Anti-Social Behaviour Act 2003*. This allowed police officers or Police Community Support Officers to disperse groups of two or more people in an area defined as an anti-social 'hot-spot', regardless of age or time of day. The powers also alienate young people by placing them under effective curfew and allowing removal of anyone under 16 years of age and not under supervision of a responsible adult to their place of residence (Jones, 2012). In May 2005 both the police and Ministry of Defence were unsuccessful in acquiring an ASBO against a 63 year old peace campaigner who operated outside a US listening base in Menworth Hill. Examples like these lead Rowlands to state that far from being 'facilitators' of peaceful protests the police can often enact bureaucratic hurdles to restrict the practice of peaceful demonstration (Rowlands, 2005; 2010b).

These are two examples of how legislation, intended for vastly different uses than regulating public order and citizens engaging in protest, can extend far from their original intention. It also highlights how certain populations, particularly young people, can be targeted specifically by them.

As well as legislation, Della Porta and Reiter also talk of a much more disorganised coagulation of different interests, narratives and prescriptions around protest policing that can be contradictory, and which any police force can be faced with in their jurisdiction. It involves various collective actors including the government, trade unions, interest groups and civil rights' groups all having conflicting opinions on the best way to handle policing either on the side of law and order or the freedom of dissent (Della Porta and Reiter, 1998). In the British context these can include calls for tougher public policing after the 2011 riots (Whitnall, 11 June 2014), as opposed to the several civil rights organisations like the Network for Police Monitoring (Netpol), FITwatch, Liberty, Inquest

and Defend the Right to Protest that try and bring an alternative narrative on the rights of demonstrators. These different interests, narratives and restrictions or allowances as well as other factors like police culture or public opinion can affect public order policy (Della Porta and Reiter, 1998).

As well as the network of different groups that can affect police work there are also key institutional aspects of police work the most important of which is 'discretion'. This refers to the remarkable degree to which constables can decide to enforce or withhold applying the law to a given situation (Kinsey, Lea and Young, 1986). This choice may come down to standards of occupational culture and who are considered to fit the description of a symbolic assailant. Kinsey, Lea and Young have deemed 'discretion' to be 'inevitable'. While they recognise that 'open-ended' discretionary powers are 'abhorrent' they also say that it is unavoidable due to factors like the nature of the law, and the sometimes ambiguous nature of language it exists in. These require interpretation on behalf of the officer for each situation they are confronted with and to what extent an individual's conduct can arouse 'reasonable suspicion'. The law cannot apply to every situation evenly. Also the police do not hold an unlimited number of resources and hence discretion will result in them not enforcing some laws as consistently as others (Kinsey, Lea and Young, 1986, 166-7). Discretion is desirable as not all situations may necessarily need the same response even if the law rules it legitimate. The authors do however state the necessary proviso that this under-enforcement should not be done out of '...preference or deference on grounds of social status, gender or race...' (ibid.). However, because of findings such as that of the police use of stop and search of white people being far lower than of black or minority ethnic people (Brogden and Ellison, 2013), under-enforcement can be just as open to criticism as over-enforcement can be.

Kinsey, Lea and Young attribute discretion more to the organisational demands of an entity like the police force saying that, 'Police work routinely involves choices, whether to institute proceedings; whether to ignore or focus upon specific offences, suspects, or populations; whether to invoke formal rules or procedures or to resolve the matter informally without reference to the criminal justice system' (1986, 161-2). This is interesting in the context of this research for it raises questions whether the police overlook certain offences in the midst of protests. Waddington has written that the police do in fact under-enforce the law to help minimise the trouble that can arise (Waddington, 1994). At the same time however even if the police do not resort to force, the possibility of its use is always in the background. Writing on beat policing, Bayley says that, 'The threat is potent whatever the outcome of the particular encounters. The power to arrest is what makes their intervention authoritative' (Bayley, 2005, 143). It is in agreement with this that the research attributes to the police as an extension of Max Weber famous description of the State as,

'...a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory' (Weber, 2009, 78). At the same time the British state is a liberal democracy and besides the legitimate users of violence, the police are also expected to uphold rights of the citizens they serve and maintain public order. Scraton quotes Hall's work about how the police simultaneously occupy contradictory roles,

'Wherever the law draws the line, the police are required to hold it. Conflicts with the state, with employers, with specific laws and regulations, with policies and conditions, are inevitably displaced onto the police in any serious confrontations. As a society we lay on them the responsibility for discharging what may be mutually irreconcilable responsibilities: they must enforce the law impartially, defending the liberties of the citizen, while maintaining public order and the Queen's Peace' (Hall, 1980 [Quoted in Scraton, 1987, 146]).

The reliance of the police on common law is taken to mean that the legal code they enforce exists in a state of naturalness as opposed to political construction. Balance is supposed to be maintained between all the competing demands on the police role due to a law that arose as each and every situation required (Scraton, 1987). Scraton disagrees with this summation and says that in the 19<sup>th</sup> century the police responded to groups of citizens differentially according to assumptions about shared behaviour. There was a wide scope of discretion on the part of chief constables and lock-outs, strikes and demonstrations experienced forceful policing. Scraton takes this as establishing their political function within the law as protecting the free market and its operation from the challenges of organised labour and a mobilised working-class. This makes their supposed impartiality harder to accept for targeted populations (Scraton, 1987). He criticises liberal-democratic theory for assuming that everyone agrees with the law and that the latter is consistent and natural and unchanging. This means that important questions about how the law upholds certain class, gender or race relations are depoliticised and the police are seen as neutral enforcers by consent (Scraton, 1987).

Scraton's contention that different populations can experience different degrees of police force is important for this study, as different groups within anti-austerity politics also received different degrees of enforcement. However, despite how this occurred in the 19<sup>th</sup> century, the literature on policing has shown that in different historical periods, force can play a much more subtle role for the police than the automatic right to it. Any discussion of the police needs to take into account the role of discretion but a lot of this literature tends to focus on its use in the context

of beat policing. There is a question around the extent that discretion is possible in public order policing as it is in beat policing. Ordinary beat policing often happens away from the supervision of commanding officers and it is very hard for supervisors to ascertain what exactly happened, especially in the case of under-enforcement where a crime or irregularity was overlooked (Waddington, 1994). Ker Muir Jr pointed out that in beat policing officers often avoided 'hot situations' out of concern for their jobs. This often involved walking away from situations where they can face abuse because as one of his interviewees said, "I'm not without worry about the repercussions...My rule is no ticket is worth it if he's going after my job, and I'll let him have his way" (Muir, 2005, 176).

However a protest is a far different scenario. Much like the protest itself, policing will occur in a very public space and may gather the attention of onlookers, the media and consequently the political establishment. Because of this increased visibility, central command during a public order operation is usually very tight in the midst of media coverage and may opt to avoid a political backlash (Waddington, 1994). The longstanding visibility that exists in protests is further heightened by what authors have recently identified as the advances in mobile phone technology that means everyone, protester or just bystanders, can take high quality footage of protests and police action and upload them onto streaming platforms such as YouTube. This has been termed as the 'new visibility' (Thompson, 2005; Goldsmith, 2010) and speaks to the power of the media to reveal the hidden practices of powerful organisations such as the police or the military. This means that the police are subject to more stringent expectations from the public who can now scrutinise their conduct at home through the internet. This is termed "*secondary visibility*" [Italics in original] (Goldsmith, 2010, 914). This chapter will revisit the concept of the new visibility in more detail when it outlines how it informed the analysis of surveillance strategy of the MPS.

Suffice to say, for the concept of discretion these were important issues as the research made sure that as well as searching for data around when the police resort to force, it also asked under what circumstances the police refrained from using force. It concentrated on instances where the police under-enforced the law and this helped to form an important consideration as to the extent police can tolerate disruptive or illegal protest for the sake of causing less confrontation and when they no longer can sustain this approach.

Besides opening up considerations on the use of force for the police, Weber's quote also reiterates that a public police force, like the MPS, is tied to the State. Della Porta and Reiter include centralisation as an important consideration specifically the importance of the central government and the amount of control they have over public order policing (1998, 11). No matter how independent or decentralised the police organisationally are, they are enforcing Parliament-

legislated law. As well as the amount of control central command can have over their officers during a high profile public order operation, the research remained alert to any indication of political considerations or the possibility of governmental intervention. But even without this the police as an institution is responsible for enforcing the law either with using force or communication or surveillance and as Manning says the law is a political construct (Manning, 2005). Whether the government is right-wing or left-wing the police must enforce the laws they pass which can reflect party political priorities and values. The law can also expand police powers if the political culture and its particular stance on law and order deems this to be necessary. This can be seen in the aforementioned expansion of anti-social behaviour and anti-terrorism legislation that the police extended to protest (Rowlands, 2005; 2010a; 2010b; 2011).

When comparing the British police force to the French police force, Fassin identifies the former as more community-led yet at the same time State control over law enforcement has become harsher in the last three decades. This is in contrast to the French police who are administered at a more national level. He says the issue might be that community level policing, while more open to social expectations than the decrees of central government are also more open to the imperatives of local politics (Fassin, 2013). The MPS serves the capital city which holds the Houses of Parliament with oversight from the Mayor of London. During the timeline of this research both the Mayor of London and the governing party were Conservative. Despite this there were conflicts between the Mayor of London and the Home Secretary when the former authorised the purchase of three water cannons for use by the MPS, which the latter subsequently forbade the use of (Elgot, 2015). As a state agency, the MPS must take account of national and local government which can sometimes have conflicting priorities.

The previous subsection looked at literature that focused on the personal beliefs and values of police forces and asked how this affected them undertaking their duties. However, that pre-existing research also included the structural position of the police in society and their role and function as well as the capability to use discretion. It is vital to see how important these are and how they interplay with police culture in a public order context.

The next section will look at some models of crowd behaviour that have influenced this analysis.

### **2.3 Models of Crowd behaviour**

This section outlines two different theories of crowd behaviour that the research included in its analysis. It would be important to review these and compare them to findings from the data on how the police view the causes of crowd violence. The first model is from David Waddington and is

known as the “flashpoint” model of riots that outlines the different conditions and variables that can cause a public order event to result in a riot, or severe confrontation between the police and the crowd. The section also reviews another model, the Elaborated Social Identity Model (ESIM), and this has a particular importance as it is quoted in police reports as forming an important theoretical component to the recent innovation of liaison policing (HMIC, 2009b). However as this section will show, the flashpoint model of disorder can hold different emphases which ESIM misses. This section also outlines research on the 2011 riots throughout England and the differing explanations for the disturbances from rioters, police and politicians. Due to the timeline of these disturbances being concurrent with the anti-austerity protests, it was important to be aware of some of the debates around public order policing and how they pertained to the topic of this research. It will also include insights from the ethnography of Fassin on policing in Paris’ *banlieues* which, like the flashpoints model and ESIM, also links public disorder to a policing approach based on heavy enforcement.

If one thing is clear from the literature on public order policing, it is agreement that any examination of public order has to take a multivariate character as opposed to explaining ‘class’, ‘inequality’, ‘racism’, ‘rumour’, ‘crowd violence’, ‘police violence’ or any other variable as the single factor that foments disorder.

The research restricted itself to two models of public disorder. The first model is one of the most up-to-date and well known and had the most comprehensive list of factors that can influence the spread of disorder (Waddington, 2007). The model of ESIM is important to understand and interrogate due to its application by the MPS (HMIC, 2009b). The flashpoint model of crowd disorder has six stages. The first three stages refer to background factor; the structural, cultural and political environment which the participants reside in and the protest occurs against the backdrop of:

- Structural factors: These derive from broad social inequalities amongst any social group and can include lack of political representation, frustrated life chances and material inequalities
- Political/ideological: This is how the group in question are constructed culturally and the most adverse possibility is that they experience constant vilification which can fuel repressive measures against them.
- Cultural: This is the shared day-to-day experience amongst the group from which common beliefs and world-views arise. This is the trigger that can build solidarity between them and an antagonistic relationship with the police.

The next three stages deal explicitly with the influences for flashpoints on the day of the protest:

- Contextual: These are the communication processes leading up to disorder and can include rumours of police arrests or whether the event has had pre-event liaison between protestors and the police.
- Situational: These are the spatial and social determinants and can include the possibility of disorder occurring in certain symbolic spaces. Dissenting groups might view them as needing defence while the police might view them or the people occupying them as needing to be 'brought to heel' (Waddington, 2007, 49-51). Social determinants can include whether the dissenting groups actually disavow violence or not and whether police overly control protestor moves and thus help build resentment against themselves.
- Interactional: This will be the 'flashpoint' incident that can result in violent confrontation including, but not limited to, police arrests or containment of protestors or, protestors engaging in property destruction eliciting police response (Waddington, 2007).

Waddington's model is useful as it emphasises the influence of memory, socio-economic factors, the prevailing political climate and the role of certain spaces imbued with a certain symbolism that the next model, that of the Elaborated Social Identity Model (ESIM), often fails to acknowledge (Waddington, 2012).

The flashpoints model was important due to the fact that disorder is what public order policing seeks to avoid and to contrast how this model explained how disorder germinates as opposed to what the police describe as the most important factor in sparking any disorder they experienced. In this study the structural level was represented as austerity creating a contraction of future economic prospects for people (Wieviorka, 2012). This can result in a mobilised social movement as described by Beck's concept of subpolitics (Beck, 1997). At the cultural level different protest groups may have certain shared experiences and ideas of the police. One thing that can be of concern are the instances of police brutality and abuses of power that can lead to unfavourable constructions of the police force. These include examples such as Ian Tomlinson's untimely death or the life-threatening injuries that student protester, Alfie Meadows sustained after being hit by a police truncheon during student protests (Taylor, 2013). At the situational level, certain businesses or locations may be more susceptible to direct action such as the City of London as the centre of the financial district. Also certain locations may have great significance for the police. Protests around

Westminster for instance can create 'in the job' trouble for the police if any MPs feel targeted or under threat and the policing may take a harsher stance to protestors despite the damage this may cause for public perception. This also happens at important landmarks such as monuments and high profile events like state ceremonies. 'In the job trouble' refers to backlash or criticism from politicians or other VIPs that experience disruption or feel threatened from demonstrators. Instead of resorting to under enforcing the law to avoid confrontation with the protest crowd, which P.A.J. Waddington deems 'on the job trouble', the police take a harsher stance towards demonstrators even if this means that good relations break down or they get negative coverage in the press or from civil rights organisations. Waddington calls this scenario as being forced to 'die in a ditch' (Waddington, 1994, 167, 180, 185).

One important occurrence throughout the timeline of this research was the August Riots of 2011 that spread throughout England in the wake of the shooting of Mark Duggan, a young black resident of the Tottenham borough in London, by the MPS. The report *Reading the Riots* (LSE, 2011) by criminologist Tim Newburn, a team of journalists from the national newspaper, *The Guardian*, and researchers from the London School of Economics (LSE) was issued. The collaborative project included qualitative interviews with people who partook in the riots and police officers who served during them. The first phase focused on the rioters and what their background was, as well as the motivations for causing disorder (LSE, 2011). '85%' of the rioters interviewed said that policing was an 'important' or 'very important' factor into why the riots happened with a general lack of respect or a discriminatory attitude on the part of the latter (LSE, 2011, 4). '73%' said that they were stopped and searched in the previous twelve months (LSE, 2011, 19). This can be reminiscent of the cultural stage of the flashpoint thesis, where those who took part in the study drew on their day to day experience with police as explanations for their actions (Waddington, 2007). As regards the structural stage, there are some socio-economic regularities found where, out of more than 1,000 court cases, 50% of defendants came from the poorest fifth of areas. Other analyses from the Department of Education and the Ministry of Justice are quoted as putting the figure at 64%. This may suggest that inequality played a part in this riot, yet a lot of the interviewees hesitated to put their actions all down to this. They also mentioned that despite over half the interviewees being black they did not consider these to be "race riots" (LSE, 2011, 4-5). This is interesting considering that the first localised instance of riot was in Tottenham happening in the wake of a protest against the police shooting of a black man. Then in the following days other boroughs of London and then cities across England experienced disorder. "Many rioters" are described as conceding their involvement was down to simple opportunism when the looting began (LSE, 2011, 5). It is this ambiguity in terms of what motivated the riots that they were not included with the anti-austerity

protests this research focused on. This is despite some interviewees saying that the government decision to cut the Education Maintenance Allowance and the rise in tuition fees as a motivating factor. '86%' of interviewees say that poverty was an 'important' or 'very important' factor but 70% also said that 'greed' was too (LSE, 2011, 11). The self-ascribed motives of rioters are too varied and disparate to count as simply anti-austerity protest. However due to its high profile, co-occurrence during the timeline of anti-austerity protests and questions around police response, the importance of the riots cannot be overlooked.

Another factor that attracted much media comment was the effect of social media facilitating the spread of disorder. This revolved around participants using the social media platform, Blackberry Messenger, to spread details about where the next riots were going to be. This meant that groups were able to spontaneously coalesce and coordinate faster than the police could organise and respond with their radio communications (LSE, 2011). This also meant that there was considerable misinformation and rumour that the police had to separate from fact and hence were often deeply conflicted about where to send their resources (Prasad and Adegoke, 1 July 2012). This is an interesting example of the emphasis of the flashpoints model on the communication processes leading to disorder. Here rumours and quick, confidential means of reaching several social media users helped the riots to grow more quickly and extensively.

There was a second phase to the research on the riots consisting of interviews with the police officers who were deployed, as well as defence lawyers, judges and prosecutors. These results were released as a series of articles on the website of *The Guardian* as opposed to a piece of singular research<sup>2</sup>. 130 officers were interviewed and several themes arose. One was the feeling that riots would happen again and one article from 2012 quotes an officer as not seeing any difference between August of 2011 and that year. He explains it thus, '...if you have bad economic times, hot weather, some sort of an event that sets it off...my answer is: yes, it could' (Lewis and Newburn, 2012). An important question arises as to why the riots did not re-occur on the same scale in the intervening years. They might still happen again but not as quickly as the participant believed they would.

The other model which this research used was the Elaborated Social Identity Model (ESIM). This is the model that the police apply and develop in their use of liaison policing. Reicher developed it and Stott and Drury turned it into a model for describing crowd disorder (Drury and Stott, 2011). Reicher stated that his theory aimed to challenge previous ideas of crowd action as being irrational, thus explaining collective violence and disorder. He repositions crowd participation as socially meaningful where members of the crowd can identify with each other to a high degree (Reicher,

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<sup>2</sup> This was confirmed in the course of email correspondence with Prof. Newburn, 3 July, 2017.

2011). Instead of people losing their identity in the midst of the crowd they are said to identify with the crowd as a whole and thus shift their priorities from individual self-interest (ibid.). He also states that crowds can emphasise social solidarities using examples such as parades and national football matches and social movements events such as student protests against the fees seeming to have galvanised further action 'by demonstrating that there is a critical mass of people who are angry enough at what is happening and willing enough to act together as to make a broad and effective anti-cuts coalition a viable proposition' (Reicher, 2011, 441). It has proved compelling in its explanation of the effect the police can have on fomenting crowd disorder with the use of an 'in-group' and 'out-group' mode of analysis (Reicher, 2011, 444). Stott explains police action and how it can be perceived. If the police (the out-group) use harsh action against a protest the whole group may feel victimised and begin to identify with each other thus solidifying in-group relations. This can mean that they are more open to voices within the crowd calling for hostility and confrontation with the police. On the other hand if the crowd view the police and their actions as legitimate, then conflict can be avoided as people in crowds 'self-police' and 'self-regulate' their behaviour amongst themselves and will be more co-operative (Gorringe et al, 2012, 112). This is in opposition to theories that crowds are naturally given to panic which Stott and Drury criticize as a 'blame-defecting device...a tragedy can thus be explained in terms of 'natural' tendency of crowds to panic rather than the negligent actions of those professionally responsible for venue safety or event management' (Drury and Stott, 2011, 284).

Fassin (2013) did not see much emphasis on communication in the Parisian policing squad he was embedded with. He attributed the cause of riots in 2005 in the *banlieues* as appearing after years of harsh policing of minor infractions on the part of minority ethnic youths. There has also been criticism of police use of stop and search in the UK for causing some of the resentment amongst participants in the August 2011 Riots (LSE, 2011). In urban environments, police can turn neighbourhoods against them if they treat them as entirely deserving of harsh action. This is analogous to ESIM's explanation of how public order policing can generate disorder over a much shorter time frame and more spontaneously.

ESIM is a nuanced account of how the police need to consider a heterogeneity of different subgroups in the crowd and distinguish those largely negative in their attitudes to the police and those less so. This is opposed to deploying tactics of enforcement on the crowd as a whole and engendering wide-spread hostility. However, while ESIM seems to focus on what police need to consider on the day of the protest, the flashpoints model offers an extensive set of background factors such as cultural and structural spurs for protester hostility over lengthy periods of time. This can include long held memories in certain protest communities of previous harsh police

enforcement. This means that hostility can be more deeply entrenched and means protests can begin with this antipathy to the police already in place.

## **2.4 Three strategies of public order policing**

What follows is a description on the actual tactics that the police use. These tactics are grouped separately under three different strategies of deployment. They are 'force', 'surveillance' and 'communication'. These are to give the research a chance to look more theoretically at the orientations that public order policy can emphasise in any given engagement and they are justified. This section outlines the major theoretical writings across policing literature and other sources that brought analytical insight to bear on the MPS use of them in public order policy. Each sub-section will outline what these strategies involve and the theoretical issues they raise in turn.

### 2.4.1 Strategy of force

Tactics around the strategy of force involve physical intervention upon the person of the protestor such as baton charges or 'non-lethal' weaponry. They can also include tactics that result in the partial or complete denial of the liberty of the protestor or their freedom of movement and can include arrest, dispersal orders, containment, area-exclusion orders, disrupting protestor communications and other tactics.

Fassin discusses the link between the police use of 'force' and police 'violence'. When studying the French context he stated that the established criteria of the police use of force is that it must be, 'justified and proportionate: justified with regard to the danger (legitimate defence) or the crime committed (sufficiently serious), and proportionate to the action being taken (immobilization [sic] and handcuffing) and the physical characteristics of the individual concerned (strength and resistance)' (Fassin, 2013, 127-128). He states that in administrative and juridical proceedings that police violence is 'physical', 'easily identifiable' (as injury or death) and police must display how they believed their use of force was justified and proportionate as previously outlined (Fassin, 2013, 128). As opposed to these three criteria his analysis of police violence wants to redefine it as affecting 'the integrity and the dignity of individuals, not just their body and flesh; second may be deeply grounded and therefore unseen; and third, involves an ethical, rather than a strictly normative component' (Fassin, 2013, 129). This he hopes will move away from the reductionist criteria of physical and observable injury to also encapsulate the daily humiliation that the young men and boys of the *banlieues* experience. The latter is easily hidden which is particularly important in the event that psychological injuries such as trauma are inherent (Fassin, 2013). For this research the

research not only look at how enforcement can cause injuries but that other effects could include possibly dissuading or intimidating protesters from attending protests.

It is often described that the UK police are taking on a more authoritarian character in the face of democratic protest. This type of criticism was often echoed during the 1980s (Waddington, 1994) especially in the context of famous pitched battles with miners' strikes in Orgreave which led to one chief constable describing the strikes as, '...a big setback to the image of the police as classless' (Reiner, 1991, 183). At this time, Scraton identified this upsurge in police brutality which he attributed to contemporary 'economic contradictions inherent within advanced capitalism' with 'sharply evident' political and social consequences (Scraton, 1987, 145). Considering this research occurred during a massive global recession, it is important to keep in mind how the police react to those who are protesting against its consequences and if there is a similar rise in the use of force against them.

Current commentators state that it is more likely that political sensitivity to police violence has also increased (Loftus, 2010; Waddington 2008). Chief constables agreed with this in 1991, not long after the events remarked on, 'Questioning of authority comes at an earlier stage now' (Reiner, 1991, 170).

The literature shows a concern with the increasingly 'paramilitary' appearance of police armed with rounded shields, heavy visored helmets and formations. Waddington and Wright have described this as a necessary aspect of health and safety for police workers (Waddington and Wright, 2008) especially after its origins in the riots of the Notting Hill Carnival in 1976 where 300 officers were injured. It was in this context that, as well as an update in equipment, there were also developments in the use of 'snatch squads' that can descend into the crowd and the Territorial Support Group (TSG). According to Waddington, TSG are more dedicated to public order duties than regular officers and are, '...given the more difficult and sensitive tasks to perform because senior officers felt that they can be relied on' (Waddington, 1994, 25, 142). This view is not universally shared with the use of force still being equated with an authoritarian style (Gilmore, 2010). Her Majesty's Inspectorate of Constabulary (HMIC) has acknowledged that, 'The British model can easily be eroded by premature displays of formidable public order protective uniform and equipment which give the perception-inadvertent or otherwise-of a hardening of the character of British policing' (HMIC, 2009b, 12). This is a concern that has been central to British policing since its foundation where Robert Peel ensured that the new police force in no way resembled the infantry in dress (Emsley, 1996, 74). While Waddington says that a more paramilitary style is safer, on the plane of perception it causes concern.

Waddington, drawing on the work of Reiner says that, just because the legal capacity for more coercive measures exist does not mean that the police will automatically use them and that a lot of what he observes tends to be an 'under-enforcement' of the law especially in the context of protests due to wanting to avoid 'on the job' trouble (Waddington, 1994, 40, 52). There is also pre-existing legislation regulating the use of force in public order policing. However the HMIC has highlighted concern that police forces do not seem to have a comprehensive understanding of this legislation, especially as to how the use of force pertains to the Human Rights Act 1998 (HMIC, 2009b). In an allusion to the earlier discussion on police culture the report even cited that, 'Trainers did not appear comfortable teaching the human rights element of the course' (HMIC, 2009b, 115).

People may be more sensitive to policing and Waddington points out the growing use of 'non-lethal' weaponry like truncheons and Tasers as evidence that the police are addressing these concerns (Waddington and Wright, 2008, 469). But it was truncheons that hit Ian Tomlinson and sent student protestor Alfie Meadows to intensive surgery (Taylor, 2013). Waddington's idea that the use of truncheons and snatch squads actually squares with public sensitivity to violence seems to forget that these can also cause harm. The experiments around communication and liaison policing also show the police realise themselves that their use of force has not always been non-lethal. As well as that Waddington acknowledges that at certain public order operations that symbolic locations or the presence of VIPs may force the police to, as he says, 'die in a ditch' (Waddington, 1994, 167, 180, 185).

After the August 2011 Riots the then-Mayor of London, Boris Johnson, worked with the MPS to acquire water-cannon. Even though water-cannon has had no deployment in the UK outside of Northern Ireland the Mayor still felt that the 2011 riots had set a new precedent where the MPS should be able to access it. It was only the overruling of the Home Secretary that avoided its authorisation for future deployments (DtRtP, no date). Writing for Statewatch, Moss has drawn comparisons between the MPS and policing in Northern Ireland. He cites then-MPS Commissioner Hogan-Howe's authorisation of baton rounds before student demonstration in 2011 and the aforementioned plans to buy water cannons as proof of this (Moss, 2013). He attributes this to a change in penal mood after the August 2011 Riots. He quotes a judge in a court case against one of the participants in a student protest in December 2011 who states, 'There can be very few decent members of our community who were unaware of and were not horrified by the rioting which took place all over the country between 6 August and 11 August 2011' ([Quoted in] Moss, 2013). Research for *Reading the Riots* states that 130 police officers interviewed, "generally believed that...making sure there were greater numbers of officers on the ground would be far more important-and effective-than introducing new water cannon or using plastic bullets" (Lewis and

Newburn, 2012a). At the same time the police were also criticised for not have “robust” enough tactics from the Prime Minister, but the officers interviewed said it was a lack of resources that resulted in them losing control. The MPS has since trained 1,750 more officers in public order tactics at the time of publication and improved how they are deployed (Newburn, 1 July 2012). It is an important question to ask to what extent new officers are needed when one of the main criticisms out of the *Reading the Riots* research was that the MPS command did not adequately request outside assistance during the initial days of the riots. They only brought in 124 officers over the first two days of rioting, then 500 on the worst night and then 1,705 were finally brought in on Tuesday which as a show of force is believed to have stopped disorder from continuing (Prasad and Hyde, 1 July 2012). Rather than increasing the police presence on streets in day to day policing with new officers, speedier responses to emergencies might be a more effective and community friendly approach. What this shows is MPS commanders responding to political pressure to engage in more robust displays of force by attempting to acquire water cannons and authorising baton rounds.

The use of force is closely tied to the perceptions of policing and how this can affect its deployment. Discretion is also an important factor in police under-reaction as much as over-reaction. This was kept in mind during the research as a possible influence in not deploying force or affecting police decisions of when to do so.

#### 2.4.2 Strategy of surveillance

The strategy of ‘surveillance’ involves any method of collecting information on demonstrators through direct-ocular, audio-visual, overt means such as Forward Intelligence Teams (FIT), Evidence Gathering Teams (EGT) and covert means such as plain clothes officers. A discussion of the use of surveillance in public order is important to include.

The literature the research drew on was often related to the tradition of Foucault's theory of ‘panopticism’ that either developed his work or often criticised its account of surveillance in modern society. This research is on the police dealing with protests that happened predominantly out in the open and hence the model of panopticism drawn from analysis of prison surveillance might suggest a certain irreconcilability. However a key contribution from Foucault's theory of panopticism was the possibility of being under observation and how the awareness of this makes the subject regulate their own behaviour in a process termed as ‘soul training’. Foucault states that it instils a regime of discipline which he defines as a ‘type of power’ or a ‘modality for its exercise’, and said that this power was found throughout society. He gives special mention to the police, as an apparatus of the state, utilising this to assure ‘that discipline reigns over society’ (Foucault, 1991, 210). This is different from merely conceiving of surveillance as a purely technical means that gathers

information and compiles data to help in locating offenders (Coleman, 2004). Several theorists that followed Foucault have attempted to use panopticism to theorise other manifestations of surveillance in society and the behavioural effects it tries to instil. Elmer states that the objective of panopticism was, '...to establish the potential political effects of a ubiquitous form of institutional power, not an all-seeing or all-registering eye, but a landscape that could at any time impart in an individual a likelihood of surveillance' (Elmer, 2012, 24). The stated benefits that are supposed to cohere in surveillance as a means of crime prevention is reminiscent of this observation from Foucault. The very presence of surveillance in the form of easily identifiable CCTV cameras in car parks or public spaces are thought to dissuade potential offenders from committing offences or at least not commit them at these heavily observed areas (Gilling, 2009).

Surveillance is not merely a form of intelligence gathering, but its visible manifestations can have a behavioural effect on the people it watches and this happens because those in turn can see it in operation. This serves to raise the question about the extent visible surveillance at protests might also dissuade potential offenders from appearing at the demonstration. This may also dissuade certain protesters, such as direct action practitioners from engaging in protest through the visible use of this intelligence gathering. Peaceful, non-direct action protesters may also be caught under this heavy surveillance at the same time, thus making the attendance of demonstrations as less attractive to them.

There have been criticisms of the concept of panopticism. Foucault based it on the idea of the Panopticon, a model prison of the 19th century, circular in construction with the cells arranged around a central tower affording advantageous visibility for the guards of all the prisoners (Foucault, 1991). Citing an empirical study of modern prisons, Lyon has stated that in a maximum penitentiary system in Washington the prisoners often engaged in self-mutilation, self-harm and dirty protests leading the author of the study to state that the massive emphasis on control and surveillance actually lead to behaviours of resistance (Lyon, 2006). Haggerty suggests removing the theory of panopticism from surveillance studies altogether, arguing that it leads analysts to ignore issues or modes of surveillance that do not fall under the heading of panopticism (Haggerty, 2006). He states that the functions of surveillance have expanded far beyond what was initially envisioned by panopticism for purposes of consumption, entertainment, health promotion, governance and countless others (ibid.).

Lyon's criticism warns against taking the behavioural effect of discipline that Foucault observed as automatic in its operation as the prison and indeed any form of surveillance might not elicit this reaction but that there might also be acts of resistance or disruption. At the same time

Haggerty states that there are other forms of surveillance that do not merely follow the mode of powerful actors bearing intense scrutiny on those who hold less power in society.

The relevance of these criticisms for research on protests is plausible through the proliferation of surveillance away from a simple dyadic relationship of the powerful observing the masses to one where activists can scrutinise the actions of the powerful. However this is not taken to mean that differences in class or influence does not affect how intensively one can experience surveillance (ibid.). This rise in activists using surveillance to observe the more powerful actors in society has been termed as 'sousveillance', meaning surveillance from below. It seeks to revert the situation where more powerful actors are able to observe and record people in an asymmetric power relationship (Mann, Nolan and Wellman, 2013). Surveillance threatens autonomy and people are described as having to merely accept it to take part in "public activities (shopping, accessing government sources, traveling...)" (Mann, Nolan and Wellman, 2013, 347). It is possible to add participating in a protest as an example of activities where observation must be endured. But sousveillance is an attempt to "redirect an establishment's mechanisms and technologies of surveillance back on the establishment" (ibid.). Other authors have also referred to this as "counter-surveillance" on the part of activists (Wilson and Serisier, 2010).

Coleman indicates other trends of resistance such as activists bringing a change of clothes or face coverings to try and deter the camera (Coleman and McCahill, 2011). Policing scholars have also referred to the 'new visibility' of police work (Thompson, 2005; Goldsmith 2010). This shares the emphasis in panopticism on surveillance shaping the behaviour of the observed and how this applies to the police due to the easy accessibility of recording technology. Online streaming platforms mean that images of the conduct of police officers during protests can go viral, and end up on mainstream media outlets if deemed sufficiently newsworthy. Indeed video activists often use the mere appearance of recording to dissuade police from using violence on the day and purchase broken camcorders specifically for this reason (Wilson and Serisier, 2010; Brown, 2016).

Thompson states that political power can become more visible and distinguishes this from the Panopticon with the succinct statement, "Whereas the Panopticon renders many people visible to the few, the media enable a few people to be visible to many" (Thompson, 2005, 40). Haggerty and Sandhu (2014) state that this can produce a 'crisis of visibility' particularly due to the reliance of the police role on the use of force. This can create a new, yet contradictory imperative for the police between maintaining order yet using force in such a way that is not damaging to their public image. Drawing on his experience as a police officer as well as interviews with over 200 officers and policing officials in Canada, Brown (2016) assesses this 'new visibility' (Thompson, 2005) as well as the attendant concept of the 'crisis of visibility' (Haggerty and Sandhu, 2014). He says that the vast

majority of his interviewees are aware of being recorded in the course of their duties by a private citizen and that it was, “*always present* in their consciousness [Italics in original]” (Brown, 2016, 302). Half of his respondents state that they use less physical force and that under half use force less often (Brown, 2016). He takes this as an example of Foucault’s treatment of the Panopticon as a means of internalisation of control and discipline (ibid.). While acknowledging that this may have an element of coercion the author seems cautiously optimistic that the end result may be, ‘...fewer police use of force scandals, elevated public trust in the police and a revitalized [sic], respectful and mutually empathetic public-police relationship’ (Brown, 2016, 308).

This can have legal implications with activist videos in court undermining police testimonies (Wilson and Serisier, 2010). While this should not be taken as a given it can challenge beliefs that a police officer’s word is automatically more trust worthy than a protester’s (Wilson and Serisier, 2010; Haggerty and Sandhu, 2014). It can also further confirm the suspicions of the public if they have a longstanding distrust of the police (Haggerty and Sandhu, 2014) especially if that public is far more questioning of power than before (Goldsmith, 2010; Brown, 2016). Middle-class publics who are not familiar in dealing with police use of force may be more sensitive to its display and shocked by emerging footage in the mainstream media (Haggerty and Sandhu, 2014; Brown, 2016).

Greer and McLaughlin spoke of the ‘citizen journalist’ as prominent on the day of the G20 protests and ‘technologically empowered’ to reproduce video evidence that challenged police narratives. This led the news media to move their discourse from ‘protester violence’ to ‘police violence’ (Greer and McLaughlin, 2010, 1041). They state that the rise of these new technologies disrupt what Becker called the ‘hierarchy of credibility’ where the highest groups can define a set of events or reality (ibid.). In this case the police no longer held the primary narrative in the mainstream news media and conferred with legitimacy and primacy over protester accounts. As regards the case of the death of Ian Tomlinson at the G20 protests, Greer and McLaughlin stated that at first the media were largely deferential to police accounts that Mr. Tomlinson collapsed from a heart attack and not after police contact, but this was impossible to sustain with the sheer density of cameras that were present belonging to protesters, citizen and professional journalists, passer-bys, the police themselves, CCTV and private businesses. Instead of being told what the news is, citizens can now help produce it themselves (Greer and McLaughlin, 2010). This is reminiscent of Mathieson’s ‘synopticon’ (Thompson 2005, Goldsmith, 2010; Brown, 2016), where instead of merely the few observing the many as per the Panopticon, members of society can also be “media producers” (Goldsmith, 2010). It can also trigger an inquiry and the Independent Police Complaints Commission (IPCC) gathered footage from hundreds of CCTV cameras as well as police cameras and

personal cameraphones on the day (Goldsmith, 2010). It has also led to official reconsiderations of police tactics which are used in the documentary analysis of this research (HMIC 2009a; 2009b).

However the attempt to get this footage into the mainstream media can suffer drawbacks due to the latter's perceived preoccupation with images of violence and conflict. While this is a disadvantage for State institutions like the police, protest movements will be just as reluctant to be associated with images of violence. The issue can then become all about the accountability of the police as opposed to the issue the protest was trying to highlight in the first place (Goldsmith, 2010).

Also, just as Lyon warned against believing that surveillance emanating from the powerful will result in automatic discipline on the part of the observed (Lyon, 2006), authors have warned against the assumption that there will be automatic accountability on the part of the police with no repercussions for protesters. Much as activists don masks and record police surveillance workers so the police can work against surveillance activists and hide their identification numbers (Mann, Nolan and Wellman, 2013). Also activists using cameras tend to attract more attention from the police and that this could result in physical assault (Wilson and Serisier, 2010). The police could use the law against video activists which Goldsmith has termed "counter-surveilliance" (Goldsmith, 2010, 929). Not only that, but with activists recording the police in the midst of protests, there are further opportunities for wider data collection and identification of other protesters using this footage (Mann, Nolan and Wellman, 2013). Activists can become complicit in an 'amplification of official surveillance' (Wilson and Serisier, 2010, 166).

The research paid attention to any aspects of the police experiencing surveillance from protesters as well as members of the public or media that were present. This would help raise the level of theorising away from just how the police deploy surveillance and how it affects protesters, but to a more abstract level on who engages in it, who is subject to it and whether surveillance can be a tool of resistance as well as control.

There are other considerations in surveillance. In his study of CCTV cameras in urban cities, Coleman faults both official discourse and theorists for how they under-interrogate the networks of power and interests that sustain surveillance systems and use them. For instance in public debates the use of surveillance is seen as a relatively 'unproblematic' way of controlling crime (Coleman, 2004, 1-2), which results in it being treated as a mere technical matter of how it can be deployed and not as, '...a socio-political...within the configuration of partnership agencies and underlying interests that operationalize these concepts as part of social ordering strategies' (Coleman, 2004, 48). Coleman also states that very few questions are asked about what 'behaviours' this surveillance aims to promote and what kind of society, '...it both reflects and is helping to reproduce' (Coleman, 2004, 2-3) and locates it within a 'politics of censure' (Coleman, 2004, 30). This last point shows an

analogous concern to that of Foucault and his critics on the kind of discipline surveillance tries to instil but at the same time, Coleman stresses the role the state has in shaping this situation where surveillance is omnipresent. It is for this reason that, as well as the police being an expression of the legitimate means of force the State holds (Weber, 2009), that, from their inception, the police were the eyes of the State that not only gathered information, but were present and visible to extend discipline. Emsley states that when Sir Robert Peel first established the English police in the early 19<sup>th</sup> century they experienced resistance from 'the English' due to the fact that the latter's 'hostility to things French made them wary of any institution that smacked of military presence or political surveillance of the population', the latter referring to the large system of police espionage in France under the *Ancien Régime* and Napoleonic regimes afterwards (Emsley, 1996, 73-74). However, despite the new Peelian police force being in uniform and thus incapable of espionage (Emsley, 1996), there was still a crime prevention role to policing that results in every officer on the beat being essentially an intelligence gatherer monitoring their route. In his examination of the policing in the mid to late 19<sup>th</sup> century, Storch speaks of a police focus on working class districts and communities and, '...the pressure of an unceasing surveillance and not the intense but sporadic episodes of active intervention and suppression...ultimately produced the main impact on working class life' (Storch, 1976, 487).

The police are the State's internal control over the means of violence, but also directs its gaze upon citizens and this can lead to choices of who is judged to be more unruly. The quote from Storch also demonstrates the two functions of surveillance. There is the intelligence gathering function where citizens are identified, and the active effect of surveillance on its subject by changing their behaviour and making them aware of their visibility. At protests the MPS often have Evidence Gathering Teams (EGT) and Forward Intelligence Teams (FIT) to photograph and take images for investigation and identifying rioters (HMIC, 2009b). This footage can be used after the protest in the event of any criminal acts for investigation afterwards. There was disquiet expressed over inappropriate use of police powers and overt photography during protests and in the use of stop and search to look for dangerous items on protestors (HAC, 2009).

Waddington has stated that, in the absence of intelligence, police often have to rely on 'stereotypical' knowledge of who are the most likely to cause disorder at protests (Waddington, 1994, 107). However other writings state that this can result in the targeting of 'folk devils' (Rosie and Gorringe, 2009) or targeting those that are considered suspicious by the standards of cop culture (Reiner, 2000; Loftus, 2009). It is possible that intelligence can lead to better targeting of disruptive protesters rather than the police targeting the whole group. But there are basic civil liberty concerns when the police as a state agency is recording the whole crowd. It is not enough to

merely trust the police are engaging in a technical fix but might be unintentionally engaging in a form of behavioural adjustment where protesters not intent on violence or disruptive protest are discouraged from attending.

It is in the context of these debates the research addressed the question of surveillance and how it affected protester behaviour as opposed to just recording their movements for the purposes information gathering.

#### 2.4.3 Strategy of communication

The strategy of communication refers to the police using any means to open a line of communication with the protesters. This can include 'negotiated management' where protest organisers meet the police beforehand to discuss preparations (Waddington, 1994), as well as a new tactic called 'liaison policing', where liaison officers mix with the crowd and open lines of communication with them.

Within the literature on public order policing there are numerous references to 'negotiated management' as a successor to previous eras of 'escalated force' styles of policing (Noakes and Gilham, 2006, 99). Escalated force usually involved swamping areas with as many police officers as possible and using force with little thought given to the matter of civil liberties. It was used in different national contexts, including the United States through the majority of the 20<sup>th</sup> century and a variant of it in the Federal Republic of Germany throughout the 1960s to the beginning of the 1990s (Noakes and Gilham, 2006). Noakes and Gilham place negotiated management as arising in response to resulting controversies around the use of force and emphasised a new approach to protestors that emphasised their right to freedom of speech and assembly. The police began to take a more conciliatory approach to protests (Noakes and Gilham, 2006; Gilham, Edwards and Noakes, 2013). This involved facilitating the protestors and helping them achieve some basic protest objectives for that day, thus reducing the degree of confrontation between them and the police. This even included tolerating some minor civil disobedience (Gilham, Edwards and Noakes, 2013, 82). The first signs of negotiated management are placed from the beginning of the 1970s to the 1990s. There was an attitude that the use of escalated force began to signify police failure (Noakes and Gilham, 2006). However the authors warn that this was not a uniform move away from force and that in certain contexts police could use escalated force on certain protests if they involved protestors deemed to be 'bad' or 'transgressive' (Noakes and Gilham, 2006, 103).

Waddington (1994) highlights the antecedents for negotiated management in modes of informal control in ordinary beat policing. Several works on police culture make several references to the police relying on 'talk' or other forms of dealing with the community that goes beyond the use

of force. Banton says the use of force actually makes up very little of the policeman's time, who is more dedicated to 'keeping the peace', and, 'responding to requests for assistance' (Banton, 1964, 127). It is this that leads Banton to deem them 'peace officers' (ibid.). This leads to the counter-intuitive situation where most officers describe any task that does not involve danger or not apprehending a subject as not being 'real' police work, despite the vast majority of their beat not involving any of these situations, (Waddington, 2005, 375). However the potential to use force is what makes the police intervention authoritative even if actual enforcement of the law is rare (Bayley, 2005, 143; Bittner, 2005, 165; Ericson, 2005, 217). At the same time this possibility of force does establish the limits of police negotiation. There's only so far police liaison officers are able or willing to negotiate with protestor aims before evoking a straight prohibition. Force can supplant or indeed constitute the use of negotiation. Also the co-occurrence of the use of communication with both the possibility of force and the use of overt surveillance at demonstrations marks it out as possibly being a form of informal social control out of a whole public order repertoire of tactics.

Waddington also posits the possibility that negotiated management is a form of extending control as the police trying to maximise control by convincing protest organisers of the ultimate wisdom of their recommendations (Waddington, 1994). They use a range of approaches such as having the organiser meet them at the station and deploying better knowledge of the topography of the route or supplying selective information to make sure the organiser comes around to their suggestions. For Waddington this demonstrates the police aim of, 'a *minimally* disruptive demonstration [italics in original]' (Waddington, 1994, 102). The police can gain agreement to these suggestions due to the ability to deploy force if they need to (Waddington, 2006). This is how they can control traffic and put in place cordons, and if these are contravened then there are repercussions, '...the maintenance of civility relies on *members of the public* [emphases in the original] deferring to the authority of the police' (Waddington, 2006, 17). There is the possibility for protestors and organisers that negotiate with the police that they can face a degree of force if they cross a certain line that delimits acceptable behaviour. The protestor in question may not necessarily be using violent action or causing criminal damage, but can be initiating a degree of disruption that the police feel they can no longer tolerate.

As well as negotiated management the study also paid particular attention to the tactic of liaison policing due to its innovation after the G20 protests. This tactic had the possibility to directly affect how much force the police would use as a strategy. HMIC recommended it after the death of Ian Tomlinson (HMIC, 2009b) while activists expressed suspicion that it was merely an extension of surveillance (Netpol, no date). Gorringe, Stott and Rosie (2012) have looked at its use during a protest against a Liberal Democrat conference in Sheffield in 2009 and Gorringe and Rosie along

with David Waddington have looked at a similar emphasis on negotiation during anti-NATO protests in Edinburgh the same year (Gorringe et al., 2012). Liaison officers mix with the crowd and relay observations of the protestors' behaviour and intentions to their headquarters. This avoids the latter making an automatic assumption of there being a risk of disorder and deploying force causing panic amongst protestors and possible backlash. Also, liaison officers can relay to the demonstrators what tactics the police will use so as to avoid the immediate impression of the police resorting to force resulting in the same panic and backlash on the part of protesters. The tactic is based on the social psychological concept of the 'Elaborated Social Identity Model' (ESIM) that the previous section described. Instead of harsh police action resulting in the protest crowd forming tight bonds of in-group solidarity and becoming open to more hostile voices calling for confrontation, they can begin to identify with the police and can even start to 'self-police' or 'self-regulate' their own behaviour. This isolates and counters more hostile voices wanting to engage in more overt confrontation (HMIC, 2009b, 86).

While it is positive that the police are finding tactics other than violent force, it does raise questions whether liaison policing is an opportunity to maximise control as Waddington states negotiated management can be (Waddington, 1994). It is possible that the protest can lose oppositional focus and almost gain the blessing of the police, as long as they can depend on the crowd for 'self-policing' or 'self-regulation'. It poses a question of whether the price of the absence of police violence means giving up any real possibility of confrontation with the powerful actors implementing austerity policies, in this case the Government. This is especially pertinent as the police are employed to regulate democratic protest against the government through maintaining order and peace and are by proxy, defenders of the current administration whether it be Left, Right, Conservative, Labour or any other political stripe. Fassin's (2013) ethnography in Paris's *banlieues* focuses on policing during a very pro-police presidency, who deployed often virulent anti-migrant rhetoric. Officer deployment across the *banlieues* seemed more intent on establishing a fierce control of minority youths' movements and conduct on the flimsiest of pretexts rather than the effective curbing of actual crimes. Fassin speaks of "embodiment" and "internalization" [sic] where the police seek through physical intervention to impress upon the minorities their exclusion from mainstream French society through stop and searches, arrests and dispersals so that, 'It is inscribed in the boys' bodies' (Fassin, 2013, 8-9). The scenario Fassin describes is based much more on brutal enforcement than communication and negotiation but there might be an attempt on the part of the MPS to physically reroute and channel protests on the day through negotiation or persuasion. It may seek to divert them from more public spaces where they can have high visibility. This effectively minimises the impact their objection to austerity can have. Protests set out to achieve either some

aim or objective for the day feeding into the organizers' and participants' wider aims of long-lasting change. This hinges on whether cooperation with the police helps it to achieve these aims or whether a more confrontational mode such as civil disobedience is more effective. Civil disobedience might be ultimately ineffective if those who are the target of the demonstration tolerate it and feel untroubled by it. The police might be happy to facilitate 'ineffective protest' (Gorringe et al, 2012, 118).

If these undermine protests' disruptive and emancipatory potential then protestors must seriously consider if it is worth foregoing the benefits of cooperating with liaison officers to maintain protest's confrontational aspect despite the possible resort to force on the part of the police.

These more negotiated approaches to public order policing have already faced criticism as being more subtle forms of control and being 'neither innovative nor effective in practice and frequently reverted to styles of policing designed to contain protest' (Gorringe et al, 2012, 115, 118).

This discussion also represents an interesting divergence within my research and stems from the application of academic work in the policy arena. On the one, the ESIM model can help explain crowd behaviour and be utilised in a theoretical capacity for this research. However, on the other hand, it also undergirds the innovation of liaison policing. It is both theoretical and applied in the context of this research.

Liaison policing can be contested amongst the police constables themselves who might not see it as 'real policing', evoking the crime fighting role as the quintessential police function. There are also questions about the degree commanders deploy it as opposed to other policing tactics (Gorringe, Stott and Rosie, 2012). Also the police are a body that works in a web of other institutions and powerful actors that can encourage or put pressure on them to take a harsher approach to protest. The tactic can also fall into the same trap as other forms of negotiated management where protestors who automatically comply with police directives are set against those who view the protest as essentially confrontational. Della Porta and Fillieule point to 'Police distinction between "good" and "bad" demonstrators as based on their conception of "legitimate" protest' (Della Porta and Fillieule, 2004, 226). For demonstrators to experience negative constructions they might not necessarily have to be violent but engage in disruptive civil disobedience that groups like Occupy London or UK Uncut do. Their lack of interaction with liaison officers could ultimately be taken as another sign of the symbolic assailant and they will experience harsher forms of policing.

## **2.5 Conclusion**

This literature review points out the striking similarities between writings on police occupational culture and those on public order policing specifically. The research herein used these to analyse the

chosen phenomena in this thesis and to see to what extent these still applied for the MPS in London against anti-austerity protests. The particular emphasis in the literature on how the police divide the populations into “rougher” and more “respectable” sections (Reiner, 2000; Loftus, 2009) chimed with the confirmation that in public order a similar process happens, where “respectable” protesters are separated from nominally “disruptive” ones or “violent” protesters (Della Porta and Fillieule, 2004, 226). This literature emphasised the importance of extracting how police made these distinctions as it would explicate what is prescribed as “legitimate” and “illegitimate” forms of dissent within the anti-austerity movement and how the research participants felt the police should react to them.

It also helped to shape analysis on the use of force while surveillance studies and writings on liaison policing and negotiated management helped define and shape analysis of the tactics of surveillance and communication respectively. After surveying the tactics mentioned in the literature on both beat policing and public order policing as well as those referenced in the primary texts it became clear that for ease of reference all the different type of tactics could be separated into three different concepts of “strategies” of force, surveillance and communication. This gave greater analytic focus to the research and allowed the data to display which strategy or broad group of tactics the MPS used the most in policing anti-austerity protests. It also allowed analysis on what extent the police deem these to be ideal for each protest and how they reached that decision. It finally considered the way these strategies interacted and complemented or indeed inhibited each other.

The next chapter outlines the ontological and epistemological orientation of this research and how this shapes the methodology for gaining answers to the main research question.

## Chapter 3: Methodology

The research focused on a police force operating in a vast capital city of a country currently undergoing a wide ranging austerity program.

This chapter will first outline the epistemological orientation and methodological approach favouring qualitative analysis resulting in a deployment of grounded theory for data collection and analysis. A detailed exposition of the research methods follow including an explanation for the selection of data sources and the recruitment of participants for qualitative interviews. The next section will highlight any ethical concerns that arose during the interviews around confidentiality and gaining informed consent and their resolution. The subsequent section explains the use of grounded theory to analyse the data stemming from the different data sources. The chapter ends with a summary.

### 3.1 Epistemological orientation

The 'epistemological orientation' is what the research considered to be the most appropriate form of knowledge to produce on the social phenomenon it was examining. This would influence the choice of methodology and determine the appropriate data for this research as well as the appropriate methods to obtain and analyse it. This section also argues why it chose constructionism as the ontology of this research. It explains why an interpretivist epistemology demands reflexivity on the part of the researcher when interpreting the phenomenon under discussion.

The epistemological orientation lies in the tradition of interpretivism meaning the position that different social actors experience social phenomena differently due to structural factors including cultural background or their socio-economic position amongst others (Bryman, 2008). This can affect how they perceive the same phenomenon. When speaking about 'normative standards of value' Weber states that they 'can and must become objects of dispute...because the problem lies in the domain of general cultural values...And the conflict occurs not merely...between 'class interest' but between general views on life and the universe as well' (Weber, 2003, 110) He restates it as, 'the more 'general' the problem involved, the broader its cultural significance, the less subject it is to a single unambiguous answer on the basis of the data of empirical sciences and the greater the role played by value-ideals' (ibid).

Interpretivism recognizes that each social actor interprets from a culturally embedded position and emphasizes a much more empathetic understanding of human action as opposed to a

more detached scientific attitude. The examined phenomenon here, the policing of protest, is also shaped by several social actors who each hold their own interpretations of it. This emphasis on understanding is termed 'hermeneutics' (Bryman, 2008, 28). It originated in long-standing debates in Europe, particularly in the field of theology by Dilthey (Bryman, 2008, 28; Strydom and Delanty, 2003). It has an important parallel in Weber's concept of *verstehen* in which he says the social scientist must explain the causes of action in terms of,

'...interpretive understanding of social action in order thereby to arrive at a causal explanation of its course and affects. In 'action' is included all human behaviour when and in so far as the acting individual attaches subjective meaning to it.' (Weber, 1972, 248)

The choice of an epistemological orientation is in line with an ontological orientation that is largely constructionist where the designated social reality is a product of human construction and populated with human institutions and actions but at the same time there are external events that affect areas of this social reality which each actor interprets but cannot shape or guide as they can other areas of their life. Between humans and for each one there are social phenomena that are (socially) very real events with real consequences that are as external to them as the other human actors. It is a position that aims to avoid an entirely idealist conception of the world but also to avoid a hard objectivism that would establish the social world as fixed and ignore how the definition of its nature shifts between each actor and their interpretation of the phenomena. Sociology is a discipline concerned with 'reality' referring to 'social reality' consisting of human institutions, societies, organisations and various other human groupings. This definition of reality for sociological research is close to that of Schutz who defines it as,

'...the sum total of objects and occurrences within the social cultural world as experienced by the common sense thinking of men living among their fellow-men, connected with them in manifold relations of interaction. It is the world of cultural objects and social institutions into which we are all born, within which we have to find our bearings and which we have to come to terms....an intersubjective one, that is, as a world common to all of us, either actually given or potentially accessible to everyone....' (Schutz, 2003, 137)

However, instead of taking a completely idealist approach to the phenomenon the research recognised that even though human actors are constantly interpreting all that they perceive and can have a hand in shaping the world around them they can also be subject to external effects that other

human actors shape within the same social reality. The household breadwinner who finds him or herself redundant in the aftermath of the financial crisis, facing repossession of their house and queuing up for welfare can confirm this. Social reality is external and can have external repercussions and pressures for those who inhabit it as much as being shaped by its inhabitants. People are constantly interpreting the world around them and these can vastly differ from each other but this does not mean the world is only interpretations and there are no external events with real socio-economic impacts on people's lives. This same breadwinner may interpret their new redundancy as due to their individual performance, blame it on immigration or the financial crisis but either way their redundancy is a real external event, their interpretation does not make it so but merely assesses it. This argument harks back to what Wright Mills (2000) proffered as 'The Sociological Imagination' positing a continuum between private troubles, here being redundancy and fears over providing for family or securing a career for self, and public issues, being worldwide recession and a government determined to answer it with austerity. Young has described it as recognising that humans are "culture-creating beings" with free will but must also respond to circumstances out of their power (Young, 2011, 84). One such circumstance can be the financial crisis of 2008 which Wieviorka (2012) states reveals the injustices of the longstanding neo-liberal system but can open up spaces for people to interpret the new reality and respond to the crisis in innovative, transformative ways. This argument is similar to Beck's model of subpolitics (1997) that respond to the global hazards of modernity. The anti-austerity movements can be one such opportunity for this transformation. However the police are also responding to this new economic reality by predicting an upsurge in public protest or disorder similar to the August 2011 Riots (Lewis and Newburn, 2012). They are interpreting how much global events may increase the demands on their public order policy.

This research is an examination of the public order tactics the MPS have deployed against anti-austerity movements. It concentrated on the degree these tactics relied on force, surveillance or communication. However it is also apparent that there would be no objective way of knowing the exact number of times the police deployed the tactics underneath each category. Also police, activists, members of the public or politicians may describe the severity of the tactics in different ways. The controversy of this very area of study and the role of several actors such as media and politicians means that claims in this area can be divergent from each other. It was for this reason that the research set upon interpretivism as recognising that claims about the public order policy will be couched in intersubjective interpretations arising for the data in the course of this research. The concentration on the police and their interpretations became the object of study in its own right. It examined how the police interpret the public order demands of the anti-austerity movements, what

they described as the dominant approach they used and how they defined these movements, the use of the different approaches and how the MPS have presented themselves in the course of regulating public dissent towards dominant political policies of austerity. For this reason interpretivism is an essential epistemological outlook and the addition of differing outlooks from the interviews was an essential counterpoint to the documentary analysis to see how the different ranks of the police as well as prominent actors viewed the phenomenon under study and where they departed.

However it was also careful to avoid the situation in which past research would often take what the police participants said at face value about certain populations and how they described these groups in negative terms and the researchers would use these expressed values and beliefs as a predictor of future police action resulting in harsher treatment of these sections of the population (Waddington, 2005). Indeed Waddington, along with Young, cites that a lot of these interpretations ignore the preoccupation in social psychology of the divorce between talk and action citing studies from LaPiere in the 1930s that despite several hoteliers and restaurant owners stating to him they would not serve Chinese clients LaPiere then observed them doing exactly that when a Chinese couple came to their establishments. Waddington also mentions the famous Milgram experiment that resulted in subjects displaying no overtly authoritarian attitudes applying what they believed to be severe electrical shocks to interrogees (Young, 2011; Waddington, 2005). This leads Waddington to state that negative or insulting attitudes to certain populations might not be an automatically reliable indicator of how those who hold them interact with these populations (Waddington, 2005). This research was not trying to establish from officer attitudes what police will do but to get them to reflect on action the police already undertook in the intervening years and what descriptions and motivations they attributed this to. Young directly invokes *verstehen* as a '...necessity in the explanation of human activity, criminal or otherwise' (Young, 2011, 52). In the context of this research the meaning police attribute to their past regulation of emerging social movements is the object of study and this did not merely look at "occupational culture" as a direct case of increasing or diminishing uses of force, surveillance or communication but also possible situational or structural causes of certain types of police action. This sensitivity to other causes of police action outside of merely the values inculcated in occupational culture reiterates the epistemological position that members of society interpret an external world whose events are often out of their control but they must respond to.

The other reason the research decided on interpretivism was because of the influence of classic and contemporary police studies that often used methods of ethnography and interviews to gather views of practicing police officers themselves and how their values and beliefs shape their

conduct or how the job would concurrently shape their values and beliefs. These include Reiner's study of the higher ranks of policing consisting of interviews with leading chief constables of Britain's different police forces (Reiner, 1991). Interviews also featured in Bittner's study of officers who patrol the more impoverished quarters of the urban environment colloquially known as "skid row" (Bittner, 2005). They examined how their research subjects constructed the expectations of their role, what they considered to be a good or a deficient police officer, how they described the populations they policed and how they considered those who warranted more suspicion than others as well as the societies they held themselves responsible for policing and the challenges that accrue from that as well as the feelings of pride or cynicism or isolation that the job can often encourage. This research also used interviews to see how practitioners might privately feel or give them a degree of freedom to share their views on the social movements and to see how these compare to official narratives or accusations from activists in the documentary analysis. The research aimed to see how the police interpreted this particular point in time, the financial crisis and the resulting anti-austerity movements and the effects of these international convulsions in the economy and how it affected public order in the streets.

As well as being sensitive to the varying interpretations between the texts in the documentary analysis and the research participants there was also the fact that as a researcher my own collection and analysis of the data would rely on interpretation. It is for this reason there is a consideration of 'reflexivity'. Like the research population whose interpretations are affected by cultural beliefs or socio-economic background I asked how my own culturally embedded position affected my interpretation as a researcher. I am studying protests that follow a huge downturn in the economy and how the police respond to the public order challenges this presents. An interpretivist researcher is not a scientist attempting to remain coolly detached and discover the regular reoccurring laws that explain the manifold of social phenomena. Research on issues stemming from a national government engaging in a widespread austerity program from which third level education is not immune affects how a university researcher perceives the phenomenon. Added to that, as Burawoy states, sociology is a discipline that is commonly more left leaning than the rest of the populace it studies (Burawoy, 2005). There is also my membership of a union and unions forming a significant part of the anti-austerity movement that is significant.

Due to my structural position as a unionised third-level researcher and my cultural embeddedness in a discipline that often considers its task to be critical of current culture and government policy I am already disposed to be sympathetic to a lot of the anti-austerity movements. While I will be eliciting my research participants' interpretations of the phenomena studied I will also be assessing these accounts from which my own value judgments can shape the resultant data

construction. While it may be impossible to avoid these considerations having any effect on my research I remained mindful of certain blind spots that can arise in my investigation. I could not allow any personal opinions lead me to dismiss certain accounts at the outset of my research. Despite my position possibly resulting in sympathy for anti-austerity protesters as I continued to conduct interviews with my police participants I noticed the effect of what Reiner and Newburn has stated as the researcher becoming more sympathetic to certain aspects of police work if still retaining concern about power (Reiner and Newburn, 2008).

This digression is important in any discussion of epistemology because it concerns itself with what constitutes knowledge and achieving it. As an interpretivist researcher theorizing that knowledge is often based on interpretation of the world and its phenomena and that these interpretations can change from actor to actor it is important to recognise this also applies to me. Reflexivity means that just like the research participants the researcher is also interpreting the social phenomena they observe, participate in or feel the effects of themselves (Gouldner, 2003) and understand how their values and background can affect their analysis as it can for the experience of their participants.

Having explained the epistemological foundations of this research what will now follow is a discussion of the choice of a qualitative research methodology following from these.

### **3.2 Building a qualitative methodology**

The research used a qualitative methodology as the ideal choice for data collection and analysis. "Qualitative methodology" here means the reproduction of a large quantity of text-based data that relies on detailed and rich description of the phenomenon. The use of documentary analysis and interviews reflected a concern to generate detailed accounts from research participants and discourses within the documentary analysis and detail the different positions and descriptions of the role of public order policing and the typification of the anti-austerity protesters the police came into contact with. These research methods allowed the perspectives of the authors of the texts and the interviewees to come to the fore which is essential for research that builds its epistemology on an interpretivist basis. As regards terminology, the authors of the analysed policy documents are deemed to be 'producers' of 'texts' or 'documents' for analysis. 'Producers' can include individual authors or whole organisations like HMIC or ACPO. Interviewees are deemed 'participants'. This research, in its collection and analysis of data broadly follows the logic of grounded theory to construct its conclusions with data-led findings. This means that it follows a course of inductive logic starting off with the data collection and analysis before building a theory at the end. This is in opposition to deduction where the research begins with a hypothesis and bases its data collection

and analysis towards either accepting or rejecting it. This thesis starts off with the question on how police have responded to protesters since the financial crisis and the data helps form the final findings as much as possible. Grounded theory emphasised that important of jointly collecting data and analysing it at the same time. According to the founders of grounded theory this means that the researcher is verifying the theory as they are generating it (Glaser and Strauss, 1968).

It generalised findings from different sources of data offering different pictures of public order and took these contradictions into account as matters of interest or indicative of how research participants might agree or disagree with the aims and descriptions of public order policing that are in the public domain as opposed to their experience undertaking it. This included the official narratives of texts like the HMIC reports or the ACPO public order manual to the question and answer format of the transcript of the Parliamentary Home Affairs Committee hearing (HAC, 2009) that included police and protesters answering questions from cross-party panels of MPs and defending their accounts in a very visible forum, after the controversy of Operation Glencoe during the G20 protests and the death of Ian Tomlinson. There is also the documents of protester rights advocacy groups like Defend the Right to protest (DtRtP) and the Network for Police Monitoring (Netpol).

The documentary analysis formed a picture of the pre-existing public domain discourses for the researcher to investigate, delineate and eventually shape their own format for the interviews which formed the fulcrum of this investigation. This data was easy to access and it also meant the research was able to define more clearly the questions that could investigate areas of enquiry that were not already available. It also avoided the interview questions being unnecessarily shallow but allowed identification of the most important issues that warranted further investigation. Also the inclusion of texts meant that narratives from non-police sources were present and the research could really focus on the police as an institution that works within a web of interests and influential policy making bodies. The research limited itself to interviews due to concern that recruitment of six participants might be easier than recruiting for focus groups for instance. The research could use this methodology to build accounts that constructed all the different narratives and how they cohere with each other or diverge depending on the position of the text or interviewee.

Quantitative methods were considered to account for all the instances of tactics of force, surveillance and communication deployed. This however was deemed unworkable as there was no reliable way to verify these instances as occurring at anti-austerity demonstrations. There can be claims from the media, the police and activist organisations on the numbers arrested but these would need verification of their veracity and there can be conflicts between the claims. With police participants the stated aim of the research to investigate how the MPS policed anti-austerity

protests would largely follow the answers of how the police as an organisation and individually amongst rank and file officers *conceive* of the conduct of public order operations and where sources of agreement and conflict with these conceptions can appear in the documentary analysis. The research instead focused on impressions of the MPS public order policy as well as inherent criticism or defences of the different tactics or general police role in public order rather than quantitatively counting up cases of different tactical deployments. The former approach was more substantial and directly addresses the qualities of different public order styles.

The following section will describe how the data collection methods of documentary analysis and interviews were designed for this research.

### **3.3 Methods for data collection**

In this section, under a succession of sub-headings, is an outline of the deployed research methods of documentary analysis and interviews respectively and how they helped the data collection in line with the research epistemology and methodology. The sub-section on interviews also explains the sampling and recruitment of participants.

#### ***3.3.1 Documentary analysis***

The qualitative methodology favoured text-based data which meant using documentary analysis on a variety of sources. The research examined how these defined police and protestors and whether they favoured one group over the other or were they more likely to believe one account from one group over the other. With these it was easier to construct interview questions and identify explanatory gaps in the existing policy that warranted further investigation. This section will describe how the documents were sampled and collected.

As mentioned in the literature review the research held a sensitivity to the wide web of institutional, political, legal and civil society networks that protest policing operates in (Della Porta and Reiter, 1998). For this reason, the documentary analysis looked at reports and data from bodies and organisations that represented these networks. It laid out the initial policy terrain for policing anti-austerity demonstrations in London since the financial crisis and shaped MPS public order policing. It concentrated on significant works of policy as well as materials that public order officers and commanders might consult. It also included sources from prominent civil society and activist organisations that challenged these developments through campaigns and in government and parliamentary forums.

The most prominent sources of sustained documentary analysis included:

- Testimonies given at hearings held by the cross-party House of Commons Home Affairs Committee (HAC, 2009) as oral evidence after the G20 protests. This included testimonies from police leaders, activists and journalists.
- Two reports from the Her Majesty's Inspectorate of Constabulary (2009a; 2009b) respectively assessing police performance at the G20 protests and making a comprehensive review of public order policing as it existed at the time in London and the UK. There was also the review of the recommendations of the reports and police progress in implementing them (HMIC, 2011).
- Two reports from the Metropolitan Police Authority (MPA, 2009a; 2009b) on the G20 protests.
- The public order manual published by the ACPO (2010) detailing the different tactics and their advantages and disadvantages.
- Nine news updates, two reports and one parliamentary submission and another to the Mayor of London from the website of the Independent Police Complaints Commission (IPCC), responsible for investigating complaints against the actions of individual police officers. These sources concerned incidents at the G20 protests and ensuing anti-austerity protests.

These sources are bodies who are the most closely affiliated to the MPS, in terms of either shaping or informing the public order policy it will use or having direct oversight in how the MPS implements it. The majority of these documents were commissioned in the immediate aftermath of the G20 protests and shaped public order policy for the ensuing anti-austerity protests. Also the *Manual of Guidance on Keeping the Peace* (ACPO, 2010) is an essential public order manual outlaying all the different tactics and their advantages and drawbacks.

There were also sources from the civil liberty monitoring groups Inquest, Liberty and Statewatch to examine trends in policing, with a particular focus on public order policy and legislation that were relevant for protest rights. These included:

- Three news updates, one press release, one briefing and one parliamentary submission from the website of Inquest. They campaign on issues around deaths in police custody or after police contact. Because of this most of their contributions focused on the death of Ian

Tomlinson at the G20 protests and their ultimately unsuccessful campaign to secure a conviction of the officer who struck him. There are also cogent criticisms made of the IPCC whose investigation of the death Inquest condemned.

- Nine reports and three news updates on protest and public order policing in the UK, with a particular focus on anti-austerity activism, from Statewatch. Statewatch describes itself as not for profit voluntary group with contribution from academics, lawyers, activists, researchers and journalists and publishes investigative journalism and critical research on civil liberties and the openness and accountability of state agencies (Statewatch, no date). Their sources paid particular attention to recent legislative changes they deemed relevant for public order policing. It was also a resource for documents from several official bodies, some of which were already detailed above as sources from policing-affiliated bodies (ACPO, 2010; MPA 2009a; 2009b; HMIC, 2011), as well as the ruling of the European Court of Human Rights on the police tactic of containment ('Austin and Others v. The United Kingdom', 2012).
- Three parliamentary submissions, five reports and one news update from Liberty, a prominent campaign organisation for human rights who provide advice and information, undertake parliamentary work and policy analysis (Liberty, no date). These sources focused primarily on changes in legislation that had an effect on public order tactics and included pre-charge bail, containment and the rights of private property owners.

As well as civil liberty organisations there were also inclusion of online sources from three activist campaign groups that provide information and support for protesters that face police action. These were chosen as their focus on the interaction of the police with activist movements provide a sustained source of data and also a direct indication of how protesters responded to different police tactics. Their contributions included:

- An online handbook for protesters, a briefing paper and two webpages and three news items from Defend the Right to Protest (DtRtP). They are a protest rights group that was founded in the wake of the police response to student protests in 2010 (DtRtP, no date). The sources used focus primarily on these protests and police mistreatment of younger protesters. Its online handbook is co-authored with the National Union of Students (NUS) and the National Union of Students Black Student's Campaign (NUSBSC).

- There are four webpages, two reports on observed protests, one submission to the Home Office and one parliamentary submission from another protest advocacy group called the Network for Police Monitoring (Netpol). They document police mistreatment of protesters and comprise of activist, lawyers and researchers (Netpol, no date).
- The last collection of data was four webpages from the protest rights information group, the Green and Black Cross, who claim influence from anarchism emphasising mutual aid and solidarity (Green and Black Cross, no date). Its website is designed as an easy to navigate resource of legal information for numerous scenarios that protesters might find themselves in with the police.

There were several more documents that were analysed but whose utility to this research was deemed to be limited hence, the sources outlined above are the main resources of the documentary analysis. They shaped the research conclusions along with the interview data.

The collection of these documents followed the principle of “intertextuality” which refers to the fact that different texts can refer to each other in the past and the present and between different contexts. This means that arguments are “*decontextualized*” and then stated and used in new contexts hence being “*recontextualised*” (Wodak, 2008, 3). Texts such as the ACPO training manual (ACPO, 2010) can reference the HMIC reports (2009a; 2009b) issued after the G20 protests. This means the manual is reshaped in light of the high profile controversies and investigations into them. Also a lot of the documents from protest organisations challenged some of the claims from the interview participants. High profile organisations like the ACPO, the HMIC or Liberty, Statewatch or DtRtP, Green and Black Cross and Netpol can continuously reference each other identifying further sources of data relevant to anti-austerity protests in London.

Time limits required some parameters on the selected documents. The focus was on documents that primarily dealt with anti-austerity policing in London but the research often had to use ones that dealt with general public order policy on a national level that still had relevance for the MPS public order policy such as the London Mayor’s attempts to procure water-cannon for them (Mayor of London and London Assembly, 2014). There were also occasional analyses of London-based protests not directly related to the budget cuts but which occurred during the same timeline and experienced regulation from the MPS held parallels to their response to anti-austerity demonstrations (Jones, 2011; 2012). There can be references to regulations and changes in policy that occurred before anti-austerity protests but still impact them.

As regards the mode of analysis of the documents grounded theory came to the fore due to its emphasis on forming hypotheses and theory from the data and emphasis on new perspectives that come to the fore (Strauss and Corbin, 1990). It also emphasised early analysis from the first steps of data collection and feeding findings back into an emerging theory (Glaser and Strauss, 1968). This meant that the researcher could start forming early insights from the first texts that informed collection of further texts. Choosing these documents helped in the design of a schedule of interview questions by outlining the constructions and typologies of public order policing and of protest and protest actions. This helped identify what needed investigation forming the conceptual triad of the three main strategies of public order policing being force, surveillance and communication. This helped construct semi-structured interview questions where interviewees could elaborate about the tactics that fell underneath these strategies but also outline new avenues or possibilities of research.

It was through documentary analysis and its easy access the research was able to establish some of the main lines of inquiry for the interviews. The early data collection also helped form a coding guide and more importantly provided some of the official narratives on how the MPS responded to the anti-austerity movements in preparation for the interpretations that the interviews would present. The next subsection will present the interviews and how they were conducted.

### 3.3.2 Interviews

In this sub-section I will outline how I attained my participants for research interviews and compare my difficulties with attempting to recruit anti-austerity activists as participants to the relative ease of recruiting police participants. It also outlines how the interviews proceeded and what the questions sought to investigate.

#### 3.3.2.1 Participant recruitment

The initial plan was to hold interviews with both activists and police officers. However merely trying to contact activist groups and recruit them only yielded one activist. The police were easier to recruit than activists. The reason for this may be due to the fact of the stated increase of ties between third level education and police forces with several members of the latter either coming out of the cohort of the former or shaping university modules in partnership with third-level institutions (British Council, 2014). This might make police more amenable to collaborating with PhD researchers. During the course of the interviews participants themselves explained that the police are more open to communication in general, when touching on the topic of liaison policing one

Evidence Gathering Team (EGT) officer spoke of an 'appeal process' where police command puts an emphasis on every police officer being open and conversational with activists and not just leaving it to the remit of liaison officers, hence, in the interests of seeming open and transparent giving the authorization to their officers to participate in this research (Interviewee 6, 2015, 6-7). As well as that there can be the pithy explanation of nearly every participating officer that they are all happy to chat to people on protests and take part in the interviews due to their personalities. This was connected to later comments on the sign of a good police officer as one who was happy talking to protesters and defusing tense interactions.

There may be several explanations for why activists did not come forward with the same enthusiasm to give their take on protests and how the police deal with them. There may be more insidious reasons such as fears around surveillance or they might not have been fully convinced by the confidentiality assurances in return for their participation. The choice of recruitment might not have been effective which included directly contacting high profile groups like Occupy London and requesting contact details anti-austerity activists in London. One activist came forward who organised student protests in London with his student union and he took part in an interview. However even though his answers were enlightening it was not feasible to use them when he would have spoken on behalf of all the activists who did not respond to recruitment as opposed to six police officers representing the MPS. It was decided to focus on the police as an organisation and retain their interviews due to the fact that a fuller picture of how officers in the MPS conceive of public order was possible as opposed to one interviewee representing all anti-austerity activists for the research. With this realisation the focus shifted on police officers perceptions and examining the narratives within the lower ranks of the MPS as regards anti-austerity and public order. The more favourable response from police officers may have been due to the fact that they took part in their interviews on their work routine in uniform so they were paid while for activists it might not have seemed worth it to pay the transportation costs to meet a stranger and answer questions. In future research different methods of recruitment that assure a more timely attainment of activist participants will be necessary but the focus of my research changed to how the police experience protest and how the MPS has responded instead of trying to apply one activist interview against six police interviews.

The six police participants were numbered according to the chronological order their interviews took place:

- Interviewees 1 and 2: Both Police Liaison Officers with the MPS interviewed in early June 2014.

- Interviewee 3: A recently retired TSG officer interviewed early October the same year.
- Interviewee 4: A currently serving TSG officer interviewed in late November 2014.
- Interviewee 5: A Forward Intelligence Officer, interviewed in late January 2015
- Interviewee 6: Another FIT/Evidence Gathering Officer interviewed in early April 2015.

Interviewees 1 and 2 were largely chosen to represent the strategy of communication. Interviewees 3 and 4 were to represent the strategy of force while 5 and 6 were to represent surveillance. At the same time though there were instances of the TSG officers emphasising communication and surveillance as part of their role while interviewees 5 and 6 talked of using communication and the police liaison officers also spoke about an intelligence gathering component to their roles. Also interviews and the extracted data did not cover each of these themes exclusively but concentrated on public order in a general manner and see if the primary function of their role helped to shape their interpretations differently.

The Police Liaison Gateway Team responded almost instantaneously to the email request with three liaison officers, one female, two males, agreeing to take part in interviews in their police station. The research only looked for two liaison officers as interviewees however when meeting the interviewees at the venue the researcher was informed that the female interviewee was not able to make it. The Liaison Gateway team referred me to the head of the Public Order and Resources Branch for final authorisation. One of the liaison officers held a higher rank to the other interviewee. He received the consent form and sent them back with signatures for the other two liaison officers.

The liaison officers met the researcher at their station in Central London. The interviews took place in an empty meeting room and both were in uniform. The interviews occurred in turn and were each five to ten minutes over an hour. The first interviewee said he was nearly to retire and appeared to be late 40s or early 50s and had experience of public order policing at Notting Hill Carnival, far-right National Front marches and Miner's Strikes in the 1980s. He even stated that he would often talk to trade unionists about the 'old' days (Interview 1, 2014, 19). He was interviewed for over an hour and left the meeting room to be replaced by his colleague.

The third interviewees' details were available through a social networking site. He was a male in his mid to late twenties who lived outside of London and was doing a degree. Because he did not work with the MPS anymore there was no question of using a gatekeeper and the interview was

at his parents' house outside of London. He listed his email address and very enthusiastically agreed to take part.

As for the rest of the interviewees, unlike the Liaison Gateway Team there was no direct contact listed on the MPS website. After a few initial attempts contacting the MPS query line that never returned the calls I contacted the head of the Public Order and Resources branch again after a period of time, via an email sent with little hope of receiving any reply. Instead my email was surprisingly included in a circular to constables down the chain of command where sergeants agreed to forward my correspondence looking for TSG officers and surveillance officers to come forward and volunteer. One of each came through seeming to be in their mid to late thirties. They were happy to have their interviews in their respective borough stations. The FIT officer passed on my details to an EGT officer who was happy to answer question at his borough station. Meeting the officers in their workplace made it more likely that they would take part rather than relying on an invite into their home. However as well as this with police officers that were recruited through each other there was the possibility that commanding officers vetted each interviewee with no way to prove or disprove this. Wanting to ensure that the research had a bank of interviews on which to draw data this is an unavoidable possibility. However, instead of trying to seek out the most dangerous or controversial aspects of policing the researcher made clear the interviews would be more concerned with the routine realities of policing protest and analysing the deployment of discretion and use of legal powers that are seemingly innocuous but can be the most enlightening about the internal workings of public order policy.

These interviewees' accounts rendered most of the data and the following chapters were based heavily on their input. The chapter titles and section headings stemmed respectively from emerging themes in this data. They were all clear that they were happy to come forward and engage in talking and that they enjoyed the process that gives off the impression of an open police force. They put this down to their personalities more often than not however they did say that a lot of their colleagues do not necessarily have this skill at talking and that they are often very closed. It was for this reason there is a question to be asked about whether these interviewees are truly representative of their colleagues or whether there needs to be another way to reach police officers who do not come forward or do not like talking to protesters and by extension researchers.

All the interviewees were white and male and the lack of diversity is regrettable as there may be interesting differences in the experience of policing demonstrations as an officer who was a woman or a BME officer or both and this could have led to the possibility of considerations of a gender dimension or ethnic dimension to be opened up in this research. However too many restrictions on the police officers requested during recruitment might have resulted in too few

interviewees coming forward. It is also as Loftus has pointed out that the majority of police officers still identify as male, white and heterosexual despite moves to recruit more minority and female and LGBT officers (Loftus, 2010). In light of this it is not entirely unsurprising that all six interviewees ended up being white and male, while, without asking, there was no sure way to assert their sexual orientation. The analysis was sensitive to any signs of the influence the officer's ethnicity or gender may have on their accounts with particular attention paid to how they described minorities or women if it came up in conversation.

### 3.3.2.2 Participant sampling

This research used a combination of theoretical and snowball sampling to recruit its participants (Bryman, 2008).

Theoretical sampling is from grounded theory and describes when emerging categories from initial data analysis point out the most interesting avenues of research and to 'illuminate and define the boundaries and relevance of the categories' (Charmaz, 2006, 189). It was when the conceptual triad of enforcement, surveillance and communication emerged, that recruitment for interviews decided on Territorial Support Group (TSG), surveillance and liaison officers as participants. Each of these three roles provided a different role in public order policing that respectively related back to these three concepts. The fact that the research was restricted to the MPS meant a substantial level of control over the choice of groups to compare, keeping it within the realm of officers involved in public order.

It was also important to consider whether the police would be difficult to access as a research population. They were a powerful group entrusted in the enforcement of law and order and they were being asked to participate in research with potentially controversial questions. While theoretical sampling made it easier to identify exactly what police roles the researcher wanted to interview, snowball sampling was used to help gain access to these interviewees. Snowball sampling involves the researcher recruiting initial interviewee who then supply contact details or access to further interviewees within the same organization or research population. Success with one interviewee and then their participation in recruitment can help increase the yield of interview data (Lee, 1993). The researcher directly contacted the first interviewee from the Police Liaison Gateway Team who recruited the second interviewee from the same team. The third, fourth and fifth interviewees were recruited by the researcher, but only after contact with the chief superintendent of the MPS Public Order and Resources Division who acted as a gatekeeper. The fifth interviewee then put the researcher in contact with the sixth interviewee, the EGT officer.

The interview schedules remained the same for each participant. After an introductory question asking them how long they served in their current public order role the questions went over a set of recurrent themes such as asking for the interviewees' impressions of anti-austerity demonstrations and whether policing them differed from other public order operations. They were asked whether their role, for instance as a liaison officer relying on communication, was affected by concurrent deployments, such as surveillance teams of EGT and FIT officers or TSG officers. The questions asked what they considered to be the future challenges in public order policing and how the anti-austerity movement might change. The follow up questions to their responses could differ but it was largely the same set of questions for each interviewee.

The next section will consider grounded theory in greater detail as a mode of analysis, and a method that stresses both the concurrent collection and analysis of data (Strauss and Corbin, 1990, 23).

### **3.4 Analysis**

While gathering data the concepts of 'force', 'surveillance' and 'communication' lent great focus to the data collection and analysis. As previously explained in the literature review these concepts grouped the various public order tactics under three overall strategies and as abstract concepts they were more amenable to analysis and theorisation. This led to reforming the initial question of just focusing on public order in London per se to evaluating the extent of reliance on each tactic. To answer this the research also investigated whether different protest groups receive different tactics and if the behaviour or engagement of the police changes with different locations and stages of the protest action and any other details that appeared significant. The first subsection explains the choice of grounded theory as a mode for analysis and constructing codes, categories and concepts that all resulted in the final findings of the research. The following subsection outlines how the codes were ascribed to the data and how the coding guide was constructed.

#### ***3.4.1 Grounded Theory***

This section outlines the use of grounded theory as the primary mode of analysis within this research. It will present the basic tenets of grounded theory but it shall also outline how diversity within grounded theory has developed since its inception and that there can be a variety of approaches to how analysis can proceed in grounded theory.

Grounded theory sets up an iterative process where the researcher starts with initial data collection and analysis and constructs codes that eventually feeds into theory construction which structures and guides further analysis and then feeds back into further theory construction. As

analysis proceeds the level of theorizing is supposed to graduate from the substantive issues directly to do with empirical areas of inquiry such as policing or urban protest to a more abstract level of formal theory dealing with concepts such as state power and violence or dissent (Glaser and Strauss, 1968). Grounded theory aims to reach a point of 'theoretical saturation' where analysis can gain no further insight. At this point turning to new sources of data turns up the same conclusions and no new patterns. Silverman terms this the 'virtue of boredom', when the researcher knows analysis is finished (Silverman, 2013, 72). The mode of analysis within grounded theory is usually that of comparative analysis of different cases to try and verify the categories and increase their generality and explanatory power helping to form concepts (Glaser and Strauss, 1968). Because of this the coding guide for this research stayed the same for analysis of policy documents whether they were from parliament, police, activist or other sources. The interview schedule stayed largely the same for the different divisions of police officers who participated and the same coding guide was used for the interview transcripts as for the documentary analysis.

Considering that the research is based on an interpretivist epistemology I found that instead of directing all the data towards refuting or confirming pre-existing theories or hypotheses that with grounded theory participants and their particular accounts play a bigger role in final conclusions. Charmaz counsels against the use of pre-existing theories or concepts at the beginning for fear that it may force researchers to see the data in a particular way and not allow their and their participants' voice to fully come through (Charmaz, 2006). However in the decades after its foundation the practice of grounded theory has resulted in researchers questioning how viable this position is. Silverman has pointed out the criticisms of grounded theory that state there are implicit hypotheses guiding research and that if it was not the case then research would fall into the trap of a crude empiricism (Silverman, 2013). Glaser and Strauss themselves recognize that each researcher comes to the area of study with some preconceived ideas and did allow for researchers to draw from pre-existing theories to form categories provided they actually fit with the data (Glaser and Strauss, 1968). This proviso helped this research find valuable insights within writings on police culture as data collection and analysis continued. As the last chapter states this means that this research did focus on certain areas of concern such as looking at how police used deployments concentrated in the use of force, surveillance and communication but it did not seek to set an established hypothesis of how these were deployed but rather an open question of what extent the police used each one. Also it was important to consider the role of police culture and institutional make-up of the MPS due to the need to be able to respond to the data that would be generated and to have a wide-ranging knowledge of the literature that exists so as to fully appreciate what emerges from the data that is already established and theorised and what emerges that is a new insight. With the inductive

method these presuppositions and pre-existing theories can be possibilities but the viewpoints elicited from research participants and documents held priority and allowed the data to form new theoretical standpoints (Bryman, 2008). Each piece of data such as an interview or policy document helped inform this coding to readjust them and to add new codes or delete ones that were not as pertinent as when data collection began.

When it came to coding grounded theory uses initial analysis of data called 'initial coding' which is related to naming and ascribing codes to sections of texts or key words during analysis. During this stage of coding it is important to be wary of any theoretical questions or directions that presented themselves as avenues of further enquiry within the data. This is described as 'theoretical sensitivity.' Later writings even stress 'creativity' (Strauss and Corbin, 1990, 27) in the naming of the categories and seizing on unique insights and interesting findings as analysis of the data continues. 'Focused coding' then succeeds initial coding where instead of looking for and constructing codes that describe the data in terms of concrete people and events one must pinpoint the codes of overriding importance and develop these into theoretical 'categories' out of patterns appearing in the data which then results in 'theoretical integration' (Charmaz, 2006, 46, 186). This means that, 'As the researcher categorizes, he or she raises the conceptual level of the analysis from description to a more abstract, theoretical level' (ibid.).

Grounded theory helps research to recognise the dynamic perspectives from all actors in social reality and how this helps them shape it in turn. It is also a dynamic way of shaping research with each data source allowing the possibility of the researcher's point of view changing as they progress to final analysis. This research sorted and synthesized the sources of data to see where findings and their producers cohere or conflict with each other. This meant that any initial ideas or preconceptions were allowed to change as the researcher continued interacting with participants and to investigate the possibility of new and original concerns to arise for public order policing. This is in line with the characteristics of grounded theory practice where the researcher is 'Constructing analytic codes and categories from the data, not from preconceived logically deduced hypotheses' and 'Advancing theory development during each step of the data collection and analysis' (Charmaz, 2006, 5). Charmaz emphasizes that grounded theorists try to 'learn what occurs in the research settings we join and what our research participants' lives are like' (Charmaz, 2006, 47).

The following subsection will look deeper at how the coding of the data was conducted.

### 3.4.2 Coding the data

The use of grounded theory resulted in an initial coding guide and continuously revisited when new significant findings emerged from the data for which the guide did not have a code. It also

encourages the use of 'memo-writing' (Silverman, 2013, 69; Charmaz, 2006, 188) to justify the codes and their importance to the research. The first appendix to this research is a copy of the coding guide and the memos justifying the inclusion of each code.

Silverman describes coding the data in grounded theory as an iterative process of continuous comparison between the different sets of data, between the data and the codes and between the codes themselves (Silverman, 2013). From the coding, categories can then develop which eventually settle into concepts. This process continues until the point of theoretical saturation is reached when new data no longer provides fresh insights or categories (ibid.).

The research highlighted the most prevalent tactics such as batons, arrests, containment or police photographers. It also highlighted how the text or the research participant described the police and the protesters and their conduct. As data collection continued and new texts generated more data these codes underwent continuous revision to see if they were still applicable for continually 'emerging data' which refers to the new patterns and relations between people, events, themes and theoretical categories across all the data (Charmaz, 2006). There was wariness of how some answers to the same question vary or repeat amongst the documents. In the course of coding all the different tactics were coded under the categories of tactics of 'force', 'surveillance' and 'communication' and these three categories finally became concepts embodying the different nuances of exercise of police power vis a vis public dissent. New considerations appeared such as who was responsible for authorising or blocking a certain tactic or whether a Bronze Commander on the ground authorised it or if it needed authorisation from a more senior ranking officer or even the Home Secretary. Considerations that were not obvious at the outset became more prominent as the documentary analysis and interviews were engaged in and codes that appeared initially important were subsequently shorn from the coding guide as their lack of applicability became apparent. This meant that the original research question changed from a basic question of 'How did the MPS respond to anti-austerity protests since the financial crisis of 2008?' to having an adjoining question of, 'Have the anti-austerity protests faced a public order approach that mainly relies on force, surveillance, communication or a combination of these?'. This was what Glaser and Strauss term, '*...the core of the emerging theory* [initials in original]' (Glaser and Strauss, 1968, 40) out of all these seemingly disparate codes and categories.

The codes have been the same across all sources of data. Instead of looking for certain key words or specific events across the texts, analysis looked for actions the documents or the interviewees were doing in the texts. These actions included describing the police and protestors in either a negative or positive light or recommending future reforms in policing. Glaser recommended looking for instances of gerunds used by the participant or text. These include instances where they

are criticizing, recommending, dismissing and complimenting (Charmaz, 2006). This approach fits in with the constructivist conception of social actors as having a part to play in the shaping of their reality as opposed to seeing language as merely indicating producers' opinions of the world and social reality. This links back with the previous ascription of an interpretivist methodology and how social actors shape what they experience and interpret it. When analysing these texts it was essential to remember discourse can 'constitute' the subjects it talks about, the people who populate it or the people who hold the beliefs (Wodak and Meyer, 2009, 6). It is in this way that it became easier to detect certain ways of thinking about police or protestors hardening into a form of 'ideology' which are taken here to mean a set of ideas and assumptions that are often seen as neutral but dominant amongst many social groups to the point of being hegemonic (Wodak and Meyer, 2009, 8). This research was not as starkly didactic in viewing public order policing in these terms but it did recognize the possibility of police constructions of protestors, their intentions or how risky as a population they were and asked if this fuelled more comprehensive tactics including containment of crowds or mass surveillance. However being critical of police accounts did not mean being unsympathetic to some of their concerns.

Throughout analysis I concentrated on sequences of discourse in each text instead of relying on merely telling examples (Silverman, 2013) so as to understand each statement in its proper context. The coding matrix examined different variables around each tactic of force, surveillance or communication such as when the author or participant described the context of its use or what behaviour the protestors exhibited that warranted a particular tactic as the appropriate response or who the author or participant deems responsible when a certain tactic is not successful such as an enforcement approach that results in more disorder. Analysis was also more qualitative in nature in that it did not give primacy to issues just because they were mentioned in greater abundance in the texts or the interviews as a quantitative content analysis might but highlighted certain issues the researcher deemed to be of great significance. Obviously there were certain issues that came to the fore repeatedly such as the use of force that were clearly prominent they but that did not mean that the research ignored other issues that might have presented great significance for the topic of research.

This section has outlined the use of grounded theory as a mode of comparative analysis and emphasising the co-occurrence of data-collection and analysis and also the role it played in constructing the coding guide this research relied on. The next section will outline some of the ethical challenges this research had to negotiate.

### 3.5 Ethics

Before this chapter ends it is important to look at ethical considerations that the choice of research topic and methods presented. A lot of the ethical challenges pivoted around where the interviews were going to take place and how to make sure that the participating interviewees would be able to give full informed consent.

The interviews often included discussions on issues including civil disobedience, the possibility of fellow officers engaged in misconduct and others that might have involved them divulging sensitive information and that their superiors may sanction them for. To protect against any negative professional or legal repercussions to the interviewees there had to be a vigilant maintenance of the principle of *informed consent*. This means that participants know they are being researched, what the research is about and they know that they can withdraw from the research without having to give any explanation (Silverman, 2013). To help maintain this interviewees received a detailed and non-technical information sheet on what the research was intending to investigate. They also received consent forms produced in duplicate bearing the researcher's and their signature to ascertain that they give their full consent and that they were fully aware what the research is about and what their participation will consist of. It also confirmed that they knew how their confidentiality was maintained and their name and any other identifying details were absent from the research data. A copy of the information sheets and consent form are included in the second appendix to this study.

However, while the participants had to be informed at the same time the information sheets avoided divulging too much detail about what the research aimed to do or mentioned some of the literature that was read. It kept itself to explaining the subject area it was interested in. The reason for this was not wanting to 'contaminate' the participant replies (Silverman, 2013, 99). The research sought their particular answers from their experience of policing anti-austerity protests. This is in part due to the concern of grounded theory of not entering the research with an established hypothesis to either confirm or dismiss. By not describing what the research sought to do on a deep theoretical level then the participants might not feel guided towards giving certain answers that they think will interest the researcher but instead highlight what they feel is significant as experienced police officers and allow for new insights to arise in the area of study.

When speaking about research ethics there is often a concern that vulnerable or disadvantaged groups that tend to hold less power are open to abuse or have little control over what their participation entails or how their account will be presented. Also these more vulnerable groups are often under scrutiny in the form of official surveillance like CCTV, government census taking and previous social research. Indeed the supposed ease of access to these groups suggests

their very vulnerability (Silverman, 2013). In this research the vulnerable group who experience protracted official surveillance could include protesters. However as the previous section showed recruitment of this group has been very difficult and one of the possibilities might be suspicion of any attempts from researchers to extract data from them and pre-existing awareness or suspicion that they can be under surveillance which can make them more reticent about taking part. This means that the eventual participants, all being current or retired police officers, come from a much more powerful strata of society. They are street-level representatives of law and order that their organisation, the MPS, is entrusted with enforcing. However due to them being constables or active as street-level representatives this meant that they inhabited the lower ranks of the police hierarchy and that any potential disclosures of professional malpractice might have put their career at risk or even more seriously put them in danger of prosecution. It can seem that as representatives of a powerful group that vulnerability of police participants should not be as much of a priority but they are still agreeing to give data to research and as Dingwall states of ethnography, any attempt at romanticising more vulnerable or resistance groups and vilifying participants due to their association with powerful organisations makes the findings very suspect. Showing an ethical concern for any participant means that the findings are more reliable as they display a sense of even-handedness on the part of the researcher (Dingwall, 1992, 172 [Quoted in Silverman, 2013, 101-2]). Also this is important for reflexivity because as a unionised member of a university that can experience austerity the researcher must be wary of any tendency to romanticise protesters and demonise the police.

The majority of participants had to gain authorisation through their superior officers as gatekeepers to the desired research population. One requirement ethical reviews of the research specified was that public venues such as cafes or restaurants would not be appropriate to meet them at due to the possibility of disclosure of illegal activity. Originally the plan was to offer interviewees the choice of venue such as a private residence or a conference room on the researcher's university campus to bestow full anonymity to their participation but police interviewees were happy to have the interviews conducted in their respective police stations in meeting rooms or private offices. The ex-TSG officer could not have this choice of venue so the interview occurred at his parents' residence. To minimise the chance of these disclosures the consent form emphasised that the research was looking for information merely on the routine aspects of public order policing and that if interviewees disclosed anything illegal that was not public information the researcher may be obligated to report it. This was fully in line with my research obtaining informed consent from its participants and minimising the risk participants face when they

agree to be interviewed. Informed consent is meant to avoid any distress or harm or loss of reputation arising from their participation (Seidman, 2013).

During the interviews the participant was able to exercise their consent. They knew from the researcher and the consent form that they were free to refuse the tape-recording of their interview or answer any questions and that they could terminate the interview at any stage. When the interviews were finished the interviewees received a typed copy of the entire transcript with an allowance of two weeks from receipt to make any changes or excise any material they felt to be too sensitive.

The transcripts remained on the researcher's personal computer drive at their University, accessible only to them. The uploaded recordings from the digital tape recording were stored in the same location. The participants received explanations that while the researcher and research supervisors would know interviewees' details that any other readers, PhD markers would see the data with any identifying details removed.

It is in this way that I made sure that research participants were participating in a transparent research process of which they were informed of at each stage and could influence their participation and freely withdraw from it. Despite them not fitting the description of a vulnerable adult the fact that the majority of them were referred to the researcher from higher ranking officers suggested there might have been some oversight of their answers and they deserved the choice to withdraw, as one female liaison officer decided to, and to change any statements that were rendered in the final transcripts.

This research established a firm ethical foundation that attained informed consent from interview participants and protected the interviewees from any adverse legal or professional repercussions. Despite the interviewees not coming from a conventionally vulnerable group they were providing data with no tangible benefits and they were owed safeguards.

### **3.6 Conclusion**

This chapter has outlined the epistemological foundations this research is based on and the methods of data collection and analysis in light of this. It has argued why the use of interpretivism and grounded theory were chosen and demonstrated the ethical robustness of this thesis. It has also sought how these three considerations took account of each other, such as how the emphasis on grounded theory on letting the data form the final findings chimes with the concern of interpretivism to understand human action through the meaning it is imbued with as the use of research participants in this research aims to do. It also outlined how grounded theory set up a circular relationship between the coding and the data where the latter can inform the former and

vice versa as the research progresses. Also the ethical considerations allows the researcher to properly consider the responsibility that they owe to participants and how this helps deepen reflexivity for the researcher.

The next chapter will be the first to show the outcomes of this methodology and will deal with the conception of the police within policy and how research participants define the institution they work for.

## Chapter 4: Conceptions of Police and Policing

This chapter will examine how the data describes the police and their approach to public order. It will focus on what is stated to be the defining features and characteristics of British policing and specifically the MPS and how different narratives around the public order policing might affirm or contest these claims.

### 4.1 Governance of the Police

The first matter to outline is the governance structure of the police and how this affects public order policy in the capital. Some of these figures and organisations have been the source of data for this research and are referred to throughout the interviews and the documentary analysis so it is important to identify their respective roles.

The police are governed in a three-way power-sharing model consisting of the Home Secretary who is accountable to Parliament and determines national priorities, Chief Police Officers who have operational responsibility and were accountable to Police Authorities until the latter disbanded in 2012 and were replaced by elected Police and Crime Commissioners (PCCs). Police authorities were supposed to be accountable to local people and secure the maintenance of an efficient and effective local police force (HMIC, 2009b). As of 2012 the Metropolitan Police Authority has had its functions taken over by the Mayor's Office for Policing and Crime with the Mayor of London effectively acting as the city's PCC (Association of Police and Crime Commissioners, no date). There is an interesting question of how this change in oversight effects the intention of gaining local accountability for the police considering the fact that other police commissioners are specially elected into this role for police forces outside of London (BBC, 2013b). For the research timeline there was a Conservative Prime Minister while London had a Conservative Mayor.

Her Majesty's Inspectorate of Constabulary (HMIC) has stated that as regards the role of the Home Secretary there is concern about the clarity of the Home Office role in supporting public order and that the Home Office needs to rectify this (HMIC, 2009b). HMIC describes itself as an independent inspectorate body whose appointment the Crown is responsible for and makes with the consultation of the Prime Minister and Home Secretary. As of October 2012 HMIC had its first Chief Inspector of Constabulary who did not come from a policing background (HMIC, no date). They are responsible for overlooking and monitoring the police and reporting to Parliament.

Another influential body in policing was the Association of Chief Police Officers (ACPO) which has since been replaced by the National Police Chiefs' Council (NPCC). It described itself as

'...an independent, professionally led strategic body. In the public interest and, in equal and active partnership with Government and partner agencies, ACPO led and coordinated the direction and development of the police service in the United Kingdom. In times of national need ACPO, on behalf of all chief officers, coordinate the strategic policing response.' (ACPO, 2012).

It is listed as private and its membership is made up of chief constables. Commentators have expressed disquiet at the influence this private body can have in shaping policy and how it represents chief constables as willing to be involved in political debates (Scruton, 1987).

The Independent Police Complaints Commission (IPCC) was established under the *Police Reform Act 2000* to increase public confidence in the police complaints system. They are responsible for supervising internal investigations of police forces or leading independent investigations of individual officers in the event of a member of the public experiencing death or serious injury following police contact. Under the Act the complainant has to be a witness to the incident and be adversely affected by it, so for instance someone who witnesses it on the television does not count under the Act (IPCC, 2010a). The IPCC do not independently investigate complaints about general operational decisions or 'Direction and Control' (D&C) complaints as they are called. The police force in question investigates it internally through their Directorate of Professional Standards. The IPCC says that the majority of its investigative staff are not from a police background yet those that are can give valuable experience and undergo the same training (IPCC, 2012). There have been longstanding criticisms of the IPCC over how it handles complaints and its level of real independence from the police forces it investigates. Charities like Inquest who campaign around deaths in state detention or involving interaction say the IPCC often fail to interview police officers or there are delays in investigations. This leads them to state that the IPCC need serious reform (Inquest, 2010a; 2012b). Netpol, an activist organisation that monitors the policing of protests states that, despite being a varied demographic, across the protest community there is a very low confidence in the IPCC and that people are afraid to make a complaint in case they become a target of police harassment and surveillance. They also cite the fact that police forces are allowed to internally investigate Direction and Control complaints as a lack of independent oversight (Netpol, 2012a; Hemmings, 2009).

While not involved in the governance of the police as such it is important to say who directs the public order operations themselves on the day. This is to ascertain the line of command and who police officers will respond to. The planning takes place in Scotland Yard under the direction of Public Order and Operation Support (SC&O22). The Gold Commander of a public order operation is responsible for considering the scale of response and needs to consider, amongst many other factors, the available intelligence on the event, the threat assessment, the level of media interest, the political implications, wider policing implications, the community implications, expectations and confidence, the reputation of partaking organisations and the history of the event (ACPO, 2010). The Gold strategy is 'the foundation that all subsequent planning and deployment rely upon' (ACPO, 2010, 65) and must 'establish a set of objectives relevant to the knowledge of the situation and the analysis of the threats and risks presented. The strategy should be dynamic and capable of revision in light of ongoing threat assessment and analysis' (ACPO, 2010, 67). Silver Command develops, commands and coordinates the overall tactical response of an operation in accordance with the strategic objectives that Gold sets. They take into consideration such factors as whether the nature of the police role throughout the operation is to facilitate the protest or implement a zero tolerance approach and whether their staff are aware of this as well (ACPO, 2010). Tactics are described as 'the method of deploying police resources in order to meet specific objectives' (ACPO, 2010, 71). Silver Command must also try and identify 'tipping points' for the escalation and de-escalation of the use of force (ACPO, 2010, 18, 69). Implementing these tactics are the responsibility of the Bronze Commander and amongst the constraints that may play in the implementation are the presence of significant or symbolic locations and key or vulnerable individuals or groups (ACPO, 2010). This concept of tipping points echoes David Waddington's concepts of 'flashpoints' (Waddington, 2007) and the Silver Commander is expected to be able to identify these or the conditions that may cause them to arise. Also the duty of Bronze Command to take into considerations high risk locations and groups or individuals recalls P.A.J. Waddington's remark that police can occasionally engage in harsher tactics of enforcement against protesters despite the danger of incitement because they view these high-value locations as needing protection. Though the ACPO document does not make it clear Waddington suggests this leads to avoidance of 'in-the job-trouble' where police sacrifice under-enforcement in favour of making sure VIPs do not feel under threat from protesters whether that threat is real or not (Waddington, 1994, 167, 180, 185).

These are the main actors that can have an influence on how the MPS conduct public order policy on the day or set national directives that the MPS is obligated to follow. They have also been important sources of documents for this research. On the day of the protest there are the Gold, Silver and Bronze levels of command. It is important that the research familiarises itself with what

function these agencies hold and the degree of influence they can have on the deployment of the three strategies of force, surveillance and negotiated management.

The following sections will look at the main themes describing the police and how the texts and research participants have interpreted them.

#### **4.2 Public order policing and the balance of rights**

The data posited the fundamental role of public order policing as maintaining a balance of the rights of protesters to practice dissent while minimising the disruption this causes to the rights of other users of the city including commuters, residents and businesses, 'It is an important element of the British model of policing that it is the police, rather than other third parties, who balance the rights of protestors and those of the wider community with the duty to protect people and property from the threat of harm or injury' (HMIC, 2009b, 12).

HMIC posted a quote from Lord Scarman that summarises the dilemma of protecting democratic expression and maintaining public order,

'Civilised living collapses-it is obvious-if public protest becomes violent protest or public order degenerates into the quietism imposed by successful oppression. But the problem is more complex than a choice between two extremes-one, a right to protest whenever and wherever you will and the other, a right to continuous calm upon our streets unruffled by the noise and obstructive pressure of the protesting procession.' (Scarman, 1974, 1-2 [Quoted in HMIC 2009b, 170]).

The currently serving TSG officer describes long-term occupations such as Occupy London as presenting 'significant policing challenges' around 'keeping London moving...so people can continue going about their business that they're lawfully entitled to do as well but also balancing the needs of groups like Occupy to actually make their point and...make that point heard now' (Interviewee 4, 2014, 1). In a draft briefing paper Defend the Right to Protest stated that in attempts to balance these two imperatives the police can end up favouring the lack of disruption to the city over facilitating effective visible protest. They state that protesters who engage in negotiation with police before a protest can often have their march rerouted to less prominent spaces in the city citing the case of a National Union of Students (NUS) march against rising tuition fees that finished in Kennington Park, 'completely out of the way and had minimal impact' (DtRtP, 2014a, 5).

The disappointment Defend the Right to Protest expresses shows that this 'balance' cannot be taken at face value. There is a fundamental gap on how different denizens of a city define and use

urban space. The city is a vast and highly interconnected network of activities, organisations and users, where traffic, commerce, finance, residents, leisure, tourism and authorities interact day and night and the police aim to maintain order and to make sure that these activities do not experience excessive disruption from protestors. There is no perfect balance between these rights. Bittner for instance describes beat policing as resulting from the reality that '...the appropriateness of police action is primarily determined with regard to the particular and actual nature of the case at hand...and only secondarily by general norms' (Bittner, 2005, 151). The situations that the police experience are so manifold and heterogeneous that officers need to exercise discretion when deciding whether they need to draw on the law or not and what law is needed. It is the same with public order policing as one TSG officer's response demonstrates, 'it sounds really woolly um, but you...it has got to be very dynamic the...the risk assessing but also the decision making is very dynamic and on what's, what you facing in front of you really' (Interviewee 4, 2014, 6). According to the participant each situation the police are confronted with can be different and the response to it is often based around what option the police consider to be have the less risky option. There is the possibility of a wide flexibility in applying laws in public order to reach this 'balance' that the police deem fair between protestors and the needs of other city users.

However it is not just the intrinsic interpretive process a Gold, Silver or Bronze commander, much like the beat officer, might use for the situation in front of them and satisfy the concerns of both protestors and non-protestors. There is also the role of the police as a state actor responsible for implementing laws that are established, shaped and revoked according to the political imperatives of the present government and the previous sitting governments before them and is, 'a political entity', the administration of which '...unavoidably encompasses political values and ends' (Manning, 2005, 200). The political element in this decision is displayed in a quote from HMIC, that the police will only show a 'certain degree of tolerance towards peaceful gatherings where demonstrators do not engage in acts of violence, even if those protests cause a level of obstruction or disruption' and that 'the level of tolerance is likely to be subject of extensive public and political debate, which has merit in its own right' (HMIC, 2009a, 4). No matter the personal views of the police and despite the public order commanders leading the public order operation they must still work with laws they have very little influence in shaping.

All of these factors combine to determine what balance is struck between protestors and other users of the city. It determines which protestors and styles of protest are left relatively under-policed and even facilitated. It determines to what extent a protest is allowed to disrupt the other users of the city and what are the lines it cannot cross. The balance is not universal under all

conditions and the one that is struck for each protest or protester is determined through multiple variables.

Another interesting complexity for public order policing in trying to get this balance right is the challenge in facilitating the right to protest and the duty to defend the right to property. HMIC states that the police face challenges in distinguishing between public and private space,

‘Different legal frameworks apply to protests in public space and private space. The privatisation [sic] of public space in recent years has created confusion – both for protestors, who demand the right to protest in quasi-public space, and the police, who are uncertain of their duties and the powers which they may exercise’ (2009b, 12, 204).

In the interview with one of the liaison officers this same point was made saying that protestors,

‘...think that they can just pitch up in London and protest...but actually you do need some permissions if you, want to go to Parliament Square, Trafalgar Square and they’ve got landowners, in this case, GLA [Greater London Authority] to make sure that nothing else is going on...So the police, we don’t own streets, we don’t own land, we will police things in front of us so it is not for us to say, ‘Yeah you can have that street, you can have that square’, we advise them to go away and sometimes its private landowners, I had someone...want to start a protest at the London Eye, Jubilee Gardens and it’s all private property and I can, ‘Actually you need to go and speak to so and so, it’s not for me to say yes and no’...and once they say, ‘We have the permissions’ then we can involve the planning team and they can have the meetings with the organisers’ (Interviewee 1, 2014, 2)

This means that private ownership represents another layer of obstruction that protestors and those who police them need to navigate. The civil rights NGO Liberty used the phrase ‘quasi-public spaces’ to describe a trend where, just as public services are often assigned to private suppliers, so large cities like London have nominally ‘public spaces’ owned and managed by private companies and real-estate. In line with the interviewee they agree that there is not the same obligations for these spaces to respect protest rights and there can be more restrictive prohibitions on it (Liberty, 2008a) It is not always as obvious as trespassing on someone’s private residence or breaking into the fence on the grounds of a private company. But the areas the interviewee mentioned are ones that members of the public in London frequently use and are some of its most iconic locations. The

interviewee also states that it is not up to them to let anyone on the land and that protestors would need to speak to the owners. It seems that members of the public can walk around this private property at ease but if they were to move in a group with a political intention then they must ask for special permission. This can result in the police treating protestors' use of urban space in a sharp dichotomy with how members of the public use it.

The next section will look at how the police try and achieve this balance between protesters and other users of the city as well as private landowners by following what they call the 'British Model of Policing'.

#### **4.3 British Model of Policing: Reasonableness and proportionality**

Texts and research participants often state that a lot of the tactics the police use, especially force and surveillance are reasonable if the police have reasonable grounds to suspect that a crime is under way or imminent, for example, 'Police officers can arrest a person to prevent a 'further breach of the peace' if reasonable belief is held that, should the person remain, they would continue with their course of conduct and a Breach of the Peace would occur' (HMIC, 2009a, 105) and that their use must be proportionate to the threat.

On reasonableness it is legally stated that any arrest must be lawful or else it constitutes an assault. The majority of arrests at demonstrations are without a warrant and can target anyone who is about to commit an offence, anyone who is in the act of committing an offence, anyone whom the officer has 'reasonable grounds' for suspecting to be about to commit an offence or currently committing an offence as well as having committed an offence. (Wainwright et al, 2012)

The officer must exercise 'reasonable suspicion'. The threshold is apparently quite low to the point that officers do not have to hold admissible evidence that amounts to proof that there is *prima facie* justification for arresting. The officer cannot however, rely on the excuse of merely following orders but can rely on what other officers or sources of information tell him (Wainwright et al, 2012).

In his evidence to the Home Affairs Committee on the policing of the G20 protests, then head of the IPCC, Nick Hardwick, begins to explain the principle of the reasonableness and proportionality of the use of force. When Committee member and Labour MP, Martin Salter asked if there is any legal definition as to what is judged reasonable and what is judged to go beyond it Hardwick admits,

'To be honest, I am not a lawyer and I cannot tell you precisely the legal position on this. I think the critical thing is it has to be reasonable and proportionate, and there will be training and instructions that people can have about what they should do...Investigators

will look at what an individual has done; we will look at the circumstances in which they have done that, and we will report, and that report will eventually be published and will go to the family and, if necessary, we will pass our report to the prosecuting authorities or the discipline authorities and they will take a decision about that' (HAC, 2009, Ev4)

It is obvious in here the central place of discretion due to there being no legal definition of reasonableness. Kinsey, Lea and Young (1986) are clear that this is unavoidable due to the myriad of real life situations that police face and must apply the law to but Hardwick tries to give Salter some kind of reassurance. He makes a vague reference to training and that where a police officer is supposed to have acted inappropriately then the IPCC will step in to investigate it. But without a legal definition of reasonableness it can be the judgement of the complaints authority against that of the officer.

At the Home Affairs Committee hearings it is stated that another important facet of the 'British model' of policing is proportionate use of force that reflects policing through the consent of citizens and respect for their rights. Hardwick states that the 'British way of policing' is a model of '...policing by consent and it is not just about the demonstration, it is about an acceptance of the authority that the police have so that the occasions on which force is required are minimised...' (HAC, 2009, Ev4-5). Then president of ACPO, Hugh Orde, described the 'UK style', 'I do not think...there is anywhere to beat the UK style in the routine of public order policing. We take the rights of citizens very seriously indeed' (HAC, 2009, Ev32). Two years later he would write in a newspaper column that it is based on trust as well and that individual events like violent protests can undermine it (Orde, 2011). He states that due to the fact that the right to protest is 'conditional' then it is up to ground commanders to decide what's 'proportionate' and that the British model of policing is not without a 'hard edge' (ibid). After the G20 protests HMIC states in its first *Adapting to Protest* report that 'British policing' is extremely distinct from policing styles in Western Europe in terms of putting the officers amongst the people as opposed to the use of a water cannon, CS gas and other methods of control 'that separate the police from the protest crowd' (HMIC, 2009a; 2009b) and as well as that encapsulates 'public consent, minimal use of force and individual accountability' and are 'approachable, impartial'(ibid, 2009a, 68; 2009b, 29).

It begs the question of just how British this model of policing really is. Historians such as Emsley have pointed to the 'Peelian' principles that were supposed to undergird the founding of the British Police. This included police being a distinct uniformed professional role and avoiding an infantry style of dress or emulating the secret police networks in Russia and France at the time (Emsley, 1996). It was connected to the idea that the police were drawn from the public and owe

their powers of arrest to the consent of the public, an important allowance that needs to be maintained (ibid.). However American scholars have also pointed to a widespread preference of American officers towards under-enforcement. Muir has said that this is often down to avoiding confrontational situations that can put the officer's job at risk (Muir, 2005). Scholars have also pointed at the rising emphasis on negotiated management in public order as part of a wider trend in, amongst other countries, Italy and Germany throughout the latter 20th century (Della Porta, 1999). Even the innovation of liaison policing which seeks to minimise the resort to force is imported from Sweden (HMIC, 2009b). While it is hard to assess Orde's statement that no one can 'beat' the UK style of public order policing it seems more a difference in terms of suggested success rate than a qualitative difference. What is intimated here is the first instance where there is talk of policing by consent but the language of the 'hard edge' means that it needs to be backed up with the potential to use force which Bayley and Waddington states is the source of authority for a police officer's intervention (Bayley, 2005; Waddington, 2006).

It must be asked if the failed attempt to introduce the water cannon revealed a willingness to change this tact from one of a greater emphasis on communication. The attempted introduction was proposed in the wake of the 2011 August riots (Moss, 2013). It marks a contradictory shift in innovations, in the wake of the G20 protests there was a move to the use of liaison policing, and then after the August Riots there was an attempt at acquiring a water cannon. Also after the riots a student demonstration in London received announcements from the police threatening the use of baton rounds if similar disorder broke out in their midst. Moss states that a penal mood that wants to introduce tactics like water cannon and baton rounds to policing on the British mainland is especially noteworthy considering their sole use up until then in the post-civil war context of Northern Ireland (ibid.). It is important to note that while the threat of baton rounds seemed to be made with the sole discretion of the police leadership, water cannon was pushed with backing from the Mayor of London without the Home Secretary's required recommendations who subsequently refused to licence its use (DtRtP, no date).

Also the legitimacy of the British police is supposed to be secured through consent which involves an exchange where the public and demonstrators recognise police powers and that in return the police will use the minimum amount of force necessary. The minimum amount of force refers to the importance of 'proportionality' that is said to lie at the heart of the British model of policing because the use of force is proportionate to the amount of public consent that is eroded so it must be minimal. This narrative evokes the words of the founder of the Metropolitan Police, Robert Peel when he states that force should only be whenever, '*...the exercise of persuasion, advice and warning is found to be insufficient*' [emphasis in original] (HMIC, 2009b, 109).

In the present day, in return for this consent HMIC state that the police recognise the rights of the public and demonstrators as enshrined in the Human Rights Act of 1998 which brings the Articles of the European Commission of Human Rights into UK law and policing (HMIC, 2009b). There is also the reassurance that any tactics of force taught in training are in line with human rights with Sue Sim, the ACPO lead for public order telling the committee, "...police officers and our manuals talk about the fact that human rights is at the very foundation of our democracy" (HAC, 2009, Ev24). This is an appeal to accountability. Having said that however one interviewee speaking in 2014 has said that in the undesignated 'past' that there had '...been a more enforcement style policing approach in public order some people have seen that as very unfair and you know not the right way of policing an event and I've been very happy to join in with those minority' (Interviewee 2, 2014, 2). He seems to place this time before the introduction of liaison policing which contests the claim from Sim of rights of the public and demonstrators always being uppermost in the police priority. At the HAC hearings there were protestors and MPs who acted as legal observers at the G20 protests who present a picture of a much more blanket enforcement approach.

It is clear that any attempt to talk about a particularly 'British model' of policing is circumspect due to observed similarities in neighbouring countries of tactics and as well as that the picture of human rights undergirding policing is undermined when an interviewee says he experienced in his lifetime a particular emphasis on heavy enforcement. The next section will look at the issue of policing at the G20 protests and how this changed the MPS approach to public order afterwards.

#### **4.4 Policing on the Day of the G20 protests**

This research takes the G20 protests as the starting timeline of its research. This is due to its role as a protest in response to the financial crisis making them an important prologue to the opposition to the austerity policies the Conservative-Liberal Democrat coalition government. A lot of the issues around policing of the G20 protests and the reforms in the wake of criticisms that arose eventually shaped the policing response to anti-austerity protests.

At one stage Committee member and Labour MP David Winnick asks MPS commissioner Stephenson if he regrets immediately saying after the G20 operation that 'the headlines should read, 'Astonishing operation by the Met who did a first class job'' to which Stephenson describes the performance as, '...a remarkable operation planned over an incredibly short period of time that would normally take years and actually the vast majority of my officers did a remarkable job'. However he also believed, '...the very sad death of Ian Tomlinson should be investigated...' and that as he is 'the ultimate disciplinary authority' within the MPS, 'it would be wrong for me to prejudge

the outcome of those investigations' (HAC, 2009, Ev40-1). Gold Commander on the day Broadhurst again repeats Stephenson's high commendations for his officers and says that controversial tactics like strikes to the backs of the legs, push-aways with shields and open-hand strike techniques are nothing to worry about,

'...in the overall of what I train officers to do in difficult and challenging situations. Having said that, each one of them, as individuals, has to account for themselves, which is why, at the end of each of those shifts, despite the fact that many of them have been on duty for in excess of 20 hours, when they get back to whichever base they have come from, they then write copious notes as to what force they have used' (HAC, 2009, Ev46).

There is a defence of police action on the basis of the training and report making that indicate the police as being accountable in how they use force.

HMIC takes the same position that most of the policing was peaceful and that damage to businesses in the city was minimal. But it was also critical of what it identified as 'significant shortcomings in police national guidance for handling peaceful protest' (HMIC, 2009a, 38, 40) and uncertainty about the 'governance and accountability mechanisms best suited to support public order policing at both the national and the local levels' putting the responsibility for this with the Association of Chief Police Officers (HMIC, 2009b, 7).

At the hearings Hardwick stated there was an 80% rise in the total number of complaints made to the IPCC that he reads as a sign of more confidence from people in the efficacy of the system and not necessarily an indication that the police are performing poorly as '...no one phones the IPCC up and says, 'I have got some pictures here of the police doing a fantastic job; I would like to send them to you...' (HAC, 2009, Ev6). The IPCC repeat this claim three years later stating that the rise in complaints shows a willingness on the part of the public to use the system (IPCC, 2012). The ex-TSG officer interviewed listed its existence as proof that the police operate 'legally and justifiably' (Interviewee 3, 2014, 43). He also mentions in a more angry tone and even hitting his fist gently off the table to emphasise his words that, '...we also received numerous statements from the members of the public that the police have acted perfectly, reasonably and professionally', but [fist thump], you just never see that, I mean what's wrong with that?' (ibid.). Considering the fact that it is a complaints body it might be fair to assume that few callers are going to ring in to commend the police. Also, while it would be prudent not to judge police performance by complaints alone an 80% rise should give a comparative cause for concern. One interviewee and the former chair of the IPCC respectively point to its existence and the high volume of complaints it receives about police as

proof of the police being accountable. But while Hardwick sees an 80% rise in complaints as proof of faith in the system there is also criticism in the functioning of the IPCC and how independent it really is from the police. One criticism is when the IPCC automatically confirmed the MPS press release that Tomlinson had fell and died of natural causes and focused on the 'exaggerated' claim that protesters threw bottles while the police were administering first aid (Inquest, 2009). They also did not confirm police contact with Mr. Tomlinson which arose when the *Guardian* newspaper published a video of the baton striking him (Brogden and Ellison, 2013). Hemmings claims the IPCC did not take over the investigation for a whole week until the 8<sup>th</sup> of April. Instead the City of London Police had it referred to them from the MPS (Hemmings, 2009). However the IPCC on 2<sup>nd</sup> of April 2009 said they received a referral from the MPS and the City of London Police where a man was 'found collapsed'. They stated that their primary action was to investigate CCTV and the post-mortem and decide the level of involvement they needed in the investigation (IPCC, 2009a). However their lack of awareness that Tomlinson had died after police contact is severely disturbing for a lot of commentators. The police officer who struck him also had been accused of using unnecessary force against a motorist which did not stop him getting hired to Surrey Constabulary and later transferred to the MPS. Inquest, which investigates deaths involving state bodies expressed concerns round the tactics of the Territorial Support Group leading up to Tomlinson's death and accountability in the investigation afterwards. It also criticised the police for not notifying the family for up to nine hours after Tomlinson's demise. Inquest also pointed to a second pathological examination that found evidence of abdominal bleeding which contradicted police claims of natural causes and that the delays in investigation by the IPCC not only damaged their claims of independence but led to the 'potential for the loss, suppression and/or distortion of crucial forensic evidence in the 'golden hours' following Mr. Tomlinson's death' (Inquest, 2009).

Merely mentioning its existence and rise in complaints as justification as the ex-TSG officer and Hardwick do suggest a certain complacency on their part especially in light of the issues raised from its handling of the death of Mr. Tomlinson.

The IPCC decision to not take up an independent investigation of the death of Mr. Tomlinson is even more peculiar as they did exactly that in the case of a female protester who claimed to experience hits with shields and kicks and subsequent vaginal bleeding which led to a possible miscarriage. She was then not allowed to leave the protest for four to five hours during containment while experiencing bleeding (IPCC, 2008). They state that the reason for an independent investigation was because of the 'serious nature of the alleged possible miscarriage' (Glass, 2009, 2). While this can be a legitimate explanation it only further underlines how peculiar the decision was to not independently investigate the death of a member of the public at the same protest.

Some G20 protest participants were present at the hearings including David Howarth, Liberal Democrat MP and legal observer for the Climate Camp. Climate Camp was a major stationary protest that set up a large encampment and stalls on the 1<sup>st</sup> of April of the G20 protests at Bishopsgate. When the police moved to dismantle it there were several high profile complaints and accusations of heavy handed enforcement. Labour MP and Committee Chair Keith Vaz asks Howarth if his sympathies were largely with the protestors on that day. Howarth expresses sympathy towards Broadhurst's testimony of fearing losing control of his officers ultimately because he was interested in the safety of 'everybody concerned including the police' (HAC, 2009, Ev13). In response to a question as to whether he thought there was a far more systematic explanation for the police failings as opposed to just a few individual officers' misconduct, Howarth says that the police need to properly outline what they consider as 'disorder', whether demonstration is thought of as 'inherently disorderly' or 'part of the democratic process'. Howarth goes onto say that besides the police, others should ask themselves if the balance between the right to democratic expression and other activities on the streets is properly,

'Part of what the police always say, and I can understand why they say this, is that they must facilitate people going about their ordinary everyday business and there is obviously a conflict between that and protest. On the other hand, in a democracy protest is an everyday business; it is the everyday business of citizens' (HAC, 2009, Ev14).

It is important to remember that the challenge of balancing the right to protest with the right of other users of the city has a commercial consideration. The importance of this is apparent when HMIC canvassed the opinions of businesses as well as members of the public and residents on the police and the protests (HMIC, 2009a, 27).

Tom Brake, an MP from the Liberal Democrats who was also present at the protests as a legal observer appeared as a Committee member. He does mention to Paul Stephenson that the majority of officers did act with professionalism and that a minority of the protestors were indeed violent and that the UK should not move to a more 'remote' form of crowd control (HAC, 2009, Ev50). Brake mentions here the common refrain of the idea that there is a possible 'violent minority' amongst any large group of protesters. After the Climate Camp was shut down on 1<sup>st</sup> of April during the G20 protests an MPS commander is quoted as saying that a minority of 'criminals' were responsible for the violence with 93 quoted as being arrested over the ensuing days (Hemmings, 2009, 3). This appears in the interview data as well, 'I think it's fair to say there is a...minority of some protest groups who will engage in some form of violence or disorder to further their cause'

(Interviewee 2, 2014, 3). This idea of a violent minority is often invoked across the data but questions also arise about the connection between violent police constables and protestors regarding who is responsible first for the violence or whether police and protestor violence co-occur. The 'minority' of violent protestors are met with tactics that can at times affect the majority of non-violent protestors such as ever dispersing surveillance and mass containment all in the name of getting to this minority.

These tactics occur despite the HMIC recommending the police do not treat protestors as a 'homogenous group' (2009b, 189). This sets up an interesting question for analysis around the degree to which the police might recognise this discursively but in practice still put in place tactics that affect the whole crowd. Also following the ESIM theory of conflict one of the liaison officer interviewees states that more police cause a greater chance of conflict, 'because, yes just by the simple fact that a lot of police officers are there with a lot of demonstrators there is, y'know, the opportunity for conflict. If you take away, y'know many of the police officers then the chance for conflict is reduced' (Interviewee 1, 2014, 14). Defend the Right to Protest has also expressed similar support for these theories quoting research from Stott, Reicher and other theorists who have also found the underlying assumption that violence is merely the responsibility of violent people infiltrating the larger protest crowd as problematic (DtRtP, 2014a). These theories can undermine the idea of a violent minority that start the day getting ready to fight the police as opposed to the idea that attitudes like these can occur throughout the day as more and more police numbers are present. If the police behave in a perceptibly hostile manner the wider crowd can become more open to voices calling for confrontation. It is a question whether these 'hostile voices' are the same as the pre-prepared violent minority who starts the protest with an intent on violence or members of the crowd who find themselves victims of perceived police heavy-handedness. Reicher's writing (2011) suggests it might be a mixture of both when, after the police initiate blanket enforcement tactics, moderate participants realise they are being treated the same as the radical element.

Brake also wonders if there would be any investigation of the allegations of plain clothes police officers acting as possible *agent provocateurs*. Stephenson replies he will even though at an earlier stage he said in response to the allegations that, '...the idea that we would put *agent provocateurs* in the crowd is wholly antithetic to everything I have known about policing for the best part of 34 years' (HAC, 2009, Ev42). The Gold Commander Broadhurst also denied the presence of plain clothes officers at the protests saying such a deployment would have been dangerous and only FIT officers were deployed for intelligence purposes (HAC, 2009). However later newspaper reports stated that plain clothes policemen were indeed present and while there is no proof of them acting in the capacity of *agent provocateurs* they were most likely gathering intelligence (Lewis, 2009).

Broadhurst appeared again in front of the Home Affairs Committee with Acting Commissioner Godwin while Paul Stephenson was recovering from a medical procedure. Godwin stated that after Broadhurst's original statement, 'we identified that the City of London Police had in fact deployed originally some plain clothes officers to various locations across the City of London' (HAC, 2011). Commander Broadhurst is clear that, 'I hadn't asked for covert policing at any of those protests, and wasn't aware that I had any' (ibid.). There is an interesting question here around mutual aid where City of London Police do not feel any need to inform the other major police force working on the G20 protests, the MPS, of their deployment of undercover officers. It also brings up questions around command and control on the part of Gold Command officers and just how informed they are about the full scale of a public order operation. Such a supposed lack of awareness causes severe embarrassment for Broadhurst.

Other protestors appeared before the Committee. Frances Wright, member of the Climate Camp stated that initially there was 'some resistance' from the police towards protest actions but that it was fairly scant until 7 pm in the evening with what she described as feeling like a 'co-ordinated assault' and that 'It was very violent' and '...an intense, very rapid clearance of the road which was very scary' (HAC, 2009, Ev17). At 9.30 pm Section 14 of the Public Order Act was imposed to shut down the camp and people who had gathered on the north end of Bishopsgate experienced baton charges and police dogs while those who were in the camp were held in containment until 1 am (Hemmings, 2009). At the hearing was another protestor who reiterated the feeling of attack and says that the police just seemed to advance and 'charged' the demonstration and that 'My girlfriend had been dragged behind me with her wrists bent behind her back, threatened to be broken and was pulled back behind the police line...Whilst this was happening I was being struck on the side of the head by the sides of shields' (HAC, 2009, Ev17). HMIC quote Direction and Control complaints referring to protestors being treated as 'sub-humans' and the police doing nothing as a girl had an asthma attack, disproportionate force and the feeling of punishment for being at a protest (HMIC, 2009a, 32). At the Excel Centre in Canning Town where the G20 leaders were meeting police formed a 'ring of steel' that involved 1,500 officers, calculated at three to one for protesters, and restricted access for a half mile radius to anyone without accreditation This included residents not part of the protest being inconvenienced (Hemmings, 2009, 10).

There is another protestor by the name of Nicola Fisher who said that on the day after the main protest there was a vigil for Ian Tomlinson, 'not' a protest she said (HAC 2009, Ev20). She said there was no warning and the police tried to break them up and that an officer just stood in front of her, 'He shouted, 'Get back' and pushed me at the same time' (ibid.). She admitted she swore at the officer with 'What are you doing hitting a \*\*\*\* woman?' but that was after she was struck. She also

said that he got out 'His stick and hit me twice. He hit me over the back of my leg and I stumbled backwards, someone caught me and my leg went up and he hit me again and caught me at the bottom of my leg' (HAC, 2009, Ev21). In the IPCC report of this incident they mention that Nicola Fisher changed her account when she accepted that Smellie did not 'punch' her but gave her a 'backhander'. Other witnesses stated that Ms. Fisher was 'out of control' and 'kept coming at the officer in a sustained and aggressive manner' as well as throwing orange juice on him and hitting him a few times (Glass, 2010, 4-5). The IPCC interviewed the officer in question under criminal caution and sent the file to the Crown Prosecution Service (CPS). PS Smellie was also witnessed to pull at another protester to the ground at Climate Camp but she did not suffer any injury. The District Judge ruled his action as 'reasonable' (Glass, 2010, 6). PS Smellie appeared in court for the charge of common assault and was found not guilty to which the non-appearance of Ms. Fisher as a significant witness was affirmed to play a part (Glass, 2010; Hemmings, 2009). After his acquittal IPCC decided not to press ahead with any disciplinary action to which the MPS agreed (IPCC, 2010b).

There is a great dissonance between the accounts of police and protestors. The police say they are fully aware of rights and aim for accountability over any misbehaviour while the protestors felt the police attempted to intimidate them. Now it might be possible that there were merely communication issues resulting in these two perceptions but the protestors speaking here seem to think that it was a more concerted effort and not just one or two officers acting out of sync with the rest of their colleagues but a 'sea change in attitudes' of the police over a period of time (HAC, 2009, Ev17) and while they do mark out individual actions these are pointed out as examples of overall brutal, co-ordinated manoeuvres and that more violent officers in fact feel emboldened because of this. There is also the perception of no warning for this change in tactics pointing out the communication issues that recurred throughout this hearing and would lead to the adoption of liaison policing which will be discussed in detail later.

#### **4.5 Footage and filming of police**

HMIC states as well that policing larger scale protests can threaten to undermine the consensual model of policing due to it police being subject to higher levels of scrutiny (HMIC, 2009b). This is a continuing theme throughout the research that public order policing happens within a visible environment meaning that discretion is not as extensively available as in beat policing. This is because as Ericson describes it, 'Low visibility' is just one resource available to police officers to maintain control over their decisions' (Ericson, 2005, 223). It is very difficult for these to be subject to review from superiors or courts. However in the highly visible scenario of public order policing

there is a much higher possibility of any action or misdeed from an officer being caught on camera and appearing in the news that evening.

The police representatives who appeared at the Home Affairs Committee are asked about the footage of officers and are all emphatic that though footage may appear to show the officers behaving reprehensibly that they should not be judged beforehand and resist several attempts made on them to pronounce judgement on the conduct of their officers. When Paul Stephenson is asked whether he had seen the footage he replies in the positive and says those were the images that spurred him to push for an investigation (HAC, 2009). However he refuses to automatically agree to the suggestion that he may have thought 'unacceptable' when he saw these images and refers to his position as the ultimate disciplinary authority which means he cannot prejudge that outcome (HAC, 2009, Ev42).

HMIC concurs that camera-phones and 'citizen journalists' can combine to contribute to a negative image of the police with police actions under increasing levels of scrutiny (HMIC, 2009a, 4; 2009b, 11, 31) and refers to Ian Tomlinson and the events leading up to his death (HMIC, 2009a, 24-5).

Sue Sim, the ACPO lead for public order says that everyone listens to the media and everyone listens to protestors but no one listens to officers and that while it does not justify police violence care does need to be taken when interpreting how the media portray the police (HAC, 2009, Ev26). She says the pictures in the papers alone would have horrified her too but that the photographs were explained in such a way as 'to show me that actually there was not any misdoing in relation to the police officers' (HAC, 2009, Ev23). The Chairman challenges her by saying that she is not a High Court Judge and said that other officers like Paul Stephenson and Denis O'Connor came before the committee and did express concern and asks her whether they were wrong too. She says later that according to the ACPO police must be able to explain the use of force within the lines of Section 3 of the *Criminal Law Act* and that what she is actually saying is that she does not believe in trial by press and that a full investigation is needed (ibid).

As well as Sim's contention, HMIC says that police commanders interviewed by them expressed intense frustration with the media coverage, initially positive and then turning critical after news of Tomlinson's death (HMIC, 2009a). However this might be due to the police releasing inaccurate accounts of Ian Tomlinson dying of natural causes and then footage emerging of him in an altercation with a TSG officer moments before he died. IPCC also repeated the incorrect statement of medics getting bottles thrown at them as they treated Tomlinson (Inquest, 2009) which video footage later showed not to be the case (*Channel 4 News*, 2011). The omnipresence of recording devices available to everyone can severely undermine the primacy that police narratives

can hold such as initial explanations for Tomlinson's death and the ready acceptance the media and the IPCC accepted them with. Greer and McLaughlin state that the new media environment allows everyone to be able to produce news worthy images with their cameraphones and undermine the once favoured status of police narratives as seen in the mood change of the media to police accounts after further footage of Ian Tomlinson and his assailant emerged (Greer and McLaughlin, 2010).

One of the liaison officers interviewed states, 'I don't do anything that I would fear being shown on camera because there's hundreds of social media cameras out there that are tracking what we do' (Interviewee 2, 2014, 10). Though the latter statement should not suggest that the officer is stating that he would undertake reprehensible behaviour if he knew cameras were *not* there it is in line with the findings of Brown (2016) whose interviewees state that they use force less often or are less likely to use it if they know filming is happening.

The police often criticise the media as only pointing out police behaviour when it is that of abuse or violence and completely blow it out of proportion to the rest of the officers who have been marked out as behaving with absolute decorum in very challenging circumstances. This seems to hark to a 'bad apples' argument where the behaviour of a few individuals makes the rest of the force look bad an impression increased when Davies asks the blatant question whether or not the police look for a 'scrap' at big protests like the G20 or whether they are concerned with 'wanting to go home at the end of the day and see their families?'. Sim reiterates that the police believe in the right to protest and community policing, talking to people, and facilitate 'lawful' and 'peaceful' protest. She admits that there can be bad officers and that the MPS is not perfect but that if an investigation finds anything that needs to change then there will be learning and the ACPO will lead (HAC, 2009, Ev26). This quote by Sim shows another defence used by officers that there will be learning from previous public order operations and the police will apply these in the future. Indeed footage of such harsh police action can be valuable for training on the use of force for new recruits (Goldsmith, 2010). The high visibility of protests puts policing under more scrutiny than normal beat policing and this along with the tight command structure and sensitive political nature of these deployments means that discretion for officers is downgraded even further. The IPCC stated that one complainant on the day of the G20 protests claimed she did not want the individual officer disciplined but for there to be learning around the MPS engagement (Glass, 2009). The G20 protests and the Tomlinson death represent a very steep learning curve for the MPS but it is important to see with the introduction of liaison policing how much had changed.

There is an interesting parallel with one interviewee who states that the media only film protestors when they are disorderly or violent, 'it's a fact of life that the media are more interested

in a protest that turns violent' (Interviewee 2, 2014, 11). This is an interesting overlap with video activists and their concerns that, while sharing videos can increase accountability and reluctance on the part of officers to use force, at the same time the media obsession with violence on the day and police or protester misbehaviour can eclipse discussions of the actual issue the protest was trying to highlight in the first place (Goldsmith, 2010).

#### **4.6 Budgetary considerations**

Another important factor is that the MPS is subjected to austerity measures as well as those they are policing. The demands that they cut their policing numbers puts added pressures on public order operations, not least because these can be expensive in their own right in terms of overtime expected to accrue to officers. The MPS public order policy recently to U-turn on a recent policy to demand that protests would have to pay for their own stewards or face a complete lack of traffic management (Spencer, 2015).

One of the stated benefits of the new liaison team is the fact that besides their potential to reduce the potential for conflict they also reduce the need to deploy several Police Support Units (PSU), '...it's also, y'know, saves money for the MPS, bearing in mind, we're poor, meant to be saving money' (Interviewee 1, 2014, 14). A PSU can consist of 1 inspector, 3 sergeants and 21 constables (HMIC, 2009a). This is upheld by his fellow liaison officer, who says that in a hypothetical operation liaison officers can tell their commanding team, 'yes they [protesters] may cause a bit of disruption, yes they might sit down but that's the extent of what they're going to do and the command team takes a sigh of relief, fantastic, that means I don't have to have 62 PSUs you know I can have 16' (Interviewee 2, 2014, 13). Also HMIC have noted that in, '...these straitened times...' metropolitan police forces are experiencing increases in spending on public order, reporting rises of £245,000 to £636,000 between the years of 2009 and 2011 (HMIC, 2011, 5).

Waddington speaks of 'over-policing' from senior commanders where they estimate how many protesters arrive and how many police officers there will be to regulate the scene. He mentions as well there can be considerations of overtime payment for officers who are deployed and commanders must also balance the need to keep costs down with that of keeping control over the protest (Waddington, 1994). This can mean that any new innovations in public order deployment may require assessment of whether it is cost effective or not.

#### **4.7 Conclusion**

This chapter outlined some basic characteristics that define the MPS according to the data.

The police describe the balancing of rights between protesters and other users of the city as the utmost importance of their public order role. They state that there is a particularly 'British' model of policing in which consent is of paramount importance and is based on the proportionate use of force and the recognition of the rights of protestors. However the testimonies of some MPs and two protestors who came before the Home Affairs Committee show it is not the impression the police left everyone. Instead the witnesses felt the police attacked the protesters. The challenge for the police is on how to uphold public order and maintain a reputation of proportionality and reasonableness. This chapter has shown that police operations that display a high level of enforcement can leave protest crowds disillusioned and very untrusting of the police. This is particularly heightened through incidents such as the death of Ian Tomlinson. The new media environment where everyone can have easy access to a portable camera on their phone, means a higher visibility of police misconduct that can also undermine public trust.

The next chapter will now examine how the protesters are described within the data and what are the impressions and definitions of the protest participants that form the anti-austerity movement.

## Chapter 5: Conceptions of anti-austerity activism

Before looking at the actual tactics of public order policing there needs to be an explanation of what picture the data builds of the protesters. This chapter outlines the different categories of anti-austerity activism drawing from the discursive constructions, descriptions and classifications of protestors and their forms of protest. There are five sections to this chapter presenting findings from the documentary analysis and interviews. It is important to look at the different ways the police conceive of protests and protesters as this can have a big influence on the tactics they ultimately use. Some tactics and some groups of protestors might make the police suspect the imminent onset of violence or disorder. However, the police also view certain protest groups as more legitimate and sympathetic in their aims and methods of protest. In this way there can be an analysis of when the police are most likely to use greater force or more comprehensive surveillance or communication.

As well as differentiating the way the police responded to different protest groups, the chapter also highlighted any level of sympathy the police may feel towards anti-austerity as a cause due to government spending cuts to their own operations (Brogden and Ellison, 2013).

### 5.1 Categories of protests

This section will look at the different categories of protest actions that interviewees describe, the challenges they present and how police respond to them.

#### 5.1.1 *Pre-event negotiation and its absence*

HMIC gives a clear statement on the place of protests in civil life stating, 'We should remember that public protests have been part of British political life for a very long time. Protests are an important safety valve for strongly held views' (2009a, 40). In addition it describes, 'the right to protest in public is a synthesis of iconic freedoms, free assembly and free speech' (ibid.). HMIC then qualifies this by pointing to a certain cleavage in views between, 'Some... [who]...measure Democratic maturity by the ease which peaceful protestors can protest...Others ...by the security that they have to go about their business free of interference from protestors...' (ibid). It is this which 'defines the policing dilemma in relation to public protest' (ibid).

One thing that is clear is that the police prefer a protest to come forward beforehand to speak to the police so they can start engaging in planning the protest and its policing. At the HAC hearings Gold Commander for the two day operation, Bob Broadhurst, summarised the G20 protests

as consisting of, '19 demonstrations, in 17 of which the organisers came and spoke to us and we had no problems with; two did not and we had problems with ...we had 14 demonstrations the following day and, of course, the G20 summit' (HAC, 2009, Ev46). HMIC spelled out the consequences for protests that do not engage in effective communication with the police, 'Protest will be inherently more difficult to plan and facilitate where there is no constructive dialogue between the police and protesters. This may result in the use of police tactics which are more restrictive than would otherwise be the case.' (HMIC, 2009a, 9)

When detailing the symbolic assailant Skolnick said that as well as dress and language, 'gestures' can also signal a 'prelude to violence' for the police (Skolnick, 2011, 42). The protest that does not come forward is suspected of being more likely to engage in serious disorder. There is here the offer of facilitation but with the possibility of more restrictive tactics if protesters do not accept the offer. There is also an aspect of surveillance to this negotiation where the protest organisers volunteer information about their protest to the police. All three policing strategies co-exist or appear in a complex network in the single act of contacting the police or refraining from doing so on the part of protesters. HMIC also stresses the importance of protests appointing stewards as enabling the police deployment to be reduced,

'With no stewards and no individuals or group with overall responsibility for control of the protest, the risk for potential disorder increases. This in turn impacts on the nature, size and planning of the policing operation, as the police have to respond to the heightened risk of disruption, damage, disorder or threat to life' (HMIC, 2009a, 21).

The reason this happens is that the police do not have the proper intelligence on the intentions of the protest,

'...the police are unable to gain accurate information regarding the intentions of the protesters, the location or route of the protest or demonstration, likely protester numbers and timing of the event. This hampers the ability of the police to ensure the safety of the protesters and to plan an appropriate policing operation to facilitate the protest' (ibid.).

This lack of clear intelligence of a certain protest or its intentions is a constant source of threat and the size of the policing presence can be a good indicator of how much of a risk the police consider the protest to potentially be. PAJ Waddington states that the police aim to maintain control of the

ground and they often seek to assure this by deploying a sizeable number of personnel on the day (Waddington, 1994). The addition of stewards can also help in keeping costs down for police deployed if the protest organisation can take over some of the policing functions itself.

Protests who notify the police of their occurrence are also marked out as more sympathetic as opposed to demonstrators who do not notify the police. Before the Royal Wedding of Prince William and Kate Middleton the police engaged in numerous arrests of activists to prevent any disruption of the ceremony. Jones stated these arrests also swept up those who were unconnected to the Royal Wedding protests including anti-austerity activists. He highlighted distinctions between 'good protesters' who notified the police about pro-republican 'street parties' and other unauthorised 'bad' protesters who were not even targeting the wedding at all (Jones, 2011, 2).

The opening paragraph suggests HMIC recognises the centrality of protest to democratic and civic life in Britain however the police and policy makers suggest that there is a certain type of planned protest that makes sure to negotiate with the police beforehand and appoint stewards that is the ideal situation. Any protest that does not do these are bound to get more robust policing due to not volunteering information to the police on its numbers and assist with intelligence gathering.

#### 5.1.2 Non-violent, illegal and/or disruptive protests

Liberal Democrat MP David Howarth was present at the HAC hearings who acted as legal observer at the protests as a witness. He states that he was at the site of the 'Climate Camp' protest at Bishopsgate in the City of London during the G20 protests and,

'That protest was entirely peaceful. The police commander said the day before at our meeting that he accepted it was peaceful, the police running an account on the Internet of the events said that it was peaceful and yet it was compressed in a forcible, violent way and dispersed in a forcible and violent way' (HAC, 2009, Ev14).

The explanation for this course of action towards a peaceful protest marks another distinction between different demonstrations. The police consider protests that come forward and negotiate with them as at less risk of becoming disruptive. Howarth defends the Climate Camp as entirely peaceful but the police still forcibly dismantled it. Gold Commander Broadhurst makes an interesting counter-argument to Howarth when he states,

'I do have some issues with Climate Camp. Whilst I accept that they are a peaceful organisation, and I understand what they are trying to achieve, they will not put forward

organisers because they say they are a non-hierarchical organisation... *They sometimes confuse being peaceful with unlawful* [My emphasis]' (HAC, 2009, 51-52).

Clearly Broadhurst believed that Climate Camp was in breach of the law and causing disruption but care is needed here. Even though protest that breaks the law might seek to cause disruption, protests that do follow the law will also cause some kind of upset to the daily routine of the city. A static protest that takes place on the pavements might force pedestrians to cross another side to get to their destination or a larger demonstration might cause significant traffic disruption. The quote from HMIC at the beginning of the previous subsection is clear that non-violent protest can interfere with other users of the city. After the G20 protest HMIC made the criticism that the original planning of the operation did not consider the fact that protest could be disruptive, 'Peaceful protest that may be disruptive is an important reality that needs full consideration in planning and implementation of public order operations' (HMIC, 2009a, 6).

Just because a protest is peaceful does not mean it is not unlawful or disruptive. However there is a question as to what extent the police can tolerate this disruption. Presumably if it is legal like a trade union march who appoints stewards and negotiate with the police beforehand then the police will facilitate it. The question of illegal yet peaceful protest is a little more delicate. The quote from Broadhurst suggests annoyance at Climate Camp yet the police tolerated the large occupation of around 4,000 individuals for over six hours before putting in a containment for almost another six hours and finally a dispersal that faced criticism for being heavy handed with an essentially peaceful demonstration (HMIC, 2009a). The police most likely tolerated this in the interests of avoiding enflaming crowd tensions, a similar rationale to that of the use of liaison policing in more recent years. This attitude is reflected in the writings of patrol policing who will occasionally overlook minor discretions to avoid 'hot' situations (Muir, 2005, 176). The question is around the length of time that the police can tolerate civil disobedience even if it is being peaceful. Police need to minimise disruption to the city on the beat as well as in the middle of the public order operation. Yet in the latter scenario when they are also expected to facilitate some disruptive non-violent forms of protest. The question is how long they are expected to do so. This recalls some of the contradictory functions of the police role that Hall identified. They must negotiate the competing demands of applying the law impartially, maintaining order yet also preserving the rights of citizens (Scruton, 1987).

Amongst the interviewees a protest that came forward to contact the police was ideal as it meant for them that they would be cooperative and open to police suggestions. One interviewee, the currently serving TSG officer, states that if a protest is legal, given permission and a prescribed

route for marching then that means that it has an engaged coordinator as well, '...just the very essence of the protest, if it, if it's uh legal and it's very uh, people got permission to protest uh, then that also indicates that you got an engaged organiser as well...', (Interviewee 4, 2014, 3). He states that at marches the Trade Union Congress (TUC) stick to a defined route and the presence of stewards means there is very little need for a large police presence. This is again an indication of how the size of police presence highlights their attitude to how potentially dangerous they view the protestors to be. Liberty who observed a TUC march in 2011 also spoke glowingly of the stewarding operation they saw there and stated that, '...the TUC's stewarding operation was organised and proficient...appeared to us to be highly cooperative, both with the police and our legal observers' (Liberty, 2011, 4).

I asked about disorderly protests that can be illegal. The same interviewee apologises for being 'woolly' but he says, 'It really does depend on what's in front of you' (Interviewee 4, 2014, 6) and continues,

'...you can potentially use the same example so you've got a group of people who go off down Horse Guards Parade and they sit down...11 o'clock at night...midday, midweek, night, I can't remember what day it was but it was mid-week the traffic was light, are they actually going to be uh, disruptive? Yes they are cur-, they would have been causing an obstruction of the highway but actually is it proportionate to uh, start pulling people off the road and start arresting them straight away for obstruction?...in my mind, probably not...But if they sit down uh, for, and they start to make it clear that they're there for a length of time, they would then become disruptive, then I'm starting to reassess well actually would it be proportionate for us to start looking at potential arrest or...as a tactic? Quite possibly but only...after... going through, persuading, trying every single means possible in trying to get them to move' (ibid).

He reiterates policing as being in a state of continuous assessment on what the proper and proportionate procedure is. Liberty's observers on the TUC march in 2011 also observed officers continuously engaging in this assessment when considering using containment. They too faced a situation that kept rapidly developing and had to reassess its use for mobile groups of protesters and whether they could find a safe area to contain them (Liberty, 2011). It is here the proper place for discretion is apparent but it is not necessarily that of the beat officer but public order command that can decide to hold off intervening with obstructive protesters. This is similar to the Climate Camp, where the police held off for seven hours in total before implementing three hours of containment

and dispersal. It is however apparent that police do not want to let protesters occupy a road indefinitely, thus it is only a question of when they decide to move the civil disobedience protesters and risk sparking a flashpoint for confrontation. This interviewee also says that illegality does not necessarily mean it is proportionate for the police to pull them away. The activity is illegal here as they are causing an 'obstruction' as in they have intentionally stopped on the highway and they have not asked for permission. An obstruction of the highway can be reasonable under Article 11 of the European Convention on Human Rights (ECHR), which enshrines the right to peaceful assembly if others are allowed to pass. The example above shows no indication that they are letting others pass but he says that the traffic was light which means that the police could wait. However there were limits to the length of time protesters could stay before the obstruction was deemed unreasonable (HMIC, 2009b). As the protestors were already present for a length of time and did cause a disruption and the police exhausted all other avenues of action they then decided on arrest.

The same interviewee does say that members of the public do ask why the police cannot just stop protestors from causing disruption,

'...friends of mine who aren't police officers, 'Why do you let them run around the West End?', 'Why do you let them do just, uh, whatever they want?'. Well actually people still have the right to protest as well, they still have the right to peaceful protest and do you know what, if you've got group of people walking on Regent Street, shouting their cause...carrying a banner...should that be policed or...should we be putting a containment in around them straight away and dispersing them? Actually is that the right thing to do? For me, probably not actually.' (Interviewee 4, 2014, 19).

It is important that the officer recognises that the decision to use containment should not be taken regularly or lightly. HMIC also note that containment can cause '...great anxiety and frustration' (HMIC, 2011, 6). This support of the fundamental right of protest echoes statements from the interviews with liaison officers where they state respectively,

'We actually do get this, 'Why do you let people do this?'. Well because they can to be quite honest. The question needs to be what powers do we have to stop them?... historically, the police would have stopped marchers but why would we do that? Nowadays if you have the right to protest, if they're not doing anything too illegitimate, let them protest I don't see why anyone would try and stop them using any methods

necessary unless there was something disorderly or illegal going on and that’  
(Interviewee 1, 2014, 17)

‘But there is this perception by the public that it is the police that allow a certain protest to happen or allow it to go down a certain route or sometimes, ‘you should stop this happening, you should ban it, you should arrest all these people because they’re protesting’ and you know it’s just explaining to people, you know they have a perfect right to protest, you know, sorry it’s causing some disruption but this is England in 2012 not some other countries in the distant past’ (Interviewee 2, 2014, 11)

Here the police interviewees clearly view themselves and by extension their force as far more tolerant of protest, as opposed to some members of the public or their peers who resent the inherent disruption of even legal protests. There is very little identification here with the zero tolerance style of policing which Western countries emphasised before a shift away to more negotiated management styles (Della Porta, 1999). This confirmation of the right to protest is repeated in civil society campaign groups like Statewatch who instead of relying on the conception that ‘This is England’, instead point to Articles 10 and 11 of the European Convention on Human Rights that assures the rights to freedom of expression and assembly respectively (Statewatch and Access Info, 2011). Liberty, however does draw on national tradition when it points to the ‘vital political culture of peaceful protest and dissent’ in Britain from the anti-slavery movement to Chartists in the 1800s (Liberty, 2008b, 3).

This self-conception from three police officers differs from what the police literature identifies. As opposed to the literature conceiving of them as conservative, and rigidly moralistic (Reiner, 2010) the data suggests, despite occasional conservative attitudes in certain accounts, a kind of liberal pragmatism that is enshrined in the law. This should not be surprising as it also coheres with another feature of the police role being their pragmatism and emphasis on avoiding situations of confrontation through under-enforcement (Reiner, 2010; Muir, 2005).

### 5.1.3 Protests that threaten violence

‘Violent’ protest for this research means protest that actively destroys property or threatens others physically. There are protests where this occurs and there are protests where the police expect violence to be imminent. This research is more concerned with the latter as it highlights how police predict which protests or protestors are violent and how they reach this decision.

The TSG officer is certain that violence tends to be spontaneous and states that he cannot think of a time that he got pre-emptive intelligence that a group is violent,

‘...the illegal...spontaneous, *violent* protest...I can’t think of, anytime I've been given specific intelligence that a certain group are going to come into uh, central London and be violent... It is in situations like that, that the “Queen’s Peace” must be maintained, that, ‘the core policing.... [inaudible], are still the same to prevent crime, disorder and keep the Queen's Peace’ (Interviewee 4, 2014, 3-4).

He proceeds with an example of a protest around Buckingham Palace where a breach of the peace was feared imminent due to overheard attempts to protest and he felt the use of containment to be justified,

‘In November the 5th last year so 2013...myself and my u-unit were outside Buckingham Palace when the fireworks were being directed toward...the Palace... It was *very* um, *very very* volatile...and the command decision was to clear...around the Queen Victoria memorial...and...protestors a-away from, up the mouth towards uh, Admiralty Arch, so that we did, so um the protestors were moving as we were moving up the mall, a group came together umm, I'm trying to think maybe 10, 10 or 15ish maybe a few more, umm, that I know were going down towards Horse Guards Parade, down toward the rear of Downing Street, now there you got, there was no way that was planned, it was a spontaneous movement of people that gathered together and they were heading towards the rear of Downing Street. When we caught up with them a conversation was heard along the lines of, ‘Yeah we're at the rear of Downing Street, we're all to protest at the rear of Downing Street’, uh there's a real, a real and imminent risk of breach of the peace um so, I put the, using two TSG units, uh put a cordon in around the um, uh the people um as a breach the peace containment basically... Now as soon as that containment goes in, um, um myself as a public order commander I'm going through the National Decision Model all the times you know just, [hits fist softly on table] continuously using the National Decision Model so, um, and also making sure that it is still applicable, to have people contained, is it proportionate to what I'm trying to achieve and actually the wider command, uh, team, uh policing plan trying to achieve um and, through putting in something like a containment, does it disrupt the planned activity? Well yeah actually it did so bringing um, um Evidence Gatherers down with

cameras, filtering people out of the uh cordon, recording your people, asking for their names and address, you know what, if they didn't do it they don't need to-, was there any anti-social behaviour there? There could have been uh but actually a group of people gathering together and moving towards, is that enough to, um, start demanding names and addresses? For me, probably not...but I did fear an imminent breach of the peace so absolutely convinced in myself the decision I was making was sound and then filtering people out' (Interviewee 4, 2014, 4-6).

The launching of fireworks was followed with the order from his command team to begin moving all protestors away. Clearly protestors firing a firework influenced his decision to input containment when he saw a spontaneous break-away group moving towards Admiralty Arch. He balanced his response according to what he considered followed the demands of proportionality. Clearly the interviewee assumed that a spontaneous protest planned at Downing Street straight after should not be allowed to happen. But even though the firework was set, and protestors planned to move on to Downing Street, he shows some ambivalence around the proportionality of getting Evidence Gatherers on the group to record names and addresses. The aim was restricted to disrupting further protest that may also be provocative but clearly did not feel that recording a group for planning a protest was a proportionate use of surveillance. There have also been previous controversies over the police use of containment to gather intelligence on those held. At a TUC organised march organised later in 2011, a group of protestors broke away and protested against corporate pay outside the headquarters of Xstrata mining company. They were put into a containment and were only allowed to leave after giving their personal details. The High Court later ruled this as unlawful (Statewatch, 2013). The currently serving TSG officer was the only one to mention issues of proportionality around the use of surveillance. This is especially important considering High Court rulings such as quoted from Statewatch and the fact that the ACPO training manual also emphasises proportionality in the use of surveillance (ACPO, 2010).

There is also an importance attached to the symbolic locations of Buckingham Palace and Downing Street. These are the residences of the Queen and the Prime Minister respectively. Even though a firework alone does not suggest outright disorder the protest's occurrence near two abodes of the most important national representatives in the country seem to have led to the decision to use containment. Waddington talks about police officers facing the possibility of being forced to 'die in a ditch' where the police will show force, despite the possibility enflaming tensions with the crowd, so as to avoid political backlash of disruption threatened near important symbolic

locations (Waddington, 1994, 167, 180, 185). Even so, the interviewee did not seem to experience this consequence and puts part of it down to his decision not to deploy surveillance.

There can also be particular laws around these high profile locations that mark them out as requiring extra protection. Historically there have been attempts to restrict protest around Parliament Square. Sections 132-138 of the *Serious Organised Crime Act* 2005 stated that protesters had to give six days' notice to the Metropolitan Commissioner before holding an action in this area or face immediate arrest (Rowlands, 2010b). Statewatch has also highlighted the Council of the City of Westminster in London's attempts to ban homeless people from rough sleeping around this area. Though different from protest it is another example of how certain denizens of the city are deemed too unsavoury and have their movements tightly controlled around high profile locations (Statewatch, 2011).

Public order policing is often a matter of real-time decision making and officers must decide whether the protest is violent or not. There can be suggestions of possible violence such as here a stray firework but this might not be enough for the commanding officer to deploy the full range of powers. A landmark court ruling from the European Court of Human Rights is the case of 'Austin and Others v The United Kingdom', concerning a containment of protesters and members of the public during May Day protests in Oxford Circus in 2001. Disorder broke out amongst protesters within the cordon and outside the cordon. The containment was ruled not to be a deprivation of liberty under Article 5 of the European Convention of Human Rights. The ruling stated that the containment was proportionate in a 'dynamic, chaotic and confusing' situation ('Austin and Others v. The United Kingdom', 2012, 8).

The fact that the police must engage in quick decision making in such febrile scenarios means there needs to be a scope for discretion. This account from the currently serving TSG officer highlights the importance of the possibility of "breakaway groups" as shaping this consideration. The following subsection looks at this in more detail.

#### 5.1.4 Breakaway groups

Splitting up protests into different categories runs into some difficulty. It is not necessarily the case that peaceful legal protests, protests of civil disobedience and violent protests all happen in a vacuum from each other but can co-occur. According to interviewees, some groups intent on civil disobedience or violence can form part of a larger, legal demonstration that notify and cooperate closely with the police. The possibility of these smaller groups breaking away from the main demonstration can influence the deployment of tactics on the day.

The currently serving TSG officer used the example of Occupy London as presenting a challenge in terms of balancing their needs of protest with 'keeping London moving' but he also says that protests are a challenge if they give rise to break-away groups,

'...quite often break away protest groups in my experience, the actual march, em, wouldn't be actually problematic at all and I think that's probably reflected on the amount of officers policing the actual march, but the number of officers policing the wider policing footprint and I think that reflects the fluid nature of, in the broadest possible sense, 'anti-austerity protests' that there will, uh there will often be small break away groups' (Interviewee 4, 2014, 1).

He specifies that large marches do not necessarily need a large policing presence through their numbers, especially if they are a march organised by large union groups like the TUC. However smaller, more radical groups or ones that do not follow the preconceived march route and follow pre-agreed courses of action present a huge amount of anxiety for police.

Breakaway groups mean a choice for the police that the interviewee distinguishes as 'do we actually follow them, do we follow them straight away? Do we follow them on CCTV? And that-that's in my experience in public order policing, that's quite a contemporary um, move really in policing protest' (Interviewee 4, 2014, 1). This suggests a widening role opening for surveillance that can account for the movements of protestors as opposed to the chaos that can follow confrontation, that he attributes to protests becoming more mobile and dynamic (Interviewee 4, 2014).

On two separate occasions, Liberty has pointed out how breakaway groups present a challenge for policing tactics. When the MPS and the Mayor of London both proposed acquiring water cannon Liberty countered that the mobile nature of contemporary protest and the size and heaviness of the vehicles meant the latter would be profoundly ineffective against them (Liberty, 2014a). Their report on a TUC march in 2011 said that containment would be ineffective for breakaway groups as by the time the police decide it is the proportionate response the group may already have moved on to a location that is unsafe to secure or they could have joined the main demonstration (Liberty, 2011).

When asked who he identifies as these breakaway groups he states, 'I would say in the broadest possible terms that, that the groups that tend to break away are...um, would be um...the anarchist groups, Black Bloc...it does seem to be very spontaneous and I think that's reflected in when you get that breakaway group' (Interviewee 5, 2014, 2). The 'Black Bloc' refers to groups of protesters commonly described as wearing masks to cover their faces to evade surveillance (Netpol, no date). They are often thought to be highly mobile and militant in approach including the use of

direct action and property destruction (Liberty, 2011; Netpol, 2011a). The interviewee describes these breakaway groups as often extremely challenging to keep on course in one march and favour mobility and speed as well as a sense of randomness and spontaneous collective decision making about where they go next,

‘I think also that's reflected on when they do go mobile around the West End, they stand at Oxford Circus for example and look left, right and then looking left and thinking, ‘Where do we go next?’ so there isn't any organisation or there doesn't appear to be any organisation...it's very spontaneous...but I believe they go to the protest initially as a planned event...’ (ibid).

He says that the police ask them, ‘...who's your leader? Can we speak to them? What are your intentions?’ And every single time without fail I've had the reply, ‘We don't have a leader, we're a movement’ (Interviewee 4, 2014, 2). The lack of dialogue is seen as a recurring feature of these groups as much as not sticking to a clearly defined route. Organisations critical of the police are very ambivalent about engaging in negotiated management, as they believe this represents a further opportunity for the police to gather intelligence on the protest (DtRtP, 2014a).

The interviewee believes that breakaway groups rose in the midst of the student demonstrations in 2010 citing the protests at Parliament Square that resulted in protestors running through the West End and surrounding the car of Prince Charles and the Duchess of Cornwall,

‘...in fact I think it would have been the student demos because I think that was when Charles and Camilla's uh car got attacked...it was it was just after...the main, there was another demonstration wasn't there? Milbank was uh, one after the uh, the big one the week before but it was that breakaway group that moved into the West End and just started causing destruction round West End and yeah, just attacked Charles and Camilla's car. That really, actually yeah you asked a question when did that, when did it change? I think it probably was that, that event actually. That you had this mobile demonstration, actually hmm, our policing tactics really changed very quickly to deal with that so yeah...’ (Interviewee 4, 2014, 3).

HMIC also identifies a change in the nature of protests after the student demonstrations of 2010. They identify a spread of ‘...sporadic violence; disruption caused; short notice or no-notice events,

and swift changes in protest tactics', as well as, '..a willingness to disrupt the public and test the police' (HMIC, 2011, 3).

This seems to suggest that student demonstrations are considered to particularly hold a lot of more disruptive forms of protest such as breakaway groups in their midst. But the interviewee specifies that these breakaway groups exist because of the porous nature of the groups involved in the anti-austerity movement. This means that one march or demonstration can have groups that vary in composition, organisational structure or membership. He goes further and says that at a demonstration about one subject, '...you could have a group protesting against austerity measures as well uh, sort of as part of the wider protest...' (Interviewee 4, 2014, 1). Anti-austerity protests are possibly just one reason for the protest depending on the action and gives particular mention to, 'an element of anti-austerity protest within them, for example a TUC demo' (ibid.).

While these groups are described as breaking away from the main group and engaging in disorder elsewhere interviewees also described another subgroup as existing in the larger demonstration who try to convince everyone else to engage in confrontation with the police. The next subsection will examine these claims.

#### 5.1.5 *Manipulators*

The previous subsection spoke of smaller groups threading themselves within the crowd who seek to breakaway at any moment and engage in civil disobedience elsewhere. This section now concentrates on descriptions of another group that is present in the crowd but seeks to convince the latter into confronting the police. This category arose from discussions with a liaison officer and an FIT officer. In both accounts they talk about the manipulative effect these groups or individuals can have on the crowd in terms of getting them excited and orchestrating their actions. Instead of being violent themselves, they try and spark up trouble and get the crowd to follow them. The liaison officer describes his and his colleagues' attempts to counteract the effect of these groups by walking amongst the protest crowd themselves,

'I'm sure there are certain groups of people who would turn up, they would turn up at most demonstrations, no matter what the cause was...and they would follow a number of causes...and they were almost a focus, almost being a focal point, 'Now look at us, we're now here, this must be a good demonstration because our group turned up we're now involved with what's going on' but street wise enough to know that and once they're successful at getting people excited and involved in whatever shape or form they will take a few steps to the back...' (Interviewee 1, 2014, 13).

Here these individuals appear enigmatic, influencing the crowd and then withdrawing when disorder begins. This description is repeated in an almost conspiratorial mould by the FIT officer when he states that a lot of groups tend to have someone who is happy to remain out of sight and to let others take the lead of the group. He says that,

‘...but then you know you have protestors who are being, being that sort of front person, who ‘I’m in charge’, but really there’s someone in the background who’s telling them what’s happening...Because some people who are in charge of stuff, don’t want to be known to be in charge....it’s like gang members, you have your front-minding man, who’s allegedly pulling the strings but really it’s your man at the back who’s hiding who’s in charge. Why wouldn’t you do it that way? ‘It’s better to have that man in the front getting all that attention. I’ll just stand back here’.’ (Interviewee 5, 2015, 14-15).

He specifies that this is what he sees with far-right groups like Britain First and the English Defence League, but he is describing a similar situation as the liaison officer except the latter speaks of a figure that gets the crowd into a kind of frenzy and then withdraws quickly afterwards. In 2009 HMIC issued a report that held similar views on individual protesters manipulating the crowd,

‘Protestors have a heightened sense of grievance, which easily turns – or can be manipulated to turn – towards any symbol of authority, particularly the police. The art of successfully policing public protest has always been to minimise this transfer of grievance by allowing protestors a fair and reasonable chance to make their point peacefully’ (HMIC, 2009a, 7).

Yet in the same year HMIC issued another report that emphasised The Elaborated Social Identity Model as a much subtler account of a group of disruptive protesters that can influence the crowd. It recommends that the police look for distinctions among the crowd of protestors and view them as a more heterogeneous body and not according to classical psychological theory that, ‘crowds are irrational, dangerous and open to easy exploitation by agitators and therefore implies that physical crowds are single psychological entities posing inherent dangers to public order’ (HMIC, 2009b, 85).

It seems that the idea of someone manipulating the crowd into violence is still inherent even for one of the liaison interviewees and that the police must counteract this influence. In contrast HMIC try to move away from this idea of agitators as it appears in one of their own documents the

same year and edge towards the ESIM model that speaks of the crowd 'identifying' with the more strident activists when they no longer consider police action to be legitimate,

'Consequently, there is an increase in the numbers within the crowd who perceive conflict against the police as acceptable or legitimate behaviour, thereby empowering those prepared to engage in physical confrontation with the police. In this way, the crowd is drawn into conflict even though the vast majority had no prior intention of engaging in disorder' (HMIC, 2009b, 86).

This account decreases the importance of agitators and manipulators and instead emphasises the influence of harsh police action against the entire protest crowd. It is even more complex when one currently serving TSG officer casts doubts on the idea of these manipulators as intent on violence, '...those people, is with the people around them which they are trying to pull into their disruptive intent and I, I'd be reluctant to say "violent intent" actually because they're not, they're not always in, they're not always violent...sometimes incredibly disruptive...' (Interviewee 4, 2014, 8-9). He seems to suggest that the presence of these violent individuals can be overstated though they do engage in other forms of disruption. This ambiguity can exist between different organisations focusing on protester rights including Liberty mentioning that there can indeed be violent people in the crowd on the day (Liberty, 2011) and Defend the Right to Protest reiterating the insights of ESIM scholars like Stott and Reicher that harsh policing tactics can encourage protesters to engage in violence who had no original intentions to do so (DtRtP, 2014a). Some police interviewees believe these manipulators exist, the policy documents from HMIC state that they do but then diminish what possible influence they might have and finally one TSG officer thinks they exist but was reluctant to use the word "violence". There is an ambiguity about this aspect of crowd disorder. That some police harbour a suspicion that it is orchestrated suggests echoes of classical psychology of the crowd being irrational and open to violence (Reicher et al, 2007). However this exists alongside recognition that it is police action that can primarily cause a crowd to become hostile and confrontational.

This section has focused on the different types of protest and how the police respond to them. The following section will describe police accounts of those individuals they deem to be more disruptive in an anti-austerity march and what they think motivates them.

## 5.2 Protestor Archetypes

This section describes protesters on a more individual level and draws out the characteristics of those the police consider most likely to engage in violence or serious disruption. This section begins with the police preconception that there is a 'violent minority' within protests who police need to be able to distinguish from peaceful protestors. It interrogates just how widespread this concept is in the domain of policy and amongst police interviewees. The next subsection describes how the police consider age as an important factor in whether a protester will engage in violence. The final subsection then outlines how the police describe and distinguish separate archetypes of the 'hard-core protestor' and the 'professional demonstrator'.

### 5.2.1 *'Violent minority'*

The previous chapter mentioned the particular trope of the 'violent minority' that police commanders and politicians refer to. This is reminiscent of subgroups like the 'breakaway group' or 'manipulators' that are part of a much larger demonstration. After the G20 protests, during the HAC hearing of oral evidence there seemed to be a wide consent by politicians and police present that there was a 'violent minority' of protestors within the crowd. Conservative MP and Committee member James Clappison says that,

'...there were clearly protestors armed with weapons, We saw some photographs which were taken at the time of the protests showing some of the protestors, and I saw only some of them, but some of them were clearly equipped...with what looked like weapons and clearly looked as though they were on a sinister intent...There seems to have been that side to it as well. Even though many people were peaceful protestors, there was an element, as demonstrated by those photographs and some actions, which was not quite as peaceful?' (HAC, 2009, Ev12).

On a different sitting of the Committee, Conservative member David Davies asks ACPO president Sir Hugh Orde,

'Is it the case that sometimes a lot of the people hanging back will be watching what that minority does and then watching how the police respond and, if they detect weakness from the police, will then join in and continue a growing cycle of disorder? Is that something you recognise?' (HAC, 2009, Ev32).

Orde answers from his experience in Northern Ireland that,

‘...it would be right to say we have, sadly, what we call ‘rent-a-mob’, who actually do try to encourage my officers into areas and then attack them. So there is that, and people do hang back, yes, you are absolutely right. At the other end, you have people who are simply tied up because they are in the wrong place at the wrong time’ (ibid).

This is another example of the ‘violent minority’ under the synonym of ‘rent-a-mob’. David Winnick, Labour MP and member of the HAC asks David Howarth, Liberal Democrat MP and observer on the day of the protests and witness at the hearings,

‘You have spoken about the right to demonstrate, the very essence of our democracy, of that there can be no doubt. Are you clear in your own mind that there needs to be a sharp distinction between demonstrating, which can involve shouting and the rest of it, and outright violence against the police?’ (HAC, 2009, Ev15).

Howarth is clear he recognises this distinction and that violence against the police is abhorrent and tough policing against violent protestors is very understandable. Conservative MP, James Clappison tells Howarth,

‘I am a bit concerned by what you said at the beginning, where in your initial remarks you appeared to lay the blame on the police for raising the temperature in respect of these matters...but it is apparent from any reading of recent history that G20 meetings have been accompanied by violence...I would ask you if you would reconsider the approach you are taking on this when talking about the police raising the temperature.’ (ibid.)

Clappison also draws attention to ‘...the nature of some of the demonstrators who are attracted to the G20 meetings and the sort of protests that they want to make which result in violence’ (ibid.). However this statement does not take into account the growing idea in British policing that the police can be responsible for sparking aggression. Policy documents state that people do not necessarily go to a protest to be violent but how the police treat them can make them feel marginalised, ‘Research overwhelmingly demonstrates that the indiscriminate use of force by the police during an event can negatively impact upon crowd dynamics to increase the risk that a crowd

poses to public order' (HMIC, 2009a, 86). There is an acknowledgement by police and policing agencies like HMIC that one cannot easily explain away violence at protests through mere focus on 'the nature of some the demonstrators' (HAC, 2009, Ev15).

This narrative of a violent or disruptive minority in a protest also appeared in the course of the interviews. One of the police liaison officers talked about how the 'historical distrust' of FIT amongst protestors carried over to their reactions to him and his colleagues on the Police Liaison Team (PLT),

'There are loads of groups that have this historical distrust of FIT teams, almost hatred of them to be quite honest and they will actively make sure that they will definitely not engage with us as they see us as a new breed of intelligence gatherers. In fact some of them try to actively disrupt what we try and do and I feel, personally I feel that is because we have done such good work as liaison officers with, with your average demonstration that they, I think that they feel threatened by the fact that the new approach by police is almost taking away their power as they no longer have the ability to whip up the crowd into a frenzy' (Interviewee 1, 2014, 11).

He states these groups fear the liaison officers and FIT because they seek to excite, turn and manipulate the crowd into either disruption or violence. However, there are constant news reports of undercover officers like Mark Kennedy being embedded in environmental and social justice activist groups and beginning sexual relationships with some of the activists therein (BBC, 2012a), accusations from journalists and politicians of having their activities recorded in databases and police logs (Jones, 2015) and revelations about the attempt to recruit informants in student groups against tuition fees (Evans and Khalili, 2013). In light of this, it may not be surprising that some activists collapse the activities of undercover officers, informant recruitments, FIT and liaison officers together in broader concerns around police surveillance.

While 'hatred' might be a harsh word to use, a lot of prominent protest rights organisations demonstrate antipathy to working with liaison officers citing HMIC sources that state that liaison officers took over the dialogue role from FIT officers. They believe the liaison role still has the intelligence aspect to it that FIT officers had. This impression is strengthened through claims that individual FIT officers were often recognised when they reappeared as liaison officers in later protests. Netpol also claimed that in 2012, Chief Inspector Sonia Davis who was head of the Police Liaison Team (PLT) stated that at one protest event liaison officers were deployed to gather intelligence and identify leaders (Netpol, no date). In a guidebook for activists produced by Defend

the Right to Protest and NUS and NUSBSC they reiterate that protesters do not need to talk to liaison officers (DtRtP, NUS and NUSBSC, 2016) while Green and Black Cross also recommend keeping quiet and walking away from them (Green and Black Cross, no date). They also recommend not negotiating with the police beforehand or passing leaflets or communications from them around resulting in protesters being made technically aware of conditions under Sections 12 and 14 of the *Public Order Act 1986*. Green and Black Cross state that the latter action might result in easier prosecutions for protesters if they are aware of the conditions (ibid.).

As David Waddington explains that a lot of protesters can begin a protest within a certain political and ideological context. The first can refer to certain vilifications of protesters from the media or political discourse (Waddington, 2007). However constant media reportage of police undercover deployments among protesters might lead them to feel they are constantly under suspicion from the police and they may consider overt intelligence gathering to be no different than the stories of covert intelligence gathering on campaigners and left-wing politicians. This can lead to important preliminary factors in longstanding protester hostility than just the consequences of police actions on the day of the protest.

Fears around surveillance might make the protestor more suspicious of the police and take precautions to conceal their identity that can further, ironically, draw the level of attention they are likely to get. In its first report after the G20 protests, HMIC states that 'masked' protesters in the Climate Camp were recorded in police log records, 'At around 1.40pm, the Bronze log records a group of masked protesters in the Climate Camp at Bishopsgate. At 2.40pm, a sub-Bronze log records *'mood of the crowd generally peaceful. Tents, games, music etc. Approximately 1,000 in total'* [Italics in original] (HMIC, 2009a, 52). Masked protesters will get special attention even if the report describes the crowd s 'general peaceful'.

It is plain from these accounts that there is a conception of a violent minority that comes out and try to engage in violence and as the accounts from MPs at the HAC hearings make clear they set out to do this from the beginning. The liaison officer highlights anyone who seeks to disrupt the conduct of FIT officers or do the same to liaison officers who some protesters see as a surveillance gathering tactic. There is a kind of implied agreement with the idea that if one has nothing to hide from the cameras then one has nothing to fear.

However the FIT officer who took part in the interviews stated that, while there can be violent or disruptive groups of protesters, they have very little effect on the dynamics of protests,

'I think they've always been quite big....but I don't think they have that element to cause disruption, I don't think they have that element of people that want to go out of

their way to cause trouble and do whatever they want ah...[inaudible]...stuff, whatever, there's only a small faction...a lot of people going on anti-austerity marches are you know, students, professionals, whatever, do they really want to get themselves in trouble unless...[inaudible]...? I don't know, I don't think so, there is that aspect of you know, embers of that alleged group called Black Bloc but you know given, given the students from the Fortnum and Mason's there wasn't that many of them...A group of five is strong, but take it a couple of ways will soon become nothing, um so I-I think they have no noise, ah student marches I don't doubt they don't bring numbers, union marches they'll have numbers but will it-will it turn into disorder like it has done years ago? No, I don't think so...' (Interviewee 5, 2015, 22).

My interviewee seems sure that disruptive protest or those that 'cause trouble' are almost negligible in the numbers they bring out and that mainstream protests of professionals and students are in the majority who will not want to risk arrest or a criminal record. Protest organisations themselves assure their readers that arrests are actually rare, and if they do occur often result in few charges and even fewer convictions (DtRtP, NUS and NUSBSC, 2016). However these same organisations also draw attention to harsh police tactics as causing the disorder in the first place (DtRtP, 2014a). The reference to Fortnum and Mason refers to the arrest of UK Uncut activists who campaigned around tax evasion and occupied the luxury shopping complex in Central London (BBC, 2012c). He seems to think that student demonstrations will not revert back to high profile disorder such as occurred during 2010. This is possibly due to the small amounts of 'disruptive protestors' but it does seem very optimistic that trouble will not flare up again.

What is obvious from the last two interviewees is the idea that there can be subsets of more violent or unacceptably disruptive protesters within larger demonstrations but that due to a variety of reasons, whether successful disruption of their activities on the part of intelligence gatherers or basic self-interest on the part of demonstrators not wanting to cross any legal lines their influence is supposedly negligible. However if student protests developed into disorder in those years there is really nothing to stop them doing it again in the future and with theories like ESIM that state that policing that is over-robust can foment disorder it does depend whether the MPS begin to display this again or try and keep maintaining the liaison policing style they innovated after the G20 protests.

### 5.2.2 *Age*

Interviewees tended to show an antipathy to younger protesters and suggested a higher possibility of them engaging in violent acts. There were various reasons for this such as a basic lack of impulse control. The ex-TSG officer refers to a protest for Gaza he was deployed at where protestors smashed windows of a McDonald's fast food outlet,

'...they're just idiots, there's no other word for it, and I say it because I was one myself. When you were 14 or 15 years old you just get caught up in the moment and then there's a lot of just plain angry guys who probably can't... are not particularly good at managing their emotions that's something once again.... but once again we were all angry 14 year olds once weren't we? But you can identify that, you can manage that, because we are professionally experienced we can distinguish between who's just Little Johnny who's having a bad day,' (Interviewee 3, 2014, 14).

This interviewee seems to think that it is the likes of 'little Johnny who's having a bad day' who are unavoidable, 'where it's open recruitment, get as many people in the one location you always got an element that will cross the line' (Interviewee 3, 2014, 12). There is also emphasis on the gender of these younger protesters as male and more open to engaging in violence. The police officer's experience of being a younger male makes him feel that he has insight into the purported behaviour of these protesters and that adolescent male misbehaviour is essentially universal. Fassin (2013) also states that as well as race, being male and young was also a factor in police harassment or violence he witnessed in his ethnography. While in the context of this research there is no mention of harassment and violence, there is a certain amount of trepidation around young males as the most likely to engage in serious disorder as Fassin observes in France.

When I asked the currently serving TSG officer about the work of Clifford Stott and 'self-policing' of crowds, age comes up as a factor again. He does mention that he has seen crowds engaging in self-policing though he did not know Clifford Stott was involved with it necessarily (Interviewee 4, 2014, 9-10). He states that it is usually the case that there is someone who's young,

'...a young person all dressed in black...they got the black bandana and...they're young and they start swearing at police officers...more middle aged men and ladies...they really do police them and say 'That's not what this march is about, that's not what we're here for' and uh, and it's almost like they're being told off by their parents' (Interviewee 4, 2014, 10).

It is seen here again that age is a big factor for demonstrators possibly engaging in violent or aggressive protest with my interviewees viewing the younger ones as losing self-control or lacking a degree of maturity to stay out of trouble. One prominent, and generally younger, set of anti-austerity demonstrations came from university students opposing rising tuition fees. The police were often accused of consistently resorting to tactics that affected the students as a group as opposed to targeting individuals. There was particular criticism of their use of containment on student protests including one case where students were held for several hours in the freezing cold without water or facilities (Statewatch and Access Info, 2011). This was followed with several high profile cases where police were accused of injuring students including dragging Jody McIntyre out of his wheelchair (IPCC, 2010a), Alfie Meadows receiving severe head injuries after receiving a blow from a police truncheon (IPCC, 2010c) and another student suffering a damaged tooth while being detained (IPCC, 2015). This suggests a willingness for more robust policing against younger participants like students that is not observed in the policing of marchers from public sector unions. This is especially interesting in light of historical writings from Scraton (1987) that state that organised labour up to the years of Thatcher could be subjected to very harsh scenes of enforcement but now it seems reserved for youth-led protests.

### 5.2.3 'Professional Demonstrator' and the 'hard-core protestor'

The interviewees used the two categories of 'professional demonstrator' (Interviewee 3, 2014, 12, 14) and 'hard-core protestor' (Interviewee 3, 2014, 12, 14; Interviewee 4, 2014, 5) interchangeably. These are just two of the archetypal individuals interviewees mention that can make up the more disruptive groups of protestors. The interviewees however did include some nuance and at different times connected or distinguished these figures from the 'violent minority'. The ex-TSG officer mentioned the professional demonstrator and the second was mentioned by both him and the currently serving TSG officer. The ex-TSG officer begins by distinguishing the protestors of a younger age and the 'professional demonstrator',

'...we are professionally experienced we can distinguish between who's...the malicious, if you will, professional demonstrator, who knows how the criminal justice system works and...how to exploit it, how to escape conviction, that's where, that's where our skills as police officers, particularly TSG come to the fore because if we get it wrong, if we fail to distinguish little Johnny having a bad day to the professional demonstrators, we're out of a job...' (Interviewee 3, 2014, 14).

He also mentions the professional demonstrator when talking about the use of plain clothes tactics in public order where they, 'are aware of this tactic so they will actively challenge anyone they think is a copper' (Interviewee 3, 2014, 19). This 'professional demonstrator' is described as 'malicious' and someone who 'exploits' the criminal justice system and can 'escape' conviction. He seems to think that there are the younger protestors who engage in violence without realising the consequences and then the professional demonstrator who plans for arrest and police action. He does not specify exactly what 'exploiting' the criminal justice system entails. It may be possible that it means they know their rights and to what extent police powers are limited but that does not seem to be an example of exploitation. The designation of the 'professional demonstrator' evokes the fears and warnings of 'veteran anarchists' during the G20 protests from media reports based on police briefings (Hemmings, 2009, 1-2). Also, as opposed to the idea of experienced activists undermining the criminal justice system, Defend the Right to Protest seeks to reassure their readers that arrests rarely result in getting charged and even less chance of a conviction at all (DtRtP, NUS and NUSBSC, 2016). Other sources have stated that mass arrests tend to be for the purpose of intelligence gathering rather than in response to actual or potential lawbreaking (Netpol, 2011a, 10; Jones, 2011). This suggests that low prosecution rates are par for course at protests and can in fact lead commentators and activist to draw their own negative conclusions from this fact as opposed to the ones the interviewee draws about the 'professional demonstrator'.

The interviewees' lack of elaboration raises more questions than it answers. He may mean TSG officers have to distinguish between younger participants and these professional demonstrators otherwise they face job insecurity if they engage in harsh action against a younger protester. Not only that, but the professional demonstrator is said to constantly 'challenge' officers who are plain clothes which may be irritating or intimidating for a police officer, especially if in the middle of a crowd surrounded by people who have become instantly aware of their presence.

However, the interviewee is also adamant that a '6' 1', 16 stone white bloke with short hair' would not be considered a part of the protest anyway (Interviewee 3, 2014, 11). Leaving aside how this seems to narrowly discount anyone fitting this physical profile and suggests that anti-austerity demonstrators as being somewhere along the lines of BME or a woman or a short unfit man with long hair or some combination of these characteristics, he suggests that the crowd would know who they are and if that is the case then professional demonstrators are going to 'challenge' them.

As well as 'professional demonstrator' he also slips into using the adjective 'hard-core' which he distinguishes from the violent minority type with the full description of the 'hard-core peaceful',

'When you're talking of a collection, if you can get 12 well drilled people who are fully committed to the cause peacefully then I suppose that's achievable'. He then adds, 'You had the hard-core peaceful griping and bragging about guys that had been crossing the line, they were self-policing themselves actually that day' (Interviewee 3, 2014, 12).

In contrast to the professional demonstrator who exploits the justice system the hard-core protestor is described as well-disciplined cohort that does not let their emotions get the better of them. Even though they do engage in a bit of posturing through 'bragging' they can actually be the epitome of 'self-policing'. However they are only a small minority within the crowd because, '...where it's open recruitment, get as many people in the one location you always got an element that will cross the line' because the well drilled 'hard-core faces that keep regularly turning up...are just a small percentage of, of a wider crowd' (Interviewee 3, 2014, 12, 17). One thing he also mentions is what he sees as the ultimate futility of the style of peaceful yet civil disobedient protest,

'I'm not sure how much I believe in the effectiveness of public demonstrations unless it is that one million people out on the street. Do they hold any value? I don't think, I struggle to think that I do. Some of these guys have a good point but they would be much better to identify what exactly their message is and engaging with the right people to get that message heard. Public format where it's the same old faces standing outside the Houses of Parliament I'm not sure, are the members, are the MPs inside looking out saying, 'Oh crikey! They're back again' or 'Who are these guys?, what's their concern?', I don't think they give...give a toss so when it's a public demonstration of less than 50 people...I'm not talking about in the University campus where they might attract members of the University Governorship, I'm talking about out the public space of the Costa Coffee in Islington, and then upsetting members of the public by blocking the highway and then using a wealth of police resources which is spending taxpayer's money, struggle to see the benefits of that...' (Interviewee 3, 2014, 61).

The reference to 'one million people on the street' seems to indicate that maybe the trade unions who can amass thousands of members and sympathisers with a very clear message might be the way forward. However it is interesting to remember that in 2005 750,000 to one million people in Parliament Square protesting the Iraq War did not stop it (BBC, 2003).

The currently serving TSG officer repeats the term 'hard-core protestor' as distinguished from the younger protestors saying that during a protest he served at around Buckingham Palace that he noticed a crowd of,

'...five, six, seven core group of um, uh, hard-core uh, protestors, really, the-they protest a lot and are genuinely um, more anarchist, uh, types... the other people within that group, they come along to protest, to make their point and they kind of got caught up in, they um, tend to be quite young people as well, um maybe 16 to 25ish, who want to come and make the point, maybe being anti-establishment, definitely anti-austerity, um but actually they got caught and they were like, 'Crikey, actually, I mean I'm in trouble here'' (Interviewee 4, 2014, 5).

He goes on to state,

'through want of a better phrase that 'hard-core' protestors that I referred to, whether they actually start off the day by saying uh, 'We're going to be violent towards the police, ...we're going to be disruptive on this demonstration', em actually probably not I'd say em, but they are more difficult to engage with, in fact, impossible to engage with...possibly through...their values and their beliefs, they don't want to take instructional direction of em, police...as I say because of their values in potentially anti-establishment as well, just because of who they are...it conflicts with who they are...'  
(Interviewee 4, 2014, 8)

However he qualifies this point with describing certain protestors as,

'...those people, is with the people around them which they are trying to pull into their disruptive intent and I, I'd be reluctant to say 'violent intent' actually because they're not, they're not always in, they're not always violent...but there have been occasions, Milbank for example, that-that is violent definitely, but are these people that get caught, are these eh, um, are these protests that get caught up in the moment and then do something that they ordinarily wouldn't do, em, or they, by nature, uh, violent individuals? I-I honestly don't know' (Interviewee 4, 2014, 8-9).

Here this interviewee defines 'hard-core' protesters as those that do not set out to be violent but are just as capable of being violent in certain situations spontaneously. He emphasises their primary feature as their lack of engagement with the police and attributes this to how they construct their identities. He asserts that the reason they do not engage with the police beforehand or throughout the day is due to their anti-establishment ideals. There is a downplaying of how much violence is a feature of protests for these figures in this account. They are said not to necessarily intend on it from the outset but that they can lose control and perspective.

Another interviewee who downplayed violence at anti-austerity protests was the FIT officer who stated that 'the Left-wing' such as Occupy, CAFT and 'all that sort of mob' were much stronger in the 2000s and mid-2000s,

'...I think there was a period in 2000, mid-2000s where the Left-wing and the Occupy and em, CAFT, all that sort of mob were quite strong and prominent to do anything, but me personally, I don't think they have a hold on-, they don't have, backing to what they used to have, em, you know, May Day Riots, used to be a big thing. May Day now its non-existent, you know, you used to go out as FIT on the job and you'd be guaranteed, May Day would be a big you know, fight as such, but it's not there anymore...I followed a few hundred people doing whatever they wanted saying petty offences, criminal damage, thieving but in the big picture what is it?' (Interviewee 5, 2015, 21)

This interviewee is obviously describing a lot of different protests as one and the same. He elides the likes of Occupy with CAFT.

This downplaying of violence is in contrast to the account of the ex-TSG officer that views a fusion of younger angrier and male protesters with manipulative 'professional' demonstrators that can use their wiles to avoid legal censure from the courts.

Overall the 'professional demonstrator' seems to be anarchist in orientation and will not communicate with the police which heighten concerns around spontaneous, unplanned protest. Younger protestors seem to group around them and be the real source of damage or violence at demonstrations. This talk of younger protesters grouping around these professional demonstrators parallels the conception of manipulators that insinuate themselves amongst the crowd and try to spark them into more violent forms of action. However there is ambiguity about the extent of influence that these figures have on the protest crowd. It is also hard to accept claims that these 'professional demonstrators' undermine the criminal justice system when protest organisations

suggest that the majority of arrests at protests do not result in a charge or conviction (DtRtP, NUS and NUSBSC, 2016).

The 'hard-core' protesters are regular attendees and are peaceful but uncooperative. However these should not be taken as hard and fast categories but as colloquial descriptors for two different tendencies. If this interview was had again it would not be beyond the realms of possibility that the two descriptors are swapped or that interviewees come up with new ones.

The next section will look at how the data views the aims of protesters and what they want to achieve on the day of their protests as well as their longer term strategy of resisting austerity.

### **5.3 The aims of anti-austerity protesters**

An interesting factor about anti-austerity policing is that it regulates protests marching against the same fiscal policies that the police are experiencing (Brogden and Ellison, 2013). Reiner's (2000) writings highlighted the contradiction of police officers in the 1980s being receptive to Conservative administrations' sympathy for their strong law and order stance but not their marketization policy. This research paid particular attention to remarks from interviewees on the political policy of austerity and whether they supported it or not considering that as officers they could not strike themselves.

The ex-TSG officer seems to be frustrated with certain protest groups for not having a clear aim and message. He particularly aims this criticism at Occupy London to answer,

'I also thought that one of their significant problems where they started losing support was, what was their message? You know drill into the detail, what actual, what argument were you guys trying to present? Because when we were going to it, believe me there's plenty of sympathy there because the police are suffering from austerity cuts as much as anyone but when they're putting across their arguments, what exactly is it? Because soon the anti-austerity argument quickly slips into an anarchist, pro-anarchist argument or, you know, Black Bloc...' (Interviewee 3, 2014, 60)

The criticism of austerity policies is reminiscent of the Police Federation's warnings of under-funded policing (Brogden and Ellison, 2013). The fact that the police are also opposed to the same policies as the protesters they regulate is a testament to how wide-ranging the austerity policies are across public sector spending and the different populations they affect (Castells, Caraca and Cardoso, 2012).

However his criticism of Occupy London also recalls of the concept of 'respectable' protesters. It states that the police see trade unionists as respectable due to the 'legitimate' aims of protecting their wages and not in the pursuit of abstract goals (Della Porta and Fillieule, 2004). It might also be due to the fact that the police also see themselves as public sector workers but without the right to strike. Police support staff are the ones who have already gone on strike which according to Brogden and Ellison are the first to experience cuts before the officers but the latter usually find themselves having to take over administrative duties (Brogden and Ellison, 2013).

It is not only the fact that trade unions appoint stewards and negotiate with the police but there seems to be a degree of identification with trade union protesters. When one liaison officer was speaking of public concerns around one march by a teacher's union he emphatically states, 'They're teachers!' (Interviewee 1, 2014, 7). This speaks to two defining features of policing background that Reiner has pointed out, first of all there is the fact that historically the police view themselves as coming from 'respectable layers of the working class or the lower middle class (Reiner, 2000, 96; 1991; vii). Also the aims of trade unions to ostensibly protect their wages speaks to Reiner's other characteristic of the police as being ultimately pragmatic (Reiner, 2010). They speak in terms of concrete goals and objectives in the course of their duties. The reaction of the ex-TSG officer show the difficulty for police in identifying with the more radical and abstract aims of groups like Occupy London that include austerity, but also other progressive causes that seek a society-wide change. This can mean relying on methods of occupying prominent spaces indefinitely and risking arrest with no clearly defined goals. The interviewees also did not identify with the looser form of organisation of some of these radical groups, preferring an identifiable single representatives that speak on behalf of the membership and can come forward and negotiate with the police (Waddington, 1994; Noakes and Gilham, 2006). The police view radical protesters' mode of operation as bafflingly counter-productive and needlessly disruptive to other users of the city with members of the public quickly losing interest or sympathy from such an incoherent grouping of agendas.

While the police participants seem to be sympathetic to the central features of the anti-austerity groups they hold a very negative view of the smaller direct action protests as opposed to the larger trade union protests. However this might not extend to the student union protests with the police believing their youth makes them more susceptible to engage in disorder.

#### **5.4. Conclusion**

Overall the data indicates that it is the smaller direct action anti-austerity groups that the police believe to be the biggest challenge in public order policing. They view them as the ones who do not

come forward and communicate with the police and inform them of their protests and help with intelligence gathering. There are also the protests that are peaceful yet illegal where the police try to be flexible in the face of disruptive actions like highway obstructions and to carefully weigh the use of arrest or law enforcement over the prescriptions of models like ESIM warning against the dangers of disproportionate police action in enflaming disorder. Concern appeared around breakaway groups from even the large trade union marches that usually give them little cause for concern.

There was also a taxonomy of the different typifications of protestors as individuals that interviewees spoke of such as the idea of the 'violent minority' as well as other terms such as the 'hard-core' or 'professional demonstrator' and how regulating or dealing with these individuals was to be approached.

The police also identified with the public sector workers and even showed a sympathy for their opposition to austerity. This reflects some of the disquiet rank and file officers can hold over austerity and how it effects their livelihoods and working conditions.

After two chapters describing the construction of the police and protesters from the different narratives in the data the next three chapters will examine the police use of force, surveillance and communication respectively.

## Chapter 6: Tactics of Force

This chapter will look at how the MPS use tactics of force. Tactics of force can have two consequences; first, the use of physical intervention including the use of restraint, lethal and non-lethal weaponry or riot shields and baton charges that might result in injury and secondly, the use of powers to restrict one's liberty on a short term or longer term basis (including arrest, dispersal, and containment). The tactics that restrict individual liberty can be used in conjunction with or in lieu of tactics of physical intervention.

The use of force has been one of the most controversial aspects of public order policing. Previous chapters have discussed incidents such as the death of Ian Tomlinson and the life threatening injuries sustained by the student protestor Alfie Meadows (Taylor, 2013) as well as the use of mass containment, (or 'kettling'), resulting in legal challenges.

The first section will examine 'individual tactics of force' which means those tactics police apply to individual protestors suspected of breaking the law. This section will examine how these individuals are identified and how these tactics can serve to dissuade activist engagement. The proceeding section will cover 'collective tactics of force' the police apply to wider protest crowds. It will examine how the imperative to maintain wider order for the rest of the city will decide whether the police will instigate these tactics, for how long and how they try and maintain the welfare of those affected.

The penultimate sections considers force as a catalyst for further disorder before the conclusion draws out the most salient themes.

### 6.1 Individual tactics of force

This section covers the tactics of force as they apply to individual protestors. The first sub-section will look at individual 'pre-event' tactics that target certain individuals before the actual protest takes place. The next subsection examines the use of these individual tactics 'in-situ', when the protest in questions is already taking place.

#### 6.1.1 Pre-Event applications

This section will analyse the police use of pre-event tactics of force aimed at individuals. Two tactics rose to prominence in the timeline of the research which were pre-charge bail and warnings. These

tactics both faced accusations from protest organisations that they served to either subtly or explicitly dissuade protesters from taking part in protests.

#### 6.1.1.1 Pre-Charge Bail

'Pre-charge bail' refers to when a suspect is released on bail after arrest but before they are formally charged. The police do this when they need more time to collect evidence or receive approval from the Crown prosecution Service. The police are only allowed to detain a suspect for 24 hours unless an officer of a superintendent rank or above authorises an extension to 36 hours or a Magistrates' Court allows one of 96 hours. Pre-charge bail gives the police more time to collect this evidence or receive authorisation to press ahead with a charge.

Suspects can be forced to adhere to several conditions while on pre-charge bail. These include regular appointments at the police station, not associating with certain people, living at a fixed address and obeying a curfew. These conditions were often imposed without time limits to bail meaning that suspects could be subject to these for extreme durations of time (Liberty, 2014b; 2015b). Liberty attribute this to a large latitude of police discretion in this area (Liberty, 2014b).

In an article for *The Guardian* newspaper titled 'Revealed: Police using pre-charge bail to muzzle protesters', Rawlinson (2014) argues that, in effect, protesters were banned from going to demonstrations, since 85% of protesters subject to this tactic never face charges and that the MPS are the most regular users of this power with 569 banned and 15 being charged. Activist organisations have claimed that protesters on pre-charge bail never had their court cases materialise as the police delayed them or said the evidence was not gathered to formally charge them. This means the freedom to participate in protest can be frustrated for months or even years (DtRtP, NUS and NUSBSC 2016; Green and Black Cross, no date) and that the majority of arrests these conditions are attached to do not result in a conviction (DtRtP, no date). This has led to accusations that the use of bail can be an effective method of controlling protests and circumvents the judicial process altogether (DtRtP, 2014a).

The Home Office responded to these charges by looking at the conditions of pre-charge bail suspects. In early 2015 the Home Secretary announced time limits on pre-charge bail of 28 days,

'The Home Secretary today announced a package of reforms to the police use of pre-charge bail, including setting a limit that pre-charge bail will not last longer than 28 days, with extensions permissible only under specific circumstances, and court oversight for any extension beyond 3 months.' (Home Office, 2015).

It might be that the police did not intend to curtail the freedom of suspects but even so the consequences is such that the Home Secretary felt compelled to step in and set definitive time limits. Rowlands has stated that while such interventions are desirable there is a general issue with police practice. Rather than being “facilitators of peaceful protest” they often ‘...have routinely imposed bureaucratic obstacles and restrictions on organisers of demonstrations’ (Rowlands, 2010a, 13).

This topic only arose with one interviewee after the story first emerged in the media. His role in the police was that of a police photographer in the Evidence Gathering Team (EGT). He described his position on pre-charge bail in the following way,

‘Theresa May [then-Conservative Home Secretary] has come out again and said like, em, the use of bail is a big issue, em...I understand that some people are given conditions put upon them, some of which include if they don't live in certain areas they are banned from certain areas at certain times, yeah not to participate at certain protests at certain times’ (Interview 6, 2015, 30).

However, the interviewee expresses deep scepticism about whether the police would actually delay a trial,

‘I would understand if it was used as a tactic that was used beforehand to arrest people if they have a bit of evidence for offences and they were going to go and arrest them and to prevent them from going to certain demonstrations that wouldn't surprise me...whether they would purposely delay the trial for that, I don't know, I-I personally would be surprised,’ (Interviewee 6, 2015, 30).

In contrast to this, the position of the Home Office is that there have indeed been protracted periods of people on bail there is an emphasis on the considerable stress this causes them,

‘In recent years, a significant number of individuals have spent months, and in some cases years, on pre-charge bail and ended up not being charged or, if charged, found not guilty. While the complexity of some investigations means that it can take the police a significant period of time to assemble and analyse evidence and present it to the Crown Prosecution Service (“CPS”) and then the courts, it is often extremely stressful for individuals to be under suspicion for extended periods of time, particularly if onerous conditions are attached to their bail.’ (Home Office, 2016b)

There is subtle distinction to be drawn between the different ways in which the use of pre-charge bail may cause people to not go on demonstrations. If they are banned outright and their court appearance delayed than this is a stark control on their movements but if not they may feel it is more advantageous to avoid protests while waiting for their court date. However the interviewee stated that May was intent on changing the terms of bail and she believed there were cases of very long waits between bail and charge. While he does not believe the police intentionally delayed court cases there is no comparative recognition of the stress it causes. The gulf in perception between the interviewee and the Home Office on this point follows the same pattern of disagreements between the Home Office and the police on other points including May overruling the attempted acquisition of water cannon for the MPS (Travis, 2015).

#### 6.1.1.2 Warnings

This sense of having movements controlled or certain avenues of action heavily discouraged is repeated with another tactic used by the MPS in 2011. The police sent pre-emptive warning letters in advance of the student protest organised by the National Campaign against Fees and Cuts on November 9<sup>th</sup> 2011. Netpol claims that the recipients ‘...were not charged with any offence and many of those who received the letters felt the police were trying to intimidate them away from lawful protest’ (Netpol, 2011b). Defend the Right to Protest also reported on this tactic stating that ‘The Met have also sent out 450 letters to anti-cuts protesters today, many of whom have no charge against them, warning them not to be involved in ‘any type of criminal or anti-social behaviour’ on tomorrow’s protest’ (DtRtP, 2011). The use of these letters might be considered as merely tactics of communication but the stiff warnings given to the recipients seem to mark them out as a warning of force rather than any attempt at negotiated management or dialogue with the protesters.

None of my participants mentioned this issue in their interviews, however a comparable instance comes from one of the liaison officers saying that one of their responsibilities is that although they have to facilitate a protest they must also be honest on the day of the event and that includes warnings to the effect of, ‘If you do carry on, if you don’t stop you’re liable to be arrested for whatever-whatever’ (Interviewee 1, 2014, 5). The second liaison officer confirms this stating that although,

‘...we the liaison officers have been seen as the friendly face of the policing operation...we may be asked, ‘No well you have to go back and tell them, ‘we’re putting conditions on, you ain’t marching down there’’, so that is a bit of a challenge but it’s

something we have to do, we always say, when we train up new officers etcetera, it's not all about being that nice friendly face of policing, sometimes you have to put some measures in...' (Interviewee 2, 2014, 6-7).

This can apply for warning letters. The police might argue that the feelings of intimidation that the two protest organisations describe are mistaken interpretations of warnings as part of a police communication strategy intended to ensure honest awareness of what will be considered to be acceptable or unacceptable behaviour on the day of the protest. Indeed, one complaint on the day of the G20 protests was that there was no warning given before the police charged the Climate Camp and dismantled it (Glass, 2009).

But the recipients of the letters ahead of the student protest did not have criminal records, nor had the police identified them as organisers. So why would they be in need of a warning against law-breaking behaviour? The fact that the police felt the need to send warning letters to them can hark back to the previous chapter where relative youth might place these young people in the role of the 'symbolic assailant', the younger protester that cannot control their impulses. Also there is a suggestion of students being more radical when the ex-TSG officer criticises them as being, 'unbelievably politicised' (Interviewee 3, 2014, 14). Student demonstrations have also been the site of very forceful police action. As of December in 2010 the IPCC received 111 complaints around the handling of student demonstration in London in November of that month (IPCC, 2010a). Though the mainstream nature of student unions would mark them as in the same set of legal, announced protests like trade unions, the police tend to be more forceful in how they deploy tactics and the warning letters can be an example of this.

The warning letters and the scenario described by the liaison officers also differ as the latter would physically see a group of protestors moving down a certain restricted area or might judge that they were intending to do so and can more effectively justify their warnings as honest communication. But when the police leadership send these letters in advance of a legal protest the warning takes on a different quality. The officer who is present physically on the frontline is responding proportionately in making a judgement of protesters' likely future actions in real time. The police command considering their options in advance of the event, on the other hand, are targeting a group of protesters they believe fit the profile of those most likely to commit violence. This means that it is not merely frontline officers, but also police leadership, who are susceptible to modifying their tactics according to certain preconceptions of certain types of protesters.

These letters to students were also issued just after the August 2011 riots. These were alluded to in police announcements before this particular protest,

‘Yesterday the Metropolitan Police commander in charge of the police operation said that he had authorised the use of baton round guns should similar scenes be witnessed. Simon Pountain said, ‘I have asked for authority to have them available to me.’ The Metropolitan Police had authority to use rubber bullets during the summer riots, but did not do so.’ (Hughes, 2011).

It is possible that this is a political signal that the police will not tolerate disruption in the streets after the extensive nature of the 2011 riots. As Statewatch have identified, this is indicative of a wider attempt by police to enhance the weaponry available to them in the wake of the aforementioned riots. This includes the former MPS Commissioner, Bernard Hogan-Howe, expressing support for an increase in officers carrying Tasers and plans to purchase three water cannons (Moss, 2013). Waddington refers to police avoiding ‘in the job trouble’ such as criticism from political figures by getting tougher with protesters (Waddington, 1994, 167). This can lead to the police taking action that they know might enflame encounters with protesters or otherwise negatively impact on their relationships with them. However, police may feel this is unavoidable, a situation Waddington terms as being forced to ‘die in a ditch’ through taking the least worst option.

The use of warning letters and pre-charge bail can be seen as a calculated attempt to make protesters reluctant to engage in legal forms of political action. This is an example of the way in which the vast range of police activities and responsibilities are united by the potential recourse to force (see Bayley, 2005; Waddington, 2006). The police often engage in tasks which do not carry any indication of force, for example traffic control and maintaining cordons so that emergency services can reach members of the public experiencing medical emergencies, and (of particular relevance to this research) acting as a liaison between the police command and the protestors. However, if someone crosses a line the police can bring force to bear (Bayley, 2005; Waddington, 2006). This leads Waddington to state that, ‘...the maintenance of civility relies on *members of the public* [emphases in the original] deferring to the authority of the police’ (Waddington, 2006, 17). In the case of the warning letters, after a major public disorder event like the 2011 riots, the police seemed to feel that they needed to issue a reminder that they could, if circumstances justified it, resort to the use of force.

Waddington wrote about the police engaging in subtle means of ‘taking the ground’. This means to establish full control over an area through physically establishing a marching route and channelling marchers down it or making sure to rendezvous with the organisers before the event (Waddington, 1994, 148). Waddington criticises other theorists like Jefferson who define ‘taking the

ground' as using aggressive actions of riot control. Waddington states these are instances of 'fighting for the ground', which indicates that the police have lost the control (or fear losing the control) that taking the ground seeks to avoid. He writes that, 'It was when police perceived that they were losing control that they were prompted to take interventionist action that threatened confrontation.' (ibid.).

It is important to ask on which side of the line, threatening baton rounds and warning letters fall. Is it the side of 'taking' or 'fighting for' the ground? Waddington gives the impression that fighting for the ground seems to happen on the day when the protest turns confrontational. However the tactics mentioned here are a lot starker than merely marking out march routes with tape and meeting with organisers. This suggests that either there is a much more subtle distinction between these two police approaches than Waddington recognises, or that the realisation that control is being lost not only happens on the day of the protest but also in the intervals between each public order scenario to the next. Thus, after the August Riots of 2011, a more aggressive approach targeting warning letters at individuals planning to take part in the student demonstration was undertaken which is very different from the more subtle methods Waddington states are used in taking the ground. Pre-event warnings of this magnitude might signal a police fear of losing the ground before the protest even happens.

The pre-event individual tactics of force presented here leave an impression of trying to dissuade those subject to them from taking part in demonstrations. There is no outright ban evidenced in the data, but approaches have clearly been adopted that might (however unintentionally) result in protesters feeling discouraged from taking part in activism. The warning letters target student protesters who are young and are issued shortly after the 2011 riots. It is not surprising that some protestor organisations considered this an attempt at intimidation. The use of the letters also shows that, despite the rank and file officers usually disparaging their superior officers as not getting the 'realities' of street policing (Reiner, 2010, 122), the management can also feel political pressures that may encourage them to share in a conception of 'symbolic assailants' that is broadly comparable to that of frontline officers. As the description of the attempted appropriation of water-cannon will show, this is not the only way the aftermath of the 2011 riots stemmed the move towards a more negotiated management approach after the G20 protests.

The following section will examine the in-situ individual tactics of force.

### 6.1.2 In-situ individual tactics of force

'In-situ' applications refer to the tactics of force that the police use at demonstrations against suspected individuals. This subsection looks at one of the central police powers, that of arrest, and how it is justified and enacted in a public order scenario.

#### 6.1.2.1 Assessing protesters' threat on the basis of appearance

Any arrest conducted by an officer must be lawful or else it constitutes an assault. The majority of arrests at demonstrations are made without a warrant and can target anyone who is about to commit an offence, anyone who is in the act of committing an offence, anyone whom the officer has 'reasonable grounds' for suspecting to be about to commit an offence, or currently committing an offence, as well as having committed an offence. Thus, officers are expected to hold 'reasonable suspicion', the threshold for which is apparently quite low to the point that officers do not have to hold admissible evidence that amounts to proof that there is *prima facie* justification for arresting. The officer cannot however, rely on the excuse of merely following orders but can rely on what information they get from other officers or sources of information (Wainwright et al, 2012).

One interviewee, an evidence gatherer, confirms this when he says that as he is filming he can merely point out someone that is committing a crime and get an officer to arrest him on his behalf and he can provide the evidence later,

'...if we're getting evidence throughout the day I will go up to a police officer and say 'That man needs to be arrested for this offence, I will provide the evidence later on, if you take them to a police station you book them in and I will go turn up later on to the police station with evidence of that offence and I will hand it over to the officers who are dealing with it', who will normally be a CID officer or something along those lines...'  
(Interviewee 6, 2015, 29).

The use of arrest leaves open a wide degree of interpretation on the part of the police officer to identify law breaking and distinguish that person from the rest of the protest participants. On the day of the protest the officers will be relying on their own discretion to identify these instances and react to them. However identifying these individuals can be very challenging for the police. This is where the standards of police culture, and the signs officers take as indications that protestors are 'disorderly' or 'respectable', come into play. Officers rely on these signals to construct individuals as 'symbolic assailants' with particular emphasis on style of dress as signalling a 'prelude to violence' (Skolnick, 2011, 42).

Loftus states that the literature on police culture pays much attention to the discretionary powers of the police, ‘...the use of such powers were influenced by *cultural* [emphasis in original] norms, meant that the role of police work in identifying and labelling people as deviant became a central focus for deviancy theorists’ (Loftus, 2009, 4). They are expected to deal with what Reiner (2000, 93) calls ‘police property’ (which is to say the very lowest of the social orders of society) with very little backlash. Manning states that policemen are very confident in identifying the most dangerous individuals (Manning, 2005). A prime example of this attitude is when the ex-TSG interviewee talks about using stop and search powers. He confidently asserts, ‘There’s a lot of students, you know, you can clock, clock the students, particularly the London universities, they’re unbelievably politicised’ (Interviewee 3, 2014, 23). He follows this up with asserting that while looking for thieves that,

‘...TSG, very professional, switched on...no one knows how to distinguish the bad guy from the good guy or the baddies from the normal as is the common terms, we can clock them, we can see that robber or he’s committed no crimes at this time, nothing wrong but we know he’s from the area, wearing the right or wrong kind of pedal-bike, wearing the wrong kind of clothing, cycling in a manner which you know is odd and suspicious, when you’re cycling a bike, you’re cycling from A to B you don’t stop, dawdle circle back from another street, hang around there for another ten minutes’ (Interviewee 3, 2014, 23-24).

While he was making a point about identifying purse-snatchers and pick pockets, the same logic is still at play, officers can identify by appearance and experience certain law-breakers just as they can ‘clock’ students, the ‘unbelievably politicised’. The interviewee does not really seem to consider that identifying students by appearance and just relying on common sense can enable a wealth of preconceptions and prejudices to shape an officer’s idea of who is likely to deserve suspicion. This is especially apt as regards the designation ‘students’, as the interviewee himself was at the time engaging in a Master’s course of study. This level of suspicion directed at students is also confirmed with the MPS sending warning letters and announcing the authorisation of rubber bullets to the media (Hughes, 2011; Netpol, 2011b).

Netpol and Defend the Right to Protest have identified a high level of forceful police tactics directed at students such as containment for several hours (Netpol, no date; DtRtP, 2013). Defend the Right to Protest attributed their own foundation to the response of the police to 2010 student demonstrations and what they felt was the criminalisation of younger protesters (DtRtP, no date).

Statewatch state that at a public meeting the MPS presented a student demonstration in 2011 as one of the four scenarios where water cannon could be used. At this event the audience reportedly argued strongly that it was forceful police tactics that enflamed the protest (Statewatch, 2014).

There are two considerations here. Firstly, there is the identification of 'students' as highly likely to be 'politicised', radical even, and, as one interviewee stated of the universities in the Holborn area of London, '...they have quite strong links I think to the protest movement' (Interviewee 6, 2015, 9-10). Once identified as having, from the police perspective, problematic links, 'students' can legitimately be subjected to harsher measures, particularly if they are considered to be linked to the more radically and direct action-inclined elements of the anti-austerity movement.

Secondly, there is the assumption that clothing or general appearance can help officers to identify this nebulous section of anti-austerity street protestors. The EGT officer expresses shock when recounting seeing the students arrested during a protest in Parliament Square appear the first time in court,

'We were going to trials there and with juries and I must admit I'm sitting there looking at the people we were dealing with on the day. All of a sudden they're turning up with the court with their very smart, they're in a suit, their hair's done nicely they're-they're looking very smart going up and they were going up in these courtrooms and I think a lot of the juries were looking at them thinking, 'That could be my son', 'That could be my daughter'' (Interviewee 6, 2015, 27)

He attributes this in part to the result that, 'And then I thought that a lot of the conviction rates dropped and I was, our footage of these people, I would say is bang on' (ibid.). For this interviewee dress and appearance do affect how juries see the defendant and reach their convictions and yet there is no comparable scepticism applied to how the police identify certain groups as representing trouble. Protest advocacy groups have argued that dressing in all-black raises police suspicion (Netpol, 2012b). There is also a class element where displays of presumably middling income backgrounds communicated through descriptors like 'smart', 'in a suit' and 'the hair's done nicely' result in juries identifying with defendants them as one of their own household as opposed to the way the 'Black Bloc'-style protestors appear, '...groups that identify themselves, clothing with the spikier elements within demonstration, it is clothing' (Interviewee 6, 2015, 4).

This suggests that in the context of the protest it is possible for police group student protestors with 'anarchists', rendering them legitimate members of the group described by Reiner

as 'police property' (Reiner, 2000, 93). However, as Reiner notes, this approach can be disadvantageous for the police as once out of the protest context individual protestors can turn out to be someone of a relatively high status in society: a professor or a lawyer (Reiner, 2000) or one of the respectable defendants the interviewee had a hard time recognising at trial. As well as being a higher class, the students may also fulfil the role of 'disarmers' (Reiner, 2000, 94). Reiner uses this term to refer to populations it is hard to police as they are viewed to be inherently vulnerable, such as the very old or the very young. Their perceived vulnerability limits the scope of police action. The interviewee notes how jurists may identify with the young, well turned out students as their own sons and daughters and be highly sympathetic to them. The disillusion evident in Interviewee 6's account (see above) reflects his concern that the change in appearance by the protestors can *mislead* the jury. This recalls Manning's finding that the police feel *they* are best at identifying individuals who are the most dangerous and this feeds into the police belief that the legal system and its capacity for punishment is untrustworthy (Manning, 2005).

Fassin's (2013) recent ethnographic study of police in France found that the section of French society most liable to be on the receiving end of police attention (working-class minority youth), 'almost always kept a low profile, only speaking when they were asked a question, not reacting to the abusive or racist comments and aggressive or humiliating treatment some officers subjected them to'. By contrast,

'...almost the only ones in which the individuals concerned displayed insolence involved youngsters from middle-class or wealthy backgrounds, particularly students who evidently had no experience of this kind of situation...yet in none of these cases...did the officers seek to escalate the tension in order to provoke a scene that could later be set down as insulting or resisting the police...' (Fassin, 2013, 87).

Unlike this dichotomy of harsh overreaction to youth from the more deprived strata of French society and a polar opposite reaction to more economically privileged youths, the police participants in this research did arrest student protesters (DtRtP, 2014a). At the same time however student protesters cannot be easily categorised as 'police property'. Their supposed middle class background and that the communication of this through dress and appearance at the trial can make the jury identify with them and more lenient to them. Activist organisations are also clear that convictions are rare for protesters (DtRtP, NUS and NUSBSC, 2016). It is difficult to say how officers from the MPS would respond to these same protesters if they encountered them in the course of a regular patrol out of the context of a demonstration. It is possible they might be more deferential to their

socio-economic status as Fassin observes the Parisian police to be towards wealthier youths. Nevertheless the officers here seem more are antipathetic to students engaging in demonstrations or displaying any kind of radical politics.

Police have shown a clear tendency to concentrate on clothing as a presumed indicator of group affiliation, meaning that clothing (as well as gestures and language) is often read as a signal to the intentions and dispositions of the wearer (Skolnick, 2011). As such, it plays a significant role in how police identify potential troublemakers. Feminist scholars, Montesinos-Coleman and Bassi show how, amongst activists, dress and appearance often communicated messages about the wearer to fellow participants. They described males in anti-globalisation movements as dressing in, “ordinary’ trousers, shirts, jackets...which signifies male dominance and commands respect for the wearer’, and even the role of beards and how they, ‘connoted a series of authoritative figures who have dominated left-wing imagery and thought’ (Montesinos-Coleman and Bassi, 2011, 211-212). For the police interviewees who regulate the protests of anti-austerity groups however, a different message is communicated from certain styles of clothing as Skolnick states that clothing along with gestures and language can identify the wearer as a symbolic assailant for the police officer (Skolnick, 2011). But, it is not only police who may interpret certain types of clothing as ‘preludes to violence’. HMIC assert that any sight of overt riot gear can undermine public order (HMIC, 2009b), suggesting that the police may also need to manage their appearances in order to reduce the possibility of trouble. It seems then that both ‘sides’ (police and protestors) can experience a heightened sense of alarm caused by the attire of the other, with certain styles of dress contributing to police beliefs that worsening disorder was imminent, and the donning of protective riot gear contributing to protestor beliefs that police were about to shift to a heavy enforcement approach. This is evidenced in my interview data, as is that fact that police tended to believe that students who made it to court were guilty, but that by dressing appropriately at court could alter the way they were perceived and thus mislead the jury.

This belief echoes previous accusations of the ‘professional demonstrator’ that can ‘exploit’ the criminal justice system (Interviewee 3, 2014, 14). However, as several organisations have pointed out, where student protestors were arrested in large numbers very few were actually charged, let alone convicted (DtRtP, NUS and NUSBSC, 2016) and that long periods spent on police bail frequently did not result in a court case (DtRtP, 2014a). Even though the officer might be right that jurors may draw class distinctions between defendants in court, this does not seem to be a comprehensive enough explanation for why so many arrests do not result in convictions.

Activists suggest one reason why most of these arrests do not result in convictions is because they are often primarily undertaken to engage in intelligence gathering. At a TUC march, 30-

50 participants were filmed and forced to give personal details (Netpol, 2011a) with those who divulged these details being spared arrest (DtRtP, 2014a). Defend the Right to Protest says the use of mass arrest, despite few successful convictions, suggests the police are intent on dragging protesters through the legal system and discouraging them from future action (DtRtP, no date). These arrests might also be used as a preventative measure. Statewatch mentioned that in 2009, a group of 114 planning a protest were arrested, with only 26 charged and tried (Statewatch and Access Info, 2011). Days before the Royal Wedding in Westminster in 2011, a significant number of protesters and activists were arrested and given strict bail conditions restricting access to the site of the ceremony. This was despite few of the arrestees planned to attend protest events connected to the Wedding. Those arrested included some people who were known to have been involved in previous anti-austerity marches (Jones, 2011). These examples highlight the long-term bitterness that any use of force can instil in protesters. The accusations that police use arrest to dissuade activism recalls Fassin's observation that the policing he saw in Paris, and the rough use of stop and search, seemed to physically impress upon its targets who had the power, and who controlled their movements (Fassin, 2013).

This bitterness on the part of protesters demonstrates how the act of arrest itself can reflect poorly on the police. Interviewees believe this is the case, even if the arrest was legal. For example, one interviewee recalled a sit-down protest against police deaths in custody. The protest took place on a public road, '...they were protesting deaths in police custody so it was a highly charged atmosphere and it was 2011 that sit down protest outside Downing Street turned into an operation to remove those people and that does not look good, there's no easy way of picking up someone off the floor that doesn't want to go...' (Interview 2, 2014, 3). This protest is possibly the annual silent procession of The United Families and Friends Campaign Annual Remembrance that begins from Trafalgar Square down Whitehall before a noisy protest outside Downing Street. It has been an ongoing ceremony for over a decade (Inquest, 2011). Another example includes older ladies going limp in the arms of much stouter, taller arresting officers,

'...I personally think you've always got to be, thinking, you're being recorded and how you should deal...middle-aged ladies who are tying themselves to vehicles who feel very strongly about their views. You gotta be thinking, 'That could be your mother...your grandmother, do you really need to be going in with size nines and size 15 hands to wrestle these people off?' And yes, they can be obstructive, yes they can be annoying but you have to look at the long-term...' (Interviewee 6, 2015, 10)

Meanwhile, the interview data reveal an apparent tension between the idea that clothing can help identify students or Black Bloc members, and the ex-TSG officer's assertion that police need to concentrate on identifying behaviour not appearance. This is particularly prominent when talking about his former patrols as part of his domestic extremism duties and the unacceptability of interpreting one's ethnicity as indicating a possible involvement in terrorism,

'...you can't go up to a bloke and say 'I'm stopping you under the Terrorism Act because you look like a member of ISIL'. It's ridiculous, of course you can't do that, you have to be able to go in there and say, 'I've monitored your behaviour, your behaviour is, you've been identifying CCTV cameras, you've been doing U-Turns on seeing uniformed police officers, you're carrying a camera and taking pictures of a fire exit to...the Ritz Hotel....Okay, the point I'm illustrating to you is, I've just asked half a dozen questions, built in a number of behaviours, at any point have I mentioned race? Your background? Your appearance? No, none of that, it is...', and that is the way how policing has evolved is you know, how long ago would it have been, 'Oh Christ, you've got an Irish accent, spin him boys', 'Oh look at him he looks like, he looks like a member of al-Qaida, spin him boys...So I'll be thinking about the wider implications whether this bloke is a domestic extremist? No, we're thinking, 'Why are you looking at the fire exit to the Ritz hotel?' We'd think about that' (Interviewee 3, 2014, 37).

He is emphasising a concentration on behaviours rather than appearance,

'It is about justification, justify, justify and it's about recognising who the baddies are who the goodies are recognising their behaviours that are actually in the intel, putting that all on the stop-slip to carry out a stop and search and people will scream and shout about their infringement on their rights...' (Interviewee 3, 2014, 37).

He states that identifying these 'baddies' is common sense, '...you know what a suspicious character is, you walk into Debenhams doing your shopping and you think 'Oh fuck me, that's weird, what's he doing that for?... We all know what's wrong, we all know what a baddie is and we can take it for granted sometimes by just going 'Oh yeah, he's suspicious'' (Interviewee 3, 2014, 54). Again, individual prejudices may influence how everyone constructs a villain or a hero but the interviewee says that the reason that this is not being encouraged anymore is because, 'The world's moved on

now, it's risk averse, you can't just say 'he was suspicious' you have to say that-that-that-that-that-that-that' (Interviewee 3, 2014, 55).

The meaning of this is that while it is seen as unacceptable to judge someone on their ethnicity or nationality as the member of a terrorist cell, with interviewees emphasising that only behaviours are the focus of police suspicion, it seems that different rules apply when it comes to judging demonstrators based on the clothing they wear. Clothing affects how the police apply arrests and tactics of force and, as the subsequent chapters will show, tactics of surveillance and negotiated management. This is not to say that accusations that the police can arrest people listed for 'looking' like an anarchist or wearing a Keffiyeh (a scarf used as a traditional form of headdress in the Middle East) are automatically true (Netpol, 2012b). There might have been behaviour that led the officers on duty to suspect that a crime was going to happen, there is no way of knowing whether their appearance was the only factor in their arrest. However it does draw attention to the fact that clothing does attract police attention and styles of dress can present a risk to protestors.

The officers interviewed for this research repeatedly drew attention to the appearance of protestors as a cause for alarm or trepidation. However, whilst they say that ethnicity is not a factor in their decision-making, figures show that stop and search for young black males and Asian males is significantly higher than for white people (Brogden and Ellison, 2013). This suggests that ethnicity does play some part in how the police discharge their duties. One could also argue that some types of dress can also be considered a type of behaviour, for example the wearing of masks or all black clothing. These acts can indicate to police that the protester is about to engage in activity for which they will need to be anonymous. As the next chapter will show, however, wearing masks is only illegal under very stringent circumstances. What is certain is that, in the realm of domestic extremism and questions about ethnicity, the police are keen to state that they look for behaviours and do not accept ethnicity as an indication of 'reasonable suspicion'. But when it comes to the clothing worn by protestors, particularly younger protestors, my interviewees readily talked of taking certain styles of dress as a sign of people being more likely to engage in violence.

#### 6.1.2.2 Delaying the use of arrest

Another feature of arrest is that it can be delayed. Officers can take a pragmatic decision to refrain from acting on crime being committed there and then so as to avoid wasting resources on sending officers into the crowd and enflaming tensions,

'There is a big thing and this is the role where the evidence gatherers come in that, we can get footage of these people, we can get them identified, do they have to get

arrested on that day? They could be arrested another day. I think as a police officer...the bone of contention is, we see it and we want to deal with it because that's, that's ingrained into us. We want to deal with this situation that the, the management that are running the whole incident, they-they will also be looking at how many troops they have got for the day. If you went in to nick, say five or six people for criminal damage that day, you're not losing five or six officers, you're losing, two at least per person that's being arrested? So you could lose, 10-15 officers, they're gone. That's possibly two serials they've lost off the street...' (Interviewee 6, 2015, 13).

This causes palpable frustration on the part of some officers causing them to question their whole role as police. The ex-TSG officer expresses his disillusionment with his former unit in these terms,

'...the ethos at this point for Public Order that has changed is...from a police perspective, only do something if you absolutely have to, if they want to smash up the place or smash up the place, if no one's dying or getting ill or being beaten up or injured then cool your boots and carry on now and uh, at that point where it is, when they have crossed whatever the boss has perceived to be the line we will then step in. That to me was another message well, 'what was the point of me being here then?' As high-trained, fit professional police officer with the duty to protect people and property, if that's the ethos of public order policing going forward, it's another nail in the coffin for a unit like ours...so I thought, right that's another warning sign, time to move on' (Interviewee 3, 2014, 9).

He also reiterates that surveillance plays a role in this, '...well, you're constantly reactive, 'Let them commit the crimes, don't worry we got surveillance, we got intel packages we'll get them later.' (Interviewee 3, 2014, 51). Netpol who also notice the phenomenon of delayed enforcement. Netpol states that there is a priority given to intelligence gathering rather than intervention. They cite a containment in Whitehall in November 2010 there was a police van left in the midst of students who started to attack it and damage it while the police spent a large amount of time just filming the incident as opposed to immediately moving in to stop the disorder (Netpol, no date).

However, the currently serving TSG officer defended this approach, describing what would happen if the police went immediately into the midst of the crowd, 'if you're sending officers into a march, to put containment around a person to take them out of the march...you then run the risk of

affecting the whole dynamic of the whole crowd around and suddenly a peaceful march has potentially become quite enflamed' (Interviewee 4, 2014, 7). He instead recommends that,

'...the march is going to finish in Trafalgar Square, something like that, get CCTV to monitor that person...one sergeant and six PC's to follow and keep observation on him, ....the, protest group get more, yeah, more separated and uh, it can be done a lot more it can be just walk, walking up to them and uh, a lot more low-key, a lot calmer to them, so you still pull them out and arrest them...' (Interviewee 4, 2014, 6-7).

An FIT officer also states that this method is preferred. When speaking about breakaway groups he spoke of a group of what he called 'anarchists' causing criminal damage and stealing alcohol but that,

'They weren't stopped from doing that until it got to a time such that their groups started to dissipate in numbers until eventually...they pretty much got bored. To me that's the style of policing our commanders want although there's rare-no crime offences being undertaken. If we were then to start acting on that in the middle of say, Portland Place or Oxford Street...then it would probably turn into a melee of us and them fighting which, you know, never looks good to anyone, um generally I think every march is policed to that standard now' (Interviewee 5, 2015, 4).

This tactic of delaying arrest is undertaken despite the danger that officers feel protestors present to their health and safety,

'...we were following a group of 200 plus doing whatever they wanted, um, police had already had fireworks shot at them, there were some assaults as well but it was just us... if I'm reporting this, if they actually wanted to cause me harm then you know we would be overwhelmed, um, you keep relaying it, relaying it, relaying it and I could see the bigger picture but it is quite daunting...' (Interviewee 5, 2015, 6).

Away from the discretion that officers enjoy in the lower ranks in the normal course of their duties (Kinsey, Lea and Young, 1986; Reiner, 2000) policing command in public order scenarios favour a much tighter hierarchical control on the day with a feeling of frustration from police officers. The testimonies recall Bittner's articulation of this feeling as '*something-that-ought-not-to-be*

*happening-and-about-which-someone-had-better-do-something-now!*'. Bittner describes this feeling as existing despite the unavoidable reality that a police officer cannot simply, 'abandon his post' and rush to the scene of a crime (Bittner, 2005, 161). According to the currently serving TSG officer, delaying arrest avoids the worst case scenario of 10-15 officers being lost within the crowd. The frustrated ex-TSG officer prefers the pessimistic explanation of a risk-averse culture in policing that is ultimately ineffectual in stopping crime. The latter interviewee expresses the way officers continuously tell themselves that fighting crime is their central role and to do otherwise is failing in this. However as the literature shows the police fulfil many roles of which crime-fighting only makes the minority of their time. Bittner states that in normal beat policing and their dealings with the public that '...what they actually do often could be done by physicians and social workers' (Bittner, 2005, 162). In public order policing a lot of their time might feel like stewarding because that is the role they are undertaking at the time and even though they do not deal with crime immediately the crime-fighting aspect is not necessarily subverted but pushed forward to the future so as not to interfere with their aim to control the majority of the crowd at that moment.

This is due to the fact that unlike routine police work that holds very low visibility (or at least did so before the advent of easily acquired film technology in camera-phones) there was maximum visibility at protests and this means that senior officers must, '...effectively control the actions of their subordinates and that must be achieved by *remote* [Emphasis in original] control' despite having to coordinate the actions of 'many subordinate officers sometimes amounting to hundreds' (Waddington, 1994, 128).

Decision-making of this kind is not just the preserve of the officer on the ground. It is also a contributing factor in the deployment of warning letters and media statements about rubber bullets, which demonstrate that senior management are willing to advertise the degree of strength that is available to them and seek to impress this upon certain distinctive groups within the larger anti-austerity movement.

To conclude this section, tactics that theoretically apply to individual lawbreakers can often face criticism as being part of a wider campaign to dissuade people from going on protest. These include letters of warning, pre-charge bail and Netpol perceiving a certain pattern of arrest for protestors who fit a certain appearance (Netpol, 2012b). Finally, the use of arrest of an individual is deemed to be capable of inciting the crowd to violence; hence its use will be delayed in favour of using surveillance and awaiting a more opportune moment to intervene, such as when the crowd is not present. There is an ambiguity in this approach often emanating from the police hierarchy which goes against some ingrained instincts in police officers. Some officers approve of this approach in the

context of public order, others merely resign themselves to it, and others see it as a wider, risk-averse attitude in policing work that explicitly clashes with the crime fighting aspect of their role.

## **6.2 Collective tactics of force**

Collective tactics of force are arguably more contentious than the individual tactics the preceding section covered. This is because they can apply to all protestors as opposed to being reserved for those that break the law or are suspected of being in the process of doing so. Having said that however, as the previous section shows, there is a tendency for tactics like warning letters to directly target protestors who have not broken the law as well. As with the previous section of this chapter, the two subsections here look at the uses of these tactics before and during the protest respectively.

### 6.2.1 Pre-Event applications

This subsection will examine the use of bans on both static demonstrations and ‘processions’ such as protest marches, beginning in each case with a description of the legal framework, and then exploring how this worked in practice.

#### 6.2.1.1 Banning Orders

The Public Order Act of 1986 states that ‘public processions’ are required to give advance notice to the police. Usually the notification period is six days (or failing that as soon as possible). But the ECHR has stated that it could be considered disproportionate to break up a protest due to a lack of advance notice if the protest’s message is so urgent that awaiting notification could render its occurrence obsolete (Wainwright et al, 2012). Assemblies are under no obligation to give advance notice to the police except merely to allow them to ‘guarantee the smooth conduct of any assembly, meeting or other gathering’ (Wainwright et al, 2012, 72).

There is also the possibility that conditions may apply if a ‘senior police officer believes that the protest may cause disorder, serious damage to property or ‘serious disruption to the life of the community or for intimidating others as stated in the Public Order Act of 1986’ (Wainwright et al, 2012, 5). However if the conditions imposed appear to be unreasonable or interfering with protestors’ rights, ECHR legislation may come into force and any criminal proceedings arising from the protests can be challenged (Wainwright et al, 2012).

Section 3 of the *Public Order Act 1986* allows banning the assembly if impositions are not enough to prevent disorder, and section 14a states that if an assembly of more than twenty persons go onto private land without or against the permission of the landowner the police can apply for a ban on all assemblies or processions for a period not exceeding 4 days for the former and 3 months

for the latter, with the ban covering a radius not exceeding 5 miles. As the previous paragraph has explained there can be challenges from the ECHR to navigate. However, while articles 10 and 11 ensure freedom of expression, article 8 and protocol 1 of Article 1 also ensure the rights of the landowner to 'a private life and peaceful enjoyment of possessions' (Wainwright et al, 2012, 7). These two sets of rights need to be weighed against each other.

HMIC criticises the lack of guidance on the use of banning orders and that the Home Office should provide guidance on when the Home Secretary is, 'likely to consent to an application to ban a procession or a certain type of procession under section 13 of the Public Order Act 1986' (HMIC, 2009b, 17, 19).

Interviewees often recounted that members of the public expressed frustration with the police as to why they did not just ban some protests outright, indicating that they were unaware that it is ultimately the Home Secretary that has that authority and not the police. Interviewees reported this same attitude amongst their friends outside of the police service, who seemed to believe that the MPS allowed protestors too much freedom,

'I go back and see my friends and they just look there and say, 'I can't believe you let that happen, how did that happen?' and you sit there and different people talk in different-and I think that is across the nation as well, you go to different areas people are like, 'Well how can that happen why weren't they just dealt with? Why weren't-why didn't this happen?-Why didn't this happen?'' (Interviewee 6, 2015, 26)

This complicates certain findings from the literature on police culture that the police view the public as an undifferentiated mass that is threatening to them and must be dealt with and kept at an arm's length. Loftus describes 'orthodox' accounts of policing culture as marking the police as sceptical of the public and their accounts of crime and order and this, '...is liable to manifest itself in an outwardly detached and unsympathetic manner during interactions' (Loftus, 2009, 13). She also notes that police 'like to maintain over and extract deference from people who are seemingly disrespectful or defiant of the symbolic dimensions of their authority' (ibid.). Here the public and the officers' social circles outside the police force do not seem to be *defying* police authority but in fact complain that the police do not bring it to bear enough. These members of the public seem to have limited patience with the espousal of liberal values.

This is indicative of the difficulties interviewees experienced as officers required to uphold the right to protest and also to uphold the rights of other users of the city. Officers deal

with the nominal 'public' in two capacities: there is the public that is protesting there and then, and the public that is not taking part, but is present in the city shopping or commuting or watching on their televisions and reading their newspapers and who may be annoyed, inconvenienced or just derisive of the protests and the tolerance that they feel the police afford them. Often it seems to be forgotten that protestors are also members of the public, as 'protestors' are often differentiated from 'the public', which is implicitly that group of people who they annoy. It is useful here to consider Mythen's criticism of Beck for not considering that some populations may consider 'sub-politics' or, movements against global hazards, as risks in themselves and thus might be supportive of repressive measures against them (Mythen, 2004).

One obstacle to the protestors that can result in protests and actions being banned or heavily regulated is that vast areas of London are now private space and not amenable to public use.

In the first interview with the liaison officer he expressed frustration at the belief held by protestors that protests can just be held at areas like Buckingham Palace or Trafalgar Square without consulting owners,

'Lots of people think that they can just pitch up in London and protest...but actually you do need some permissions if you, want to go to Parliament Square, Trafalgar Square and they've got landowners, in this case, GLA [Greater London Authority] to make sure that nothing else is going on. If they're organising an event that involves walking down the street they need to talk to local authorities about any traffic orders. So the police, we don't own streets, we don't own land, we will police things in front of us so it is not for us to say, 'Yeah you can have that street, you can have that square,' we advise them to go away and sometimes its private landowners...' (Interviewee 1, 2014, 2)

Both Liberty (2008a, 3) and HMIC (2009b, 12) refer to vast tracts of 'quasi-public space' in the city that appear public but have private owners. In effect, this means that privatised spaces where members of the public shop, commute on foot, sight-see, congregate and walk past every day without obstacle can be off-limits for the same public when they want to hold an urban protest.

Space is a huge factor in the conditions that are put in place on a march. Private ownership of these spaces in London problematises any citizen's use of the city for the purpose of campaigning or protest and requires declarations. The police must already balance the rights of protesters and other users of the city but both these groups often use these private spaces. It is only when a protest

is occurring that permissions are necessary. This can easily cause confusion between activists who normally think of the cited areas in London as public property and the police who must explain that they are not.

The next subsection will look at the collective in-situ applications of force. Those that come into force when the pre-event applications are not deployed or fail to halt an assembly or procession.

### 6.2.2 In-situ applications

This section looks at the use of containment, dispersal and what the research deems 'direct engagement' meaning baton charges or direct use of physical force to quell any perceived disorder.

#### 6.2.2.1 Containment

A tactic that has received a lot of media coverage is the use of 'crowd containment' or as it is more colloquially known, 'kettling'. This refers to containing a crowd of protestors within surrounding ranks of officers. The crowd cannot leave until the officers allow them to. It is at this point that the officers effect a slow dispersal of the crowd one by one or in small groups at a time. There has been much criticism levelled at the use of containment with claims that instead of a slow dispersal, crowds experience containment for several hours without any basic toilet facilities or access to water. There are also accusations that ordinary civilians and peaceful protestors can end up in the cordon and that people with medical conditions requiring immediate assistance can face refusal of permission to exit.

Despite these concerns the tactic has been through numerous court reviews, the majority of which have ruled in the police's favour (Wainwright et al, 2012). The main case of reference in respect of the legal framework for the use of crowd containment has been the ruling of the House of Lords in 'Austin v. Commissioner of Chief of Police'. This ruling found that the containment of 3,000 demonstrators in Oxford Circus during a 2001 May Day protest did not amount to a 'deprivation of liberty' in contravention of Article 5 (1) of the ECHR for the right to liberty but was in fact merely a 'restriction' of Ms. Austin's movement (Wainwright et al, 2012, 33-35). After an application by Ms. Austin to the ECHR they ruled that 'Article 5 cannot be interpreted in such a way as to make it impossible for the police to fulfil their duties of maintaining order and protecting the public...' (Wainwright et al, 2012, 37), however it is alleged that the attempt to recast 'deprivation of liberty' into a mere 'restriction of movement' leaves, 'the way open for *carte blanche* and sends out a bad message to police authorities' (Wainwright et al, 2012, 38; 'Austin and Others v. The United Kingdom', 2012, 14).

The case of 'R (on the application of La Porte) v Chief Constable of Gloucestershire Constabulary' in 2007 stated that only in the event of an imminent breach of the peace can a cordon be imposed. Activists complain that most of the time it ends up becoming a mere disincentive to protest or an attempt to gather intelligence (Wainwright et al, 2012). The limits of this requirement were tested in 2009 during the G20 protest when police contained two simultaneous demonstrations, a Climate Camp at Bishopsgate and a large protest at the Royal Exchange. The former was peaceful but the latter was said to be 'disorderly to the point of violence' (Wainwright et al, 2012, 39). While the latter was contained and then slowly dispersed as described above, so was the former in the event of disorderly protestors from the Royal Exchange moving towards the Climate Camp. A Ms. McClure and Mr. Moos from the Climate Camp approached the Divisional Court to review the use of containment and police force. The court initially found in their favour saying that there was no justification for containing the peaceable demonstration at Bishopsgate due to concerns around the disorderly protestors leaving the protest at the Royal Exchange. Despite this, the MPS Commissioner appealed the ruling and managed to get it overturned (Wainwright et al, 2012) saying that while containment should be implemented out of 'necessity' and in 'extreme and exceptional circumstances' this should not translate to instilling onerous conditions on the police (Wainwright et al, 2012, 41).

For a kettle to be lawful it must satisfy certain criteria,

'Is there an alternative mechanism by which a breach of the peace, serious injury or damage can be prevented?

Is the kettle the most effective means by which to do so?

Is a kettle the least intrusive means by which to do so?

Is the kettle imposed for no longer than necessary?

Is the necessity of the kettle kept under constant review and have the appropriate release efforts been made?

Are there particularly vulnerable people contained in the kettle?' (Wainwright et al 41)

At the G20 protest hearing Howarth in his testimony cast doubts on the legality of the 'corralling' tactics the MPS deployed and the danger it posed to people's safety,

'What seems to happen in these demonstrations is, first of all, they are corralled, so they are surrounded and no one is allowed in or out. There is a question about the lawfulness of that corralling, whether it is done in line with what the House of Lords said

in the Austin case. I am very doubtful that that was the case in the Climate Camp. A second part of so-called 'kettling' is the police advancing very forcibly with riot shields and batons on the crowd to compress it into a smaller area... What is meant to be achieved by it? It seems on the day, from the reports I had, it simply made the protesters angry' (HAC, 2009, Ev14).

What follows then is a long discussion on how much disruption to traffic a protest should be allowed to cause before the police remove it. Conservative MP Davies asks Howarth, 'How long do you think people should be allowed to demonstrate peacefully for on a highway before the police are able to use force to either compress them or remove them?..' (ibid.). Howarth agrees that the police response should be down to a matter of duration of the protest especially considering with reference to the Climate Camp protest,

'There is this point about Section 14 of the Public Order Act 1986 which I think is at the heart of this. On the night of 1 April the police made it clear to me that they were dispersing the Climate Camp, not because of public disorder, which is the first leg of Section 14, not because of serious criminal damage, which is the second, but solely because of this third leg of serious disruption to the life of the community. Obviously that is a balance that has to be struck in every case' (Ibid.)

This leads Howarth to defend the camp as there is bound to be some disruption due to protest,

'Some traffic disruption must be acceptable otherwise no one would be able to protest on the streets... It is a matter of balance in every case. It depends on the level of disruption caused. You cannot give an absolute rule. Mr Davies is right, there will come a point in demonstrations where the demonstration should not be there any longer, it has caused serious enough disruption to the life of the community to be removed.'  
(HAC, 2009, Ev15).

The biggest issue here appears to be the matter of how much disruption peaceful protest is allowed to cause before the police can use force against it. This is a similar situation to what Howarth described in regards to Climate Camp, 'I do not think you can say just because there is traffic disruption at 11.00 pm at Bishopsgate, in the middle of the City of London and the financial district, with one white van not allowed through, that is the end of the demonstration' (HAC, 2009, Ev15).

However, unlike the interviewee who emphasised persuasion, there was instead what Howarth describes as the attitude of the Silver Commander on the day,

‘He told me that the police had basically said that this was the end of the demonstration, they were using Section 14 to call the demonstration off and they were going to disperse the demonstration because it was a serious disruption to the life of the community. I said to him, ‘Have you thought about the balance of risk, about using tactics that might endanger life and limb given the fact that that is what you are trying to do, you are simply trying to clear a bit of a city street at 11 o’clock at night?’ and his response was not encouraging, he said, ‘Well, that’s the kind of thing I will have to sort out in court.’” (HAC, 2009, Ev16).

HMIC stated that the police use of containment has already been the subject of ‘detailed legal scrutiny for compatibility with the right to liberty (ECHR Article 5)’ (HMIC, 2009a, 8). However the same report also states it cannot be used for the event of a ‘mere speculative danger’ (HMIC, 2009a, 73) which seems to be what Howarth is alleging here.

One of the most important debates in the use of force is the question of how long protestors, who are peaceful but disruptive, can continue to carry out an action before the police resort to containment or arrests. While violence or criminal damage is crossing a line, halting any ‘legitimate’ activities in the city, such as traffic, is also a risky line of action that the police are reluctant to allow since the road in the city is a link of transportation and commerce and life and can only be temporarily halted. However, as the exchange between Howarth and Davies confirms, force is always a failsafe, always something for the police to resort to when they deem a situation has gone on long enough and there is no alternative.

Protestors who want the protest to continue for a longer period of time than the police consider is reasonable (in the belief that this might make their protest have more impact) effectively put themselves at risk of containment, arrest or confrontation. This demonstrates the limits of negotiated management and how there can never be a perfect equilibrium of partnership between police and protestors. If a protestor wanted to stay longer as part of what they deem as an effective protest they are faced with a choice of engaging in direct confrontation with the police either violently or in a form of non-violent resistance where they actively sacrifice their freedom or bodily well-being.

One major theme that came out of the HAC hearings is that there can be facilitation of protestors and communication with them *during* containment. That in the midst of a tactic of force,

there should still be moves made to protect the welfare of protestors that are having their freedom of movement restricted. Sue Sim the then ACPO Lead for Public Order appeared as a witness and stresses the importance of clarity and communication,

‘It is very, very clear that people have to be exceptionally clear about the objective, why they are doing something. They have to communicate with people, it is good practice to communicate, and that is what the manual says, it talks about communicating with crowds. It also talks about allowing people to filter out, and that is what would be considered to be good practice.’ (HAC, 2009, Ev25).

She says that a lot of these questions are impossible to predetermine as they depend on what is happening on the scene and what Bronze commanders and PSUs can actually see. However, she explicitly states that there should never be a deliberate intention to detain people for 8 hours (HAC, 2009, Ev26).

On the topic of the welfare of protestors Brake questions the Gold Commander on the day, Broadhurst about his account of how the welfare of the protestors was ensured and communication maintained,

‘My evidence, as submitted in the report that you have received, is that water (certainly when we were requesting it) was not available; toilets were not available after a certain time because the police cordon had moved forward and they were then behind the cordon; there was no evidence that I could provide of anyone that we had asked to be allowed to leave through the police cordon to be allowed to leave, and there was evidence that warnings were not being issued before—and I personally saw it—the crowd were being charged by the police.’ (HAC, 2009, Ev50)

Broadhurst defends his account,

‘I think, sir, given that, again, I wrote the report and I stand by what I wrote in the report, everything in the report is factual. Again, having learnt the lessons from 2001 and the containment in Oxford Circus, one of the recommendations from that was that if police use that tactic on a large-scale again they should ensure toilets and water are provided. So through the City of London Corporation we did just that. They were put into Lombard Street at a given time. I was not aware, until you told me afterwards, sir,

that that had moved back a bit so they were no longer available. People were let through cordons and warnings were given.' (Ibid.)

When Broadhurst mentions the need to, '...get better...at identifying those within the crowd who we think will cause us problems and those who are wholly innocent' (ibid.), he highlights the quandary facing police as they try to apply a tactic of force whilst at the same time maintaining the welfare of 'innocent' protestors affected by that same tactic along with those suspected of criminal damage. The innate suspicion that is said to breed in an individual officer and form a tool of the policeman's job (Loftus, 2010, 15) in a scenario of hypothetical danger to their person may explain Broadhurst identifying the risk police take when confronted with the scenario,

'...people have come up and said, 'I'm epileptic, can you let me out?' The Bronze Commander's view was, if everybody comes up and says, 'I suffer from this, that or the other condition', how do we know? We need a better way of filtering people out so that we can actually manage that. We need a better way of communicating to the officers at the front of the cordons' (HAC, 2009, Ev50).

Here there is a concern around being able to identify those that are protestors with legitimate vulnerabilities that need to be accommodated and those making spurious claims. However there are different claims from activist organisations that containment was in fact used to collect information on the protestors in the first place where people were wrongly informed they had to provide their name and address if they wanted to leave (DtRtP, NUS and NUSBC, 2016).

As well as the welfare of protestors the cordon can impinge on the freedom of media to roam and report, 'For instance, at one stage I was told that members of the press could not get out. That actually came through to us in the control room; the message I got back was, 'Please let them out if they are *bona fide* press.'" (HAC, 2009, Ev50). ACPO states that unless their behaviour suggests otherwise that the production of a UK press card should allow the bearer immediate release and that independent observers should be used to identify vulnerable persons (ACPO, 2010). Because the manual does not specify what '...behaviour [that] suggests otherwise...', the police who are supposed to look out for the latter may prioritise suspicion about the veracity of claims over the welfare or rights of those within a cordon.

These considerations show the danger that collective tactics of force can present to the welfare of protestors as well as outside actors such as media trapped within a cordon and even members of the public that found themselves ensnared. HMIC says that the largest number of

complaints about Glencoe referred to containment managing to encase protestors and bystanders, the length of time and the lack of facilities like water and toilets that were provided (HMIC, 2009a). Under Article 11, the report says, whole assemblies should not be punished if they are peaceful but the police must keep an eye out for the unlawful conduct of individuals. However here the whole assembly is contained either due to fears of those causing incipient disorder or containing all protestors to isolate and identify the 'violent minority' therein (2009a, 8, 51, 102). HMIC repeat the argument that containment represents a mere restriction on movement and not a restriction on liberty as condemned by ECHR Article 5 (1). This is a distinction which it says is a matter of 'degree and intensity' and that a deprivation of liberty depends on one's 'concrete situation...the type, duration, effects and manner of implementation of the measure in question' (HMIC, 2009a, 75).

So far officers are merely told to remain vigilant for signs of distress and to immediately prepare a release plan (HMIC, 2009a). However there does not seem to be any resolution to the problem highlighted by Broadhurst, that officers on the line maintaining the cordon may be suspicious of anyone claiming to believe their health is at risk or that they are particularly vulnerable. Protest organisations also highlight that the experience of containment can be another police approach to dissuade future participation in protests (DtRtP, NUS and NUSBC, 2016).

One thing officers kept reiterating about this tactic in the HAC hearings was that the term 'kettling' was not appropriate. Sue Sim says, 'Firstly, I do not understand the term 'kettling'. Kettling is not a British policing public order tactic, it is something that has been created apparently in the media...I would call that containment.' (HAC, 2009, Ev24). McCausland of the PSNI rejects this term as well, 'I believe it has been something created by the media about a kettle being on the boil' (HAC, 2009, Ev28). This of course is the exact accusation David Howarth makes when describing the 'corralling' making protestors more and more angry (HAC, 2009, Ev14). In addition, even though 'kettling' is identified here as a loaded term the likes of which the media specialise in it might in fact mark containment as one of the police tactics of force contributing to engendering confrontation with protestors. With the advent of ESIM in the use of liaison policing police do now acknowledge this.

So far, Sim, Broadhurst and HMIC have called for technical improvements in training and communication with the latter stressing the possibility of providing easy information to the public and protestors about the duration of police containment and exit routes which will require the training of frontline officers and the possible utilisation of several communication technologies (HMIC, 2009a, 11, 44, 54,102).

One interviewee, the currently serving TSG officer, had experience putting a containment in place around a group of small protestors who had set off fireworks near Buckingham Palace and

were overheard planning to move towards Downing Street. He described his whole decision-making process leading up to this course of action in the following way,

‘Now as soon as that containment goes in...as a public order commander I'm going through the National Decision Model, all the times you know just...continuously using the National Decision Model...and also making sure that it is still applicable, to have people contained, is it proportionate to what I'm trying to achieve and actually the wider command uh team, uh policing plan trying to achieve um and, through putting in something like a containment, does it disrupt the planned activity?’ (Interviewee 4, 2014, 5)

We see that some of the legal requirements are cited here around effectiveness and proportionality but also that the firing of fireworks does cohere with HMIC’s description of containment as a valuable tactic for ‘preventing injury and damage’ and ‘will only be used where we have to protect vulnerable locations or people’ (2009a, 44). In that situation, it is considered proportionate as opposed to, ‘if you got that peaceful, engaged protest with an organiser, it’s very, very unlikely you’re going to start putting in your containment around people which is quite a...big use of force’ (Interviewee 4, 2014, 6).

In its ruling on ‘Austin and Others v. The United Kingdom’, the European Court of Human Rights stated that the reason the appellants were held for so long in the containment, was because of the violent behaviour of the other occupants and a disruptive crowd outside of the cordon. The judgement argued that this made repeated attempts at dispersal of those contained unrealistic. Like the interviewee it also cited the lack of pre-event engagement from organisers of the May Day Protest in 2001 that led the police to suspect that there would be disorder (‘Austin and Others v. The United Kingdom’, 2012, 8). However, while the interviewee waited for a firework to be shot before putting in the cordon, this court ruling stated that the police decided to put in the cordon on the basis of intelligence, previous experience of the violence of similar demonstrations and the lack of engagement. It was then that there was violence inside and outside the cordon (‘Austin and Others v. The United Kingdom’, 2012). The police in this case, seemed to have already made up their minds that containment was going to be used. Liberty (2011) and former-MPA member Jenny Jones (2009b) have stated that containment can quickly raise the temperature in the crowd. While the police may have observed violence in previous before the May Day protest cited in this case, it is still possible that the containment may have resulted in a potent focus of protester anger. Also the fact that three of the four appellants to the European Court Human Rights were not protesters

but merely caught in the cordon ('Austin and Others v. The United Kingdom', 2012), draws questions over how proportionate it was.

Liberty has placed observers in police operations rooms during public order deployment and saw this decision-making in action. They raised concerns about its practicality for mobile breakaway groups. They judge the tactic to be fatally flawed due to its potential to contain innocent protesters and possibly bystanders along with people identified as causing serious disruption. Also, the tactic of containment is now often anticipated by protesters so they quickly move off at any sign of its coming (Liberty, 2011; Netpol, 2011a; Hemmings, 2009). On the topic of bystanders being caught up in protest policing operations, it is important to remember that Ian Tomlinson was inside a containment cordon and not allowed to leave on the day he died (Inquest, 2009).

Here, legal prescriptions by way of bureaucratic models like the National Decision Model do affect how police apply tactics, however it also seems that the appearances of protestors can also be relevant. If protestors setting off fireworks in the direction of Buckingham Palace are seen to conform to a particular appearance type then there is the potential for future protestors fitting the same description to be treated with trepidation by police.

#### 6.2.2.2 Dispersal

Where containment involves holding protestors in a fixed area and not allowing them to leave, dispersal is the inverse: restrictions apply to a certain area and protestors are not allowed to assemble there.

The power of dispersal which is used under Section 30 of the *Anti-Social Behaviour Act* of 2003 by superintendents or officers of higher rank is focused on whether a person or group's behaviour results in alarm, distress, intimidation or panic in any members of the public. If it is adjudged to do so it may result in them receiving a banning order from the area, unless they are resident there. The order needs the approval of the local authority (Wainwright et al, 2012). It can also place the power of curfew over young people who are under 16 years of age and not under the supervision of a parent or a responsible adult over the age of 18 (Jones, 2012).

Behaviour defined by the authorities as 'anti-social behaviour' can be responded to with the introduction of an 'Anti-Social Behaviour Order' (ASBO). ASBOs are accused of overstepping the boundaries of dealing with vandals and nuisance neighbours to criminalise behaviour that is non-criminal, and target more vulnerable members of society. One such group is protesters. It is argued that instead of identifying specific criminal breaches of the law, ASBOs focus on behaviours which have always existed in a 'grey area' (Rowlands, 2005, 4), and that instead of looking at whether someone committed a crime, instead police focus on whether they or their group create a feeling of

insecurity in others. This marks a step along the road of the law being oriented towards managing 'risky' groups of people, rather than punishing easily identifiable crimes (Rowlands, 2005). Jones has quoted research from the Joseph Rowntree Trust which suggests that dispersal orders can antagonise younger people by making them feel unwelcome to use public space. The introduction of 'dispersal zones' can also be extended to protests (Jones, 2012).

Dispersal orders cannot be used for picketers if the business in question is nearby or if the action is a public procession as defined in Section 11 of the Public Order Act 1986 where authorisation is available or does not need to be. Also, Wainwright et al state that there is no resolution to the possibility that legitimate protest may cause 'intimidation, harassment alarm or distress' (Wainwright et al, 2012, 11).

The TSG officer interviewed explained what he would do in a situation similar to the one he faced when a group of protestors sat down on the busy thoroughfare of Horse's Parade in London at 11pm on a week day. In those circumstances he decided that dispersal was the most proportionate avenue of action. His decision-making took into account at what point it was proportionate to pull protesters off the road to allow traffic to resume.

'...it's 11 o'clock at night...I can't remember what day it was but it was mid-week the traffic was light, are they actually going to be uh, disruptive? Yes they are cur-, they would have been causing an obstruction of the highway but actually is it proportionate to uh, stop pulling people off the road and start arresting them straight away for obstruction? In my, in my mind, probably not...they would then become disruptive, then I'm starting to reassess well actually would it be proportionate for us to start looking at potential arrest or uh-uh as a tactic? Quite possibly but...only after uh going through, persuading, trying every single means possible in trying to get them to move'  
(Interviewee 4, 2014, 6).

The FIT officer also described a similar situation around a sensitive issue. He points to the occupation across Downing Street by 70-100 people protesting against deaths in police custody. He recalls that those present and the presence of press made police action very limited,

'...the members of the Duggan family present as well as other families related to um, dying in police custody, um, it was quite high profile from their point of view and from the um, our point of view and the-the press and in order to, you know, we got probably

between 70-100 people sitting down in the middle of Downing Street' (Interviewee 5, 2015, 8)

Despite the initial attempts at negotiating with them,

'...it was quite a long process starting to move them, obviously no one wanted to move so it was causing issues of their, *Offences Against Highways Act* and I-I think it was Section 14, if it wasn't 14 it would have been one of the others in *Public Order Act*...they then used the 5-step process which is what we get trained in at Level 2 and you can physically see the officers be as polite as they can...approaching people, telling them, 'This is a fact, you are committing offences, this is what will happen, this is what I am going to be doing, you can see me doing it'' (ibid.)

Once again police must make sure to explain to protestors what the points are at which they face force and, while this is honest, it also deploys force in terms of signposting the reality of its imminence as well as setting down the borders of what is or is not a permissible form of protesting. Even though the protestors present, including the families of those who died in custody were being non-violent, they still faced the possibility that, in order to keep the city moving, police would resort to force '...you can physically see that. So you're left with no other situation but to start acting on it. Thankfully I think most people started to leave of their own accord or were brought up. I think there might have been a couple of arrests but um, that's it but, what can you do' (ibid.).

As this chapter has already discussed the possible resort to force is a defining feature of the police (Waddington, 2006). This is despite the fact that in this instance, the interviewee said that it did not end up with the police going in with overt physical action to deal with the sit down protestors due to the fear of provoking violence, '...don't think I've ever seen...anyone going too hard in a protest...because it's too, it's too much of a risk....I don't see the point of going over the top with anybody because it just means rioting, I don't want to have a riot. It's I don't know, I've never seen it...' (Interviewee 5, 2015, 7-8).

He suggested that this was a red line and said that the police force could be redirected to close down Whitehall but that would send a signal to other protests in the future,

'No, because, there might be other options, you could close down Whitehall and say, 'Yes you can have the road', the problem is, if you start allowing one group to do that, what's to stop another group coming in the next day, stopping it, of stopping it, at some

point something's gotta give and you know, a lawful protest doesn't become lawful when it starts committing offences' (Interviewee 5, 2015, 9).

The ex-TSG interviewee says that a lot of times dispersals are in the interest and for the welfare of protestors and the public,

'You know police classic, police taking action and people rush to judgment when they might not know is that the reason they've put a section on is because down the road an 80 year old bloke is having a heart attack and...we need to clear the road to get an ambulance in, you know classic miscommunication like that will lead to um, problems further down the line, you know closing down tube stops you know, it's all, the police take a lot of actions to protect the welfare of the protestors, but you know, try and get out that point across, sometimes it will fall on deaf ears..' (Interviewee 3, 2014, 51).

The concept of 'welfare' arises again here, however it seems to have a very complicated relationship with force. In the discussion on containment the issue was how having due concern for the safety of all those inside the containment area might conflict with the need to isolate and identify troublemakers. In the case of the sit down protest described here, there is an argument that areas need to be clear to help traffic to move, such that a hypothetical ambulance would be able to get through to reach a member of the public in need. In the European Court of Human Rights ruling of 'Austin and Others v. The United Kingdom', it is stated that, 'Any sensible person living in a modern democracy would reasonably expect to be confined...within a limited space by the police, in some circumstances' ('Austin and Others v. The United Kingdom', 2012, 10). The ruling gives examples such as such as the halting of traffic for several hours when there is an accident on a motorway or, restrictions on movements for members of the public in the event that a loose gunman is on a rampage. This is all in line with how the police use force, as much as discretion, to get citizens to comply with their directives during the many different scenarios they must respond to (Waddington, 2006).

However, due to the risks that containment poses, Liberty has advocated that the police consider using dispersal powers instead so as not to trap innocent protestors and bystanders along with the individuals they wish to detain. It would also serve to not fray tempers in the crowd (Liberty, 2009).

Containment and dispersal primarily raise concerns around duration. It is a question of how long the police can allow protestors to feasibly hold up a section of the road or the city before force

is needed to clear it for traffic for instance. The next section will look at direct engagement, when the police use their weaponry to forcibly quell a riot or severe disruption, and considers how the major risks involved are curtailed.

### 6.2.2.3 Direct Engagement

This section will now discuss direct engagement and welfare paying particular attention to how officers' welfare is used to justify 'non-lethal' weaponry and the use of heavy personal protective equipment, despite the fear that this gives the police a more paramilitary appearance which is alienating to the public. For the purposes of this research, 'direct engagement', refers to when police using batons and shields confront or enter the crowd to effect an arrest or to quell disorder. It is the most overt use of force.

On the subject of weaponry and kit, despite contentions from ACPO that personal protective wear may give a bad impression and hamper communication (ACPO, 2010), there is clearly a conflict with the argument that it is needed for the officer's personal protection. One of the liaison officers interviewed described their kit as,

'We would always have a baton. We wear, we have our own normal beat duty personal protection equipment which will be body armour, CS and the [inaudible] and that's what every police officer on the street wear...would have cause that's obviously what we have...it's a defen-...it's our stuff of last resort. So we're still police officers so, to be fair, even in a very compliant group you are still likely to get some people within a group who don't like police officers because these are the people who exist out there and unfortunately we could have to defend ourselves at some stage, we have to have the appropriate equipment to defend ourselves.' (Interviewee 1, 2014, 6).

It is interesting to speak with the liaison officers on aspects of force because, even though they are supposed to represent a new path of policing protest, there are still aspects that endure. Even if they are to establish trust and attempt this through avoiding an overly paramilitary-style appearance, considerations of 'welfare' arise again as they did around discussions of containment. 'What we don't wear is the public order PPE which is obviously the knee pads, the elbow pads and you know, the NATO-style helmets so we don't wear that and have the big public order gauntlets...because obviously that is not conducive to the face to face conversation' (ibid.). But whereas in relation to containment, discussion focused on the issue of *protestors'* welfare, when it comes to direct engagement the focus shifts to the welfare of officers. While the 'non-lethal' weaponry of liaison

officers is minimal compared to TSG or public order Level 1 trained officers, it is still considered crucial to the health and safety of officers, something which Waddington attributes to the aftermath of severe rioting police experienced at the 1976 Notting Hill carnival, where 300 officers were injured in London (Waddington and Wright, 2008).

As regards the techniques officers could use in the event of confrontation, HMIC states that 'distraction techniques' are part of officer's 'safety training' as well, despite going onto say that images of officers' use of force can also undermine the confidence of the public (2009a, 8; 2009b, 109). Hardwick of the IPCC repeated this, stating that the tactic of distraction is for the event that a police officer is being assaulted and needs to prevent that attack. This can involve hitting or kicking people but that, 'Those are tactics they are trained to use to prevent an attack on themselves or others present'. He says that even the term 'distraction techniques' is a 'euphemism' that refer to ways of '...hitting or kicking people or striking them...that they are trained to do' (HAC, 2009, Ev4). He was explicit that these tactics are deployed not because of a lack of training but because officers are explicitly trained to do so and says that the use of this tactic as well as the use of force in general has to be 'reasonable and proportionate' (ibid.). When the committee asks him if proportionality can include, 'In a situation where somebody is behaving threateningly?' he reiterates that reasonableness and proportionality should guide the police's actions and that while it may look 'ugly' it is the police that must explain, 'better to...the public that this is what they are trained to do' (ibid).

This is a defence of these techniques stating that it is in line with training that enforces the principle of reasonableness and proportionality, usually in a situation where the officer or others are at risk of harm. However HMIC states that officers are never taught to think of the link between officer safety training and public order training. It states that this can result in officers thinking that, proportionality in responding to aggression or violence involves 'reciprocity' (2009b, 15), and that a lot of these tactics may in fact be taught just by 'word of mouth' training further compounding severe inconsistencies nationwide, including the use of the edge of the shield which is 'not nationally recognised' and described as 'not acceptable' (HMIC, 2009b, 101). There is a link here with Fielding's writing on 'cop canteen culture' that, as well as the official training that officers receive, they also learn about how to do the job through socialising and mixing with other officers. Fielding goes on to say that this is a challenge to official training that seeks to 'liberalise' the force (Fielding, 1994, 49, 54). HMIC at one stage, report that trainers they observed also seemed awkward discussing the essentials of human rights during training courses (HMIC, 2009b, 115).

In their report on the G20 protests Liberty expressed concerns about police predictions of a huge surge in violence. Liberty suggested that the confrontational language used by the police raised

concerns about the attitudes of the police towards the protestors and warranted an examination of how the G20 policing operation was planned and what instructions were given to constables (Liberty, 2009). This was seconded by MPA member Jenny Jones in a motion that stated that the police must be more careful around making predictions of violence to the media in case they become 'self-fulfilling' (MPA, 2009b, 1). Interestingly, the IPCC says that complaints around operations are outside of its remit and are for the police force in question to investigate, suggesting a lack of independent accountability in this regard (IPCC, 2009c; 2010a). This, coupled with the opportunities public order work provides to engage in the kind of confrontational 'crime-fighting' activities that the police reputedly desire, may explain how it is that shield strikes and other 'tricks of the trade' are taught to officers outside of their official training.

Discussion of the use of force should not restrict itself to the individual officers, but should also engage with commanders' choices around what approaches they use in the event of violent confrontation with demonstrators. During the timeline of this research the Mayor of London attempted to acquire three water-cannons for the MPS in the aftermath of the 2011 riots in England, despite controversies over the perceived indiscriminate nature of their deployment and previous injuries sustained by protestors (Mayor of London and London Assembly, 2014). Several criticisms were made of the proposed introduction of water cannon, including the lack of precedence for such a tactic in Scotland, England or Wales, its potential for indiscriminate use, its slowness and heaviness against mobile groups of rioters and that its appearance could enflame situations (Liberty, 2014a; IPCC, 2014). There also needs to be great clarity around the types of disorder or protest that the cannon would be deployed to, to avoid 'mission creep' (IPCC, 2014). Liberty also experienced scepticism that the machine would be operated responsibly and avoid injury or death citing the death of Ian Tomlinson at the G20 protests (Liberty, 2014a). The IPCC states that the MOPAC claim that water cannon is a lower form of force than baton rounds has not been made in its documents (IPCC, 2014). Defend the Right to Protest stated that at a recent public engagement on water cannon the MPS gave three examples of public disorder which were all, in fact, lawful demonstrations (DtRtP, 2014a).

The ex-TSG officer was approving of this tactic but pessimistic about its eventual acquisition due to analogies with the controversies over the shooting of Mark Duggan and the stop and search tactics of his former unit, which he felt reflected an anti-police bias in general,

'...what a great piece of kit, but I don't think you'll ever see it used on the streets, I'd be amazed...it goes back to, you can't shoot gun-carrying gangsters, you can't stop and search knife-carrying nominal robbers, how are you going to justify a water cannon? I

mean what scenario are you hoping for that that can be deployed? No for me that would be the London riots but there are plenty of people in the world that says the London riots to a degree were justified and that's, when you come up against that attitude I can't really see it happening ...' (Interviewee 3, 2014, 55-56).

Newburn stated that during the 2011 August Riots there did seem to be hesitation around using force, due to the criticism police received after the G20 protests. This hesitation was a cause for frustration for individual officers who took part in the *Reading the Riots* research. But he also stated that these officers, unlike the ex-TSG interviewee, stated that instead of rubber bullets or water cannon, that higher police numbers and means of speedier deployment were more necessary in the event of serious disorder (Newburn, 2012).

The move to acquire water cannon signals a shift in police strategy where they felt they had to show they were capable of using force and taking a tough stance against lawbreakers and disorder. It was around this time the police made media statements reminding student protestors that police have access to baton rounds (Hughes, 2011) and the Mayor did eventually buy the water cannons, despite not getting the authorisation from the Home Secretary who subsequently forbade use of them (Travis, 2015). Indeed, one of my interviewees mentioned that there was support for the police after the 2011 riots with the public seen to be on their side after years of criticism,

'There was a, you know after the riots, there was a real happy, for about a month, people were on board and they understood how the police were trying to, the riots for me illustrated for me how there was, it brought all of the baddies out of the woodwork and put them in front of the camera on Tottenham High Road and showed to the world' (Interviewee 3, 2014, 44)

This research focuses specifically on anti-austerity protests, but it is clear that outside factors will affect the police's wider public order policy. The August riots of 2011 and similar shocks can always open the possibility of the police and their political supporters reassessing public order policy. The move for water cannon is concurrent with the move towards liaison policing that was encouraged after the heavy handed approach at the G20 protests. This demonstrates that public order policy cannot always be formed around enforcement or communication strategies exclusively. Policies can, in fact, accommodate at the same time, orientations that appear to be simultaneously contradictory or complementary, such as an enhanced apparatus for the use of force if liaison fails. There is no unified move to acquire water cannon, and the interviewee is correct that there was uneasiness with

the tactic. Several senior police officers around the country who opposed the move have stated that a water cannon would be useless in a fast moving riot, and these critics included ACPO president Hugh Orde (DtRtP, 2014a).

This discussion of in-situ applications of force, indicates that the theme of 'welfare' (of protestors, the public or officers) frequently arises when police seek to justify tactics of force. This is probably due to the police trying to avoid two varieties of criticism. On the one hand, after criticism of harsh policing at the G20 protests, the police were encouraged to move their public order policy towards one of engagement with protesters and facilitation. This move was upset after the August Riots of 2011 and the police faced criticism for not taking a hard enough line against rioters. Afterwards, the police took tougher public stances, trying to acquire water-cannon and issuing threats of baton rounds to student demonstrators. This is another example of the impossible demands that Hall states society puts on the police. They must maintain public order and at the same time, uphold the rights of citizens (Scruton, 1987, 146). Similar cleavages can open for collective tactics of force, like water cannon and containment, where the police can use them to enforce the law, but at the same time, must look after the welfare of the protesters they are used against and bystanders who might be affected or injured.

### **6.3 Force as a catalyst for disorder**

This section examines the recent change in police conceptions of the use of force which now emphasise its influence in actively creating confrontation with protestors.

The psychological theory that underpins the ESIM model has been a particular influence on police thinking in recent years. As the literature review outlines, Reicher stated that an undifferentiated enforcement approach can turn the whole crowd against the police because it will treat non-lawbreaking protesters in the same way as those that are breaking the law. This means that the crowd will become more open to the voices calling for confrontation with the police (Gorringe et al, 2012). However, this realisation that force can quicken the pace of wider confrontation and disorder was recognised in early policing studies too. Due to reasons of personal utility beat officers were usually concerned for their job or position and tended to avoid 'hot' situations that involved confrontation (Muir, 2005, 176). This not only applies to police on patrol but also public order command who, according to the interviewees here, are concerned about political ramifications or public relations damage, if images of serious disorder and the police engaging forcefully with protesters are transmitted. Also, in the *Reading the Riots* report, researchers found that nearly 85% of participants stated that previous negative experiences with the police was a reason for the riots' occurrence (LSE, 2011). This is an example of police over-enforcement souring

relationships with communities over an extended period of time and not just on the day with one protest crowd.

It was after the G20 protests that police forces started piloting projects involving liaison officers. One liaison officer stated the necessity of liaison policing as helping to defuse confrontation and tension with protestors,

‘For a long time, as soon as there was a protest, ‘How can we try and stop it, what should we do to try and control it?’ Well, why do you need to control this? If it’s safe and peaceful, it’s not causing disruption, it’s not breaking laws, you know and these things also need to be looked at in degrees’ (Interviewee 1, 2014, 15).

However, it is already established that there is a limited amount of disruption from protesters that the police can give leeway to. The ex-TSG officer is derisive of this under-enforcement describing it as a ‘reactive’, as opposed to a ‘proactive’, approach. Unlike the liaison officer quoted at the beginning of the section he states that law breaking is also not being prevented when he gives the example of a protest by tax evasion campaign group UK Uncut and their occupation of a boutique shopping arcade,

‘...well, you're constantly reactive, ‘Let them commit the crimes, don't worry we got surveillance, we got intel packages we'll get them later.’ Well you try and tell that to Fortnum and Mason and their employees, an organisation have lost millions and as individuals have lost their commission, perhaps a better proposition would be in, deal with it properly, lawfully, use a degree of force, use of force is not whacking people around the heads with batons, it can be used safely, properly and effectively, using officer's safety techniques to remove them from the situation, that's being bold, that's being decisive, dealing with the problem before it occurs rather than dealing with it and that's, that's again where I see police moving forward’ (Interviewee 3, 2014, 51-52).

He does not accept that there is nothing the police can actually do to avoid the crowd getting more confrontational and says that it is unacceptable that some businesses must lose some trading, or staff lose their commission or that the commercial activities of the city that benefit them should be slowed down or sacrificed due to protestors. He did not even accept the occupation of Fortnum and Mason by UK Uncut saying that it affects everyone powerful and vulnerable,

'...a sit down process in Fortnum and Mason, might sound like to some individual nothing wrong with that but, well I suppose, the lack of.....well they're a multi-million pound organisation what does it matter if they lose a couple of hundred thousand pounds in the day? For me, that is totally wrong because there are still people employed by that organisation who are still trying to make a living, commissions based staff, you know...you know my family background, myself now and side projects as business persons...yes they're protesting, yes they're peaceful but still someone's still losing out who's got nothing to do...you know the guy's on commission on the perfume stand who can't sell perfume due to the sit down protest, they're going to go home now minus £200 out their back-pocket, it's not fair on them' (Interviewee 3, 2014, 11).

This interviewee moved into the world of business after leaving the MPS. His parents are also in the world of business (that refers to his 'family background' and 'side projects'). This officer has a particular take on the appropriate balance of rights of protest with the rights of other users of the city, emphasising that whilst large corporations may be expected to absorb some loss of revenue, lower level employees working on commission could suffer a severe reduction in their commission and pay packet as a result of a disruptive protest and this, for him, is not acceptable. This is reminiscent of the quote Scraton reproduced from the Nottinghamshire Chief Constable at the height of strikes and picketing in 1984-5, where he accused them of stopping workers who crossed the picket line, 'Supporting the freedom of people who want to prevent people from going to work is not supporting freedom, but supporting anarchy, violence, riot, and damage and everything else' (Hall, 1980 [Quoted in Scraton, 1987, 153]).

It is not, then, a simple case of groups crossing red lines, but sometimes which groups are doing it and in what context. This interviewee rejects even the disruptive yet peaceful protests because of the unduly negative consequences he believes they have for certain participants. The question of what an 'ideal' protest looks like is highly contested. For some people one that causes as much disruption as possible is ideal, because it has the greatest potential to raise consciousness and draw attention to their cause. Those who take this view might feel that if their protest was as inoffensive and untroublesome as possible this might render their actions ultimately irrelevant. But protesters must also ask themselves how much disruption they can undertake without alienating the public who they might be trying to convince of the worthiness of their cause. And, for their part, the police must balance the rights of all users of the city.

#### **6.4 Conclusion**

This chapter confirms that pre-existing ideas within the policing literature that different, more 'disorderly' protestors face more forceful policing (Della Porta and Fillieule, 2004; Rosie and Gorrige, 2009, Website), even where police are expected to lean more towards under-enforcement and liaison. This is largely maintained due to preconceptions around protestors of a certain age that wear certain kinds of dress. It also shows that, despite this supposed move to a more non-violent orientation of police policy, social convulsions like the 2011 riots can represent a regression, resulting in high level attempts to procure larger, 'non-lethal' weaponry for the police. There can be contradictory moves in public order policy between the poles of enforcement and communication within the same time period.

The next chapter will analyse the use of surveillance and will encapsulate numerous themes from this chapter as well as how surveillance interplays with and departs from enforcement. Particular focus will be on whether, as enforcement is encouraged to be rolled back or extended according to changes in public opinion around police brutality or police inaction, the degree of surveillance also experiences the same pressures to extend or retract.

## Chapter 7: Tactics of Surveillance

This chapter will examine tactics of surveillance that the MPS use against anti-austerity protestors. This chapter's ultimate concern is on the extent to which surveillance can change the behaviour of protests in its gaze. To do this it makes the distinction between 'overt' and 'covert' surveillance to draw attention to two realms of policing instead of just two methods of monitoring protestors. Loftus and Goold (2012, 276) defines the first layer of surveillance as relatively open and recognisable through visual markers such as sirens and uniforms. They define the second layer as more obscure or difficult to study and evades scrutiny so as to invisibly collect intelligence. This chapter will make this dichotomy central. It will first ask what the effects of overt surveillance are on the behaviour of protestors to assess whether its visibility makes them more compliant or more hostile through such interactions. It will also investigate how the use of plainclothes police officers in covert policing. It demonstrates how overt and covert surveillance interact with the other strategies of force and communication and how they complement or hinder them.

The chapter will highlight how a few interviewees seem unconcerned with protestors' concerns around surveillance, particularly the civil liberties ramifications. It contrasts this with the disquiet that can be expressed over officers' actions being subject to monitoring from a multitude of cameras by the media, protestors and the public. This approach draws its influence from Foucault's theory of 'panopticism', concentrating on the claim that surveillance and its obvious or presumed visibility follows a strategy of moulding the behaviour of the person being watched (Foucault, 1991). While Foucault's 'panopticism' was initially conceived from his studies of prisons, this chapter will synthesise his findings with theories stemming from the literature on policing and police culture.

The chapter will conclude with a review of some of the major findings from the data. . These findings provide insights for assessing the consequences of the MPS's move towards liaison policing and the emphasis on facilitating protestors which the next chapter covers.

Before all this, however, the first section will delineate the general aspects of public order surveillance.

### 7.1 Overview

This section outlines some general aspects of surveillance in British public order policing that straddle both its overt and covert forms according to the interview data.

The first finding is that *all* police officers are to a certain extent expected to gather intelligence. The role of surveillance is therefore not restricted to just specialised officers tasked with surveillance such as FIT or EGT officers. Some activist groups accuse liaison officers as being just as involved in intelligence gathering as the surveillance teams are (Netpol, no date; Green and Black Cross, no date; DtRtP, NUS and NUSBSC, 2016). One interviewee, a liaison officer, agrees with this to a certain extent stating,

‘...with all police officers and I often say when this allegation is aimed at us, the village bobby that’s walking down the street, gathers intelligence ...we’re police officers and that’s what police officers do by default, now the village bobby walking down the street may see a car in the area that’s not been there before which he’s never seen before, is a bit suspicious...that’s gathering intelligence, the PLT officer will, by default gather intelligence...’ (Interviewee 2, 2014, 9).

This is almost a textbook example of observations in classic studies of policing. Skolnick (2011) states that part of the ‘working personality’ of the police officer is sensitivity towards what they believe are signs of danger or disorder. As such, Skolnick cites Connell’s observation that the obverse of this is that the police familiarise themselves with ‘the normal’, they know the areas of familiarity that form the backdrop of their work and become sensitive to when this appears out of the ordinary,

‘The time spent cruising one’s sector or walking one’s beat is not wasted time, though it can become quite routine. During this time the most important thing for the officer to do is notice the *normal* He [sic] must come to know the people in his area, their habits , their automobiles and their friends’ (Connell [quoted in Skolnick, 2011, 44]).

The interviewee states that police officers continuously familiarise themselves with the scenario in which they work and notice what is out of character within it. Policing public order however, exhibits some exceptional differences to mainstream policing. For instance the site of the demonstration can continually change. Nevertheless interviewees felt confident in their experience and judgement to distinguish which protesters are the ‘respectable’ ones and which protesters are more likely to engage in violence or incite the crowd to do so. The previous two chapters have drawn out some of the characteristics of these ‘symbolic assailants’ in anti-austerity protests.

Research interviewees also believed that surveillance is extremely influential in formulating public order tactics in the pre-event planning stage. The first interviewee stated that intelligence has a big influence on the policing approach on the day of the event. It can influence the decision whether liaison policing with an emphasis on under-enforcement is undertaken or not, '....there will be other times when intelligence is obtained which will say, '...you know what? That isn't the most appropriate way of policing it and we will police it in a different way but if we can, if we can keep it policing, light touch' (Interviewee 1, 2014, 10). However, other interviewees suggest that while this emphasis on under-enforcement can apply in the pre-event planning stage, 'in-situ' it can merely delay arrest. One FIT officer explains,

'...the way that it's policed at the minute is that they are getting away with minor damage, there's little to report except for 'x number of people marched. No... [inaudible]...or relatively little affected' um, and they go away. Slow-time, post-event, obviously the EGs [Evidence Gathering Officers] have their footage of the events. Central London is covered in, cameras, a lot of footage is seen, and um, things are done slow-time to arrest these people...' (Interviewee 5, 2014, 7)

An EGT officer describes this similarly,

'There is a big thing and this is the role where the evidence gatherers come in that, we can get footage of these people, we can get them identified, do they have to get arrested on that day? They could be arrested another day... If you went in to nick, say five or six people for criminal damage that day, you're not losing five or six officers, you're losing, two at least per person that's being arrested? So you could lose, 10-15 officers, they're gone. That's possibly two serials they've lost off the street...' (Interviewee 6, 2015, 13)

This corresponds with the use of under-enforcement (Waddington, 1994). The literature often emphasises this as a consequence of individual discretion amongst beat police (Muir, 2005). However, it is often used in public order where commanders want to avoid adverse publicity and a wider confrontation with the whole protest crowd when targeting one or a few individuals within the crowd. Both interviewees mention the role intelligence has in delaying arrest for public order offences when the individual in question is out of the crowd or even after the protest has long since finished so as not to enflame tensions but also because of the limited resources the police will have,

'...like, the London riots, when they all went bandy, um the... [inaudible]...operation, we had thousands and thousands of photographs and literally everyone who went into a shop, was actually put up on a big screen and said, 'Who are these people?' ... some would go into a shop and nick a bottle of wine or something well, it's just one of those things. What are you going to do? Are you gonna waste...resource's, money to investigate little shit like that or little criminal damage?' (Interviewee 5, 2014, 7).

Under-enforcement does not necessarily mean that any perceived offences are simply just ignored but rather the police can pursue them with the help of intelligence at a later date. There is a move to 'delayed enforcement' which often conflicts with an officer's initial reaction to seeing a crime and wanting to do something about, 'They could be arrested another day. I think as a police officer...the bone of contention is, we see it and we want to deal with it because that's, that's ingrained into us....' (Interviewee 6, 2015, 13).

This again evokes Bittner's (2005) formulation of the instant reaction that police officers have when they see law breaking as '*something-that-ought-not-to-be-happening-and-about-which-someone-had-better-do-something-now!*'. Surveillance can allow the use of force to be used at another point in time after the act of crime or the protest is finished. This conflicts with the view of frontline police officers that crime should be dealt with immediately. This is despite the fact that police management are avoiding a 'hot' situation like beat police often do (Muir, 2005, 176) only this time with a whole crowd and the potential of negative coverage is ever-present. Officers usually enjoy public order for the feeling of heroism and 'winning the war' on crime (Westmarland, 2008, 256). As such, an order of under-enforcement from their management rather than using their own individual judgement can be hard to accept.

However, though it may deny officers instantaneous satisfaction of enforcement, surveillance might also give an outlet for officers to engage in skills and work with surveillance tools, such as cameras, as a kind of 'craftsmanship'. The use of this word needs contrasting with what Skolnick terms as the 'administrative bias of the craftsman' in policing work. Skolnick's definition (Skolnick, 2011, 175-176) describes how the police feel that they are best placed to identify criminals and use their skillsets to administer the appropriate response without restriction from the criminal justice system. Craftsmanship in the context of surveillance refers to the police having pride in their entire skillset, as well as the use of "tools" in fighting crime and serving the community, and not just an overwhelming focus on the use of force. One interviewee, the ex-TSG officer, exhibited this pride and applying the rules of public order regulations, '...the outside perception of the TSG is the thick

and stupid group where people only join it to beat people up, which couldn't be further from the truth' (Interviewee 3, 2014, 16). He conceives of his role involving skill and foresight when he describes the surveillance capacity within his former unit when dealing with street robberies, 'these were multi-skilled, multi-talented people because don't forget plenty of police officers going through their career not being prepared to upskill, not being prepared to specialise and create jobs and plan operations, I mean TSG, do we have a surveillance capability? Yes' (Interviewee 3, 2014, 16). While HMIC does not repeat this criticism of the reluctance of officers to upgrade their skills, they do note that any change in professional practice can often take two years or more to successfully implement. This falls far behind how quickly protest, and the different forms it can take, changes and evolves (HMIC, 2011).

There is palpable enthusiasm and nostalgia on the part of the ex-TSG officer over deploying these methods as much as physical enforcement or arrest, 'I'm learning, 'What's RIPA [Regulation of Investigative Powers Act]?', '...what's safety equipment will we need? What's our comms plan going to be?' I'm putting myself in the middle of this learning, all this knowledge...they were great days' (Interviewee 3, 2014, 16).

This pride in surveillance still fits in with a sense of crime fighting and excitement. Tilley (2008) has said that unlike models of community or neighbourhood policing, intelligence-led policing can find an easy acceptance amongst police officers due to its perceived complementarity to enforcement.

Netpol has published reports on how this intelligence style of policing, usually used to build up profiles of certain groups of people and behaviours, are now being turned onto people who engage in lawful protest (Netpol, no date). Defend the Right to Protest has also negotiations between police and protest organisers as a form of intelligence gathering in order to lessen the disruption of protests but also prevent them from getting their message across. This is because this model not only detects 'crime' but also disrupts it which in the context of protest can result in a limiting of freedom of expression and assembly (DtRtP, 2014a). Jones states that during the arrests of known activists before the Royal Wedding was not on the basis of disrupting criminal activities, but to avoid any unwanted dissent on the day (Jones, 2011).

However, the TSG officer was keen to emphasise that this pride in using tools is still different from the perception people have of TSG recruits as only interested in what Waddington and Wright (2008, 469) term a "fists and boots" style of policing. While my interviewee stated that most officers do not take this much pride in updating their resume he wants to dispel the notion that the TSG were the same. He was also emphatic that presently, this capability within the TSG is facing curtailment,

'...so all that morale and knowledge and that enthuse us for a week disappeared over night when they removed the crime posting because that week of your own project now becomes, 'Uh we need you in Westminster cos...anti-austerity, or we need you in Bromley because of the England match, oh we need you as extra resources to deal with high calls and then [inaudible] borough' so just you know du-du-du so you know blah-blah-blah just same old driving around, boring, shoot me' (Interviewee 3, 2014, 16).

He views this as a kind of 'de-skilling' of the TSG unit including its surveillance capabilities. Despite the claim that police officers prioritise the situation in front of them before deciding whether to apply a certain law or course of action (Bittner, 2005), this interviewee clearly likes the cerebral challenge of knowing the regulations and trying to apply them, as well as handling camera equipment.

Another basic principle of surveillance in public order include its integral part in allowing police command the freedom to curtail or delay the police use of enforcement on small-scale disorder (ACPO, 2010). This can create a tension with some officers who acknowledge the ultimate wisdom of this action in a crowd control scenario but still feel that crime should be dealt with instantaneously. The next two sections will look at the use of overt and covert surveillance respectively and try to draw out their defining features in public order.

## **7.2 Overt Surveillance**

This section will analyse the role of FIT and EGT officers as the most visible representatives of surveillance that protestors are familiar with. First the section looks at the timeline of these units since the G20 protests and how policy defines their exact duties. It will then contrast these defined duties with how the interviewees describe their roles and functions.

After the G20 protests in London there were 310 officers trained nationally with two thirds embedded with the police to 'gather intelligence and information on the changing mood, dynamics and intent of crowds which is then passed back to the control room or intelligence centre to assist in the appropriate deployment of resources' (HMIC, 2009b, 127). They were also tasked with engaging with crowds through conversation and, analysis, to identify demonstrators and particularly breakaway groups intent on causing disorder (ACPO, 2010). EGT officers were to film where violence was taking place or anticipated to take place, and identify those committing offences. FIT officers initially undertook dialogue as well (HMIC, 2009b; ACPO, 2010). However, the Association of Chief Police Officers (ACPO) advised in the *Manual of Guidance for Keeping the Peace* that both FIT and

EGT officers may have an impact upon crowd dynamics and make them more likely to escalate tensions (ACPO, 2010).

From the beginning of the financial crisis and the initial operation around the G20 protests HMIC, 'identified a number of specific concerns regarding the inappropriate use of police powers, in particular...police use of overt photography during protests' (HMIC, 2009b, 122). Concerning surveillance specifically, HMIC quoted the case of 'R. (on the application of Gillan and another) v Commissioner of Police of the Metropolis' that with regards to the powers of police practice, 'The public must not be vulnerable to interference by public officials acting on any personal whim, malice, predilection or purpose other than that for which the power was conferred. That is what is meant by arbitrariness, which is the antithesis of legality' (HMIC, 2009b, 122). This was in reference to HMIC receiving reports of police officers relying on section 50 of the Police Reform Act 2002 to require protestors to give their names and addresses. This obligation only applies when there are reasonable grounds that participants are engaging in anti-social behaviour that a peaceful demonstration does not involve (HMIC, 2009a). HMIC (2009b) also stated that public order manuals do not explain the purpose of information gathering resulting in the filming of people exercising their democratic rights with no clear justification.

The FIT officer describes the function of his unit as being to, '...see who's there, recognise who's there, pass to my chain of command whose present, possible people that committing offences or might commit offences and then basically observe groups throughout the day, taking notes for our report at the end of the day...' (Interviewee 5, 2015, 12). Evidence gatherers on the other hand,

'...record protestors, take pictures, they do a footage, if it um, escalates into disorder then they continue to do the footage and they'll also do um, record what's happening and then do full descriptions of what suspect is involved, what they are wearing or what they're doing so that post-incident you can then, whoever's investigating it can start trawling through the footage...' (Interviewee 5, 2015, 12-13).

There is almost a complete overlap in these functions between the FIT and the EGT officers covering the observation of protesters, accumulating as much footage as possible until disorder occurs and focusing upon who is undertaking it at the time. The jurisdiction is so broad that it demonstrates a fundamental aspect of surveillance as filming, 'the normal', as much as the scenes of disorder. Officers have a reasonable amount of confidence in the identification of offenders in the crowd. The first interviewee explains this, 'easy to identify element that 'hide' in the midst of the demonstration as being, '...not as hidden as they like to think they are, they do stand out...it is easy to identify those

there to cause trouble even, non-FIT officers have an awareness of which ones they are...’ (Interviewee 1, 2014, 12). This of course goes back to the stated confidence the police have in recognising symbolic assailants that draw attention (Skolnick, 2011). The quote from the FIT officer might refer to particular faces belonging to individuals the police know to have committed offences. However, the reference to an ‘element’ leaves less room for doubt that there are sub-groups of protesters that police think try to hide, but are easily recognisable. The EGT officer stated that his surveillance applies to the very worst of offences, ‘...my role is try to get the best evidence for worst offences and for people who are actually committing crimes, to bring them in front for the courts, to give them a, a package to say ‘...this person is committing an offence’’ (Interviewee 6, 2015, 5).

Documents from both HMIC and ACPO recognised tensions between activists and surveillance teams most likely stemming from officers inappropriately applying surveillance powers. This same misapplication may explain why liaison officers now undertake the dialogue role that FIT officers once held, ‘one of the things we say now is that we don’t even, we don’t train up people who were previously or have any interest in becoming FIT officers, we keep the two things separate’ (Interviewee 2, 2014, 8). However, in activist organisations, there are also accusations that large numbers of FIT officers are deployed to monitor protests in a disproportionate manner. This includes de-arresting protesters after they volunteer their personal details. (Netpol, 2011a). Defend the Right to Protest accuses police of intimidating protesters by calling out their name and address (DtRtP, NUS and NUSBSC, 2016). Journalists and photographers have also complained through the National Union of Journalists about harassment from FIT officers (Rowlands, 2008). Notwithstanding this however one of the interviewees, an FIT officer himself, indicates that a remnant of a dialogue role can still exist,

‘...it is actually enjoyable just to be out...talking to people from all walks of life..., personally since I’ve started FIT or Level 2, we talk to, eve-, if there is a presumption that you’re Level 2 that you don’t tend to talk to people but I try and talk to people just because it makes the day go quicker’ (Interviewee 6, 2014, 1-2).

The currently serving TSG officer describes the time he put into place a cordon around a group of protestors that launched a firework at Buckingham Palace and then move towards Downing Street. He said that in the interests of proportionality he did not allow any recording of names, addresses or pictures to be taken,

'...bringing...evidence gatherers down with cameras, filtering people out of the...cordon, recording your people, asking for their names and address, you know what, if they didn't do it they don't need to-, was there any anti-social behaviour there? There could have been uh but actually a group of people gathering together and moving towards, is that enough to, um, start demanding names and addresses? For me, probably not...'  
(Interviewee 4, 2014, 5).

It does seem that deploying surveillance can be a matter of discretion on the part of those in immediate command. The interviewee could also have been reluctant to risk setting off a confrontation. This presents a difficulty in applying the idea of panopticism to overt photography in the realm of public order. Foucault (1991) emphasises awareness on the part of the observed as instilling discipline and the automatic acquiescence. However the practitioners themselves can be concerned that it may in fact have the opposite effect on protestors, and contribute to a scenario of outright confrontation. Police avoidance of enflaming crowd tensions evokes the ESIM model that liaison policing relies upon (Reicher, 2011). But writing in 1994, long before this model's introduction to policing, Waddington stated that police can withhold some of their functions to generally 'avoid trouble', especially in public order contexts (Waddington, 1994, 43).

The interviewee's trepidation about deploying evidence gatherers may also indicate, that as well as the notorious reputation that FIT officers have amongst protestors, their own colleagues and superiors tend to be wary of them. One FIT officer goes into detail about this,

'...because we were seen as a rogue element...so basically ...FIT officers could do pretty much whatever they wanted and...get involved in scuffles or fights or whatever, uh have no direct, sort of like, line of command. That's what the press think and that's what I think some of my commanders think although we were quite well-regulated...we were told, 'You will do this'' (Interviewee 5, 2015, 12).

There is even a possibility that these tactics of surveillance can become associated in the minds of protestors with other methods or tactics of the police. My first interviewee confirms this when he states that as a liaison officer, 'The history of FIT teams does hinder us at some stage because there are these groups, some that say that we are just a new wave of FIT teams and the historical stuff would cause us a few problems' (Interviewee 1, 2014, 12).

The police are well aware of the reputation their overt photographers have amongst protestors and it does present a challenge to them in the course of undertaking their duties.

However, all officers engage in surveillance at protests in a certain sense. Other police officers can refer instances of disorder to FIT teams, ‘...however there are one or two individuals that are here to commit disorder and we will pass on that information to FIT teams, you know we’re police officers, part of our jobs is to prevent disorder so yeah we will talk to FIT teams...’ (Interviewee 2, 2014, 10). Another interviewee confirms that observation came naturally to officers in public order operations,

‘...You will find, you will have your, you will recognise the same old faces, even sat here I've mentioned earlier, four or five people come to mind, I can think of about four or five more now just sat here and I'm not even...you've mentioned FIT officers, I mean those guys will be able to tell you some great stuff, so they'll probably know them by name as well’ (Interviewee 3, 2014, 22).

It appears from this that, instead of the oft-repeated charge from activists that liaison officers are extensions of surveillance teams (Netpol, no date), the latter is a specialisation of every police officer’s fundamental duty to be continuously on the lookout for offences. This returns to Storch’s (1976) observation that police held a huge surveillance role ever since their inception in the 19<sup>th</sup> century.

There is a fear amongst some sections of the police that surveillance teams can affect the attempt to deploy liaison police. The current deployment of surveillance may yet prove to be problematic for the MPS in their attempts at a more conciliatory mode of policing. This is especially true as regards covert surveillance.

### **7.3 Covert Surveillance**

This section will look at covert surveillance covering methods of gathering intelligence unbeknownst to those who are observed. The primary focus is on the use of plain clothes officers. Interviewees defend this tactic as not really covert due to the obligation to confirm being a police officer if a protestor asks. Other tactics that have attracted attention are the use of ‘domestic extremism’ databases (DtRtP, 2014b) for recording activist details, and recent revelations around undercover policing. Because there were no explicit revelations of undercover officers embedded within anti-austerity movements this chapter will not cover them. However the conclusion will look at it as a possibility for a future avenue of research.

Plain clothes officers are more often associated with TSG operations. This section will first extract descriptions of this tactic in the policy analysis before presenting the interviewees’ description.

At the Home Affairs Committee hearing on the G20 protests, Sue Sim, the then-ACPO National Lead for Public Order, answered a question about the presence of plain clothes officers in the crowd at the G20 summit in 2009. She replied to a question as to whether they have functions as *agent provocateurs*, 'No, I would not. I would not expect plain clothes police officers to be in a crowd at all (HAC, 2009, Ev27). She also stated that there were no ACPO Guidelines on their deployment, 'There are no specific issues in the manuals in relation to plain clothes police officers' (ibid.). Tom Brake, MP, asked the then-MPS commissioner Paul Stephenson on the allegation, 'made by a photographer working for one of our national newspapers who alleges that he saw plain clothes officers...agitating the crowd'. Stephenson stated, 'To my certain knowledge that is not something we have ever done but if there is evidence to suggest that is the case and the evidence comes forward, either we or more appropriately the IPCC will investigate it, I am quite sure.' (HAC, 2009, Ev42). Brake asked about two plain clothes men he personally saw walk through police lines while people with medical conditions were refused exit. Gold Commander Broadhurst said that, 'They were not plain clothes officers deployed by me or anybody on the operation' (ibid.). However, *The Guardian* would later report that plain clothes officers were deployed (*Press Association*, 2011). This resulted in a statement from the MPS that they did not know there were plain clothes police officers and that Broadhurst's statement was, 'not accurate'. So far, there is no indication that there was ever an IPCC investigation as Stephenson promised (*The Telegraph*, 2011).

The two TSG officers interviewed were very open and were both keen to draw a distinction between long term undercover operations, and the remit of plain clothes operations,

'...plain clothes, you're not undercover, you're not putting your drug-lord wig on and putting on an accent, you just wearing your classic coppers, your Northface Jacket, your jeans and Timberland boots...Positives being, can you source extra intel about what the attitudes and intention of the crowd are? Negatives, you stick out like a sore thumb, never in a million years are they going to believe that 6 foot 1, 16 stone white bloke with short hair is part of the anti-austerity demo, it just doesn't work,' (Interviewee 3, 2014, 17).

In drawing further difficulties for TSG officers blending in with the crowd he states,

'I mean the Gaza march, how many Palestinian looking coppers are you going to be able to pull out to fit in the crowd? Hard, hard to make their faces fit to what the crowd looks like because the TSG, because we're a fitness orientated organisation does attract,

for better or for worse, athletic guys and of course the police say you can't have hair over your collar, you can't have hair over your ears, we can't have beards so no, a lot of us just shaved that morning, so just that there and then you know, it doesn't even matter what your skin colour is, if you have hair above your ears, above your collar and you shaved that day.' (Interviewee 3, 2014, 18).

This statement is very evocative of Neocleous's (2000) designation of the police as being obsessed with cleanliness and their antipathy to beards, long hair and nose piercings. The TSG officer highlights a certain description of the protestor that no fit, tall and well-groomed officer could ever fit in with. He ends his description of the plain clothes tactic by saying, 'you're not lying to anyone, you're just standing there in a vest, it's going to be painfully obvious to anyone you're a copper... we're not trying to deceive anyone,...but it's just a tactic that we're not in uniform' (Interviewee 3, 2014, 19-20).

The current TSG officer confirms this,

'...have you heard the term 'Hornet Teams', 'TSG Hornet Teams'? They, they were trialed, um and then implemented within protest a-around 2011 where...officers in plain clothes would be part of the march...and if they observed any disorder they would...telephone through, any means really, contact uniformed officers who would then pass it up the chain of command for a decision to be taken, now it was, I honestly don't know if the Hornet Team is still used...but it was made implicitly clear...that if we were asked if we were police officers then yeah, we-we will say, 'yeah we are police officers and this is my warrant card' to identify yourself' (Interviewee 4, 2014, 11-12).

This description of the officers being in the march seems to contradict Sue Sim's initial denial that plain clothes police officers would never place themselves in the midst of the protest due to safety concerns (HAC, 2009). This may have changed after the initiation of these 'Hornet Teams' in 2011.

The interviewee expands on this by adding,

'...you're there to observe and...if there is identified criminality, actually not to intervene yourself but to contact uniform officers and again... it was made very clear that we were not to do anything that would risk us being uh seeing us *agent provocateurs*... it would also have thrown up all sorts of challenges around RIPA...' (Interviewee 4, 2014, 11-12).

When asked whether activists would ever react badly to this tactic despite all these assurances that it is kept legal, he states that,

‘...it really is how it's communicated and if you get, if you get someone react badly to it as you say, I think it's uh-, well a large part of your job in that time is to explain why it's being used as a tactic as well... I was absolutely comfortable that it was legal, what we're doing, there was a lot of advice sought from our legal services’ (Interviewee 5, 2014, 13).

This is a much more benign explanation of plain clothes police officers than the allegations that Broadhurst faced at the G20 hearings and how newspaper reports contradicted his denials in the intervening months. This side of policing also does not seem very accountable, with no IPCC investigation into allegations that these same individuals operated as *agents provocateurs* and a seeming obliviousness from the Gold Commander of their deployment at the operation. This is especially remarkable as the Gold Commander is responsible for outlaying the entire strategy of the public order operation on the day. There is the description of beat policing consisting of officers on the beat and practicing discretion relatively freely, due to the low visibility of their actions from their superiors (Reiner, 2010). However a public order scenario tries to eliminate this with command establishing maximum control over the operation (Waddington, 1994). Also it is not just the case that Gold Command did not know what their plain clothes officers were doing, but that they were unaware of the deployment altogether. This would mean that there can be more than one centre of command at a public order scenario. Conversely, the interviewees do not raise this possibility insisting that plain clothes deployment is actually a very normal part of public order policing and is only really ‘semi-covert’ surveillance. Even though the ex-TSG officer states that protesters recognise them he states that he does recommend his compatriots to try and look someway at ease,

‘...a lot of police officers, I'd say to them, ‘For God's sake can you just relax?’ because they'll be standing there ram-rod straight, holding their coffee and they're like this [Holds arms tight] and of course the experienced guys will clock you from 100 metres because they're [the police] wearing the black North Face jackets and black beanies pulled over the ears’ (Interviewee 3, 2014, 12).

There seems to be considerable misunderstanding around this tactic. At the Home Affairs Committee either the Gold Commander did know that there were plain clothes officers or not, or there was another deployment concurrent with the one he was running. Also it either is used and

expected to be covert or reluctantly used even though its effectiveness is not really believed in by its practitioners.

It is now a matter of public record that the plain clothes officers at the G20 protests were there under the authorisation of the City of London Police, as Broadhurst explained at a latter sitting of the Home Affairs Committee, 'we identified that the City of London Police had in fact deployed originally some plain clothes officers to various locations across the City of London' (HAC, 2011).. There are some worrying questions here about who exactly was conducting public order policing on the day of Operation Glencoe during the 2009 G20 protests, and what the City of London Police's role was in it. This can mean that in any public order operation there can be a second deployment by another police force presumably assisting in the operation and not informing their partners. If so, this means that Loftus and Goold's (2012) distinction of two different types of policing between overt and covert forms are starker than they indicate. It can mean that covert forms of policing can take place without the knowledge of protesters, the commander of the overall operation and other police forces.

The data did not offer enough for an in-depth discussion on other forms of covert surveillance extensive in anti-austerity protests. This would have resulted in speculation on the part of the researcher. It is for this reason that the few indications from the data are in the concluding chapter to suggest future avenues of research and how to access the phenomenon of undercover policing. What this section has shown is that there are confused messages on the use of plain clothes police officers where police representatives state to Parliamentary inquiries that there are no undercover or plain clothes officers in deployment while the interviewees see no issue in their use and see it as a matter of fact. Furthermore, it has been revealed that since the G20 protests, the MPS have apparently deployed undercover operatives on the day of adjacent protests such as Critical Mass when Chief Inspector Sonia Davis said that liaison officers were deployed covertly to identify 'leaders' during the Olympics (DtRtP, NUS and NUSBSC, 2016; Netpol, no date).

The use of plain clothes officers also raises another question. Public order theorists more often than not put forward the theory that perceived 'respectable' or 'mainstream' protesters do not experience harsh enforcement style policing to the same extent as the 'symbolic assailants' the likes of which this work identifies. However, it seems that all are subject to the plain clothes police officer as a form of covert surveillance. This presents the disquieting notion that both groups are historically monitored covertly and it is still an open question whether it continues. The conclusion will flag the possibility of the more sustained activities of undercover officers in anti-austerity groups as an avenue of future research.

Following the analysis of both forms of police surveillance at anti-austerity protests, the next section will examine the ways police in the midst of a public order operation can have their surveillance disrupted.

#### **7.4 Disruption, Counter-surveillance and accountability**

This section looks at how police surveillance is resisted and how officers can be just as subject to monitoring. It looks at how activists resist police surveillance or monitor the police in turn. It also takes into account the public who now have easy access to recording equipment on their mobile phones, as well as the media who are present at demonstrations and can monitor the police. Finally there are the police themselves and the use of body worn cameras.

Public order operations have always taken place in a much more high-visibility context than beat policing. The comparative low visibility of the latter (Ericson, 2005) means officers were able to practice a significant degree of discretion in the enforcement of law (Waddington, 1994). In a public order context, there is a high-profile display of policing that demonstrators and the public are privy to. There might also be media present at high profile demonstrations. With the police hierarchy attempting to maintain control over their officers in the context of this visibility, there is now much less discretion available for officers in their public order capacity than when they are engaged in beat policing (Reiner, 2010). Today, with advancements in technology leading everyone to have access to mobile phones that can easily film the police and upload their actions onto social media websites, scrutiny is even more intense than ever before.

One interviewee has put the attempted disruption of surveillance teams as being the work of those who want to, '...cause problems' and were 'successfully identified which led them to adapt some tactics to try and disrupt FIT teams, as FIT teams would just hone in on them straight away and they stand out' (Interviewee 1, 2014, 12). There is no consideration here of legitimate civil rights concerns as regards the use of surveillance that might be a factor for activist disruption. Civil rights organisations regularly encourage counter surveillance to record the police and images of disproportionate force. Netpol has stated that during stop and searches conducted by the police that officers do behave differently if they know they are being recorded and encourages its readers to do so. However, they also recommend to try not to film or reveal too much of the person undergoing the search, in case the police end up using the video to gather data on them (Netpol, 2011c).

These recordings can also assist in investigations of police misconduct. The IPCC investigation of the death of Ian Tomlinson has been described as unprecedented due to the scrutiny of video and mobile phone footage (Inquest, 2009). These new tools available to activists are seen as forming a 'new visibility' (Thompson, 2005) of the police that protesters can take advantage of to

change police behaviour and to gather evidence of inappropriate use of powers. However, as the advice from the Netpol shows, the multitude of cameras and filming at any demonstration can mean that activists are likely to be caught in their own films for policing intelligence (Mann, Nolan and Wellman, 2013; Wilson and Serisier, 2010).

Another way protesters disrupt surveillance is through face coverings. In a demonstration if the police put in the order for Section 60AA of the *Criminal Justice and Public Order Act 1994*, it requires, ‘...any person to remove any item which the constable reasonably believes that person is wearing wholly or mainly for the purpose of concealing his identity’. Anyone who refuses this, ‘shall be liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both’ (National Archives, no date). If the order is not in place then protestors can wear face coverings as this interviewee confirms, ‘It wasn’t always you know...unless there’s been some order put in to say you couldn’t cover your face then, there wasn’t a problem with doing that...they can do that legitimately because they felt that their lives were being made difficult by such officers.’ (Interviewee 1, 2014, 12). Activist organisations have listed several reasons why people may want to hide their faces including concerns around surveillance or immigration status, if an employer recognises an employee on protest (DtRtP, NUS and NUSBSC, 2016). However, Netpol states that despite these rights the police usually assume that those who cover their face are involved in criminal activity and that the scale of intelligence gathering on the part of the police for intelligence databases like CRIMINT warrant their use (Netpol, no date).

The EGT officer stated that police tend to refrain from putting this power in place, ‘obviously we have powers to remove face coverings but obviously that gets very political regarding what, what powers you used’ (Interviewee 6, 2015, 5). He goes onto state that face coverings usually aren’t very effective because officers, ‘...normally find the same people very early on in the day, without wearing their face coverings, without wearing their hoods, so you have got a chance to identify them and then you see them as they go out for the day’ (ibid.).

Another interviewee stated that the black clothing is a concern not due to political associations like anarchism and Black Bloc as such, but that there is specifically a style of dress to avoid identification after undertaking disorder,

‘...you tend to spot them from a mile away because it goes back to, this is where I will get criticised quite heavily that they will dress the same, they’ll act in the same manner so you can guarantee that they wear a lot of dark or black clothing, why? Because they know on CCTV footage if there are entire blokes in all black clothing, who’s who? You can’t ID them, you can’t reach a guilty verdict...when the face mask is going on its right,

switch on everybody, face masks are going on, expect a missile imminently...'  
(Interviewee 3, 2014, 13).

Protestors are allowed, under certain conditions, to dress in such a style to not be easily identifiable. However, the associations of black clothing and trying to evade the police seem to attract more attention. The police have to only wait for any masks to be taken off to identify the protesters in question. Clothing, and the associations the police draw from it, are a big factor in surveillance and attempts to maintain anonymity do the exact opposite, leading to a profile of the wearer as a potential offender.

One group seen as particularly provocative is the now-defunct FITwatch,

'...as soon as they saw FIT officers um, there would have been attempts to take pictures of us...use big banners to wrap around us, howl out who we were, what we were doing into um, stop us doing from what we're doing and then they had obviously their own website and they'd publish photo cards of us...' (Interviewee 5, 2015, 10).

The interviewee describes his way of dealing with them was just simply walking away suggesting a certain weariness,

'...if you can't get any details because someone's in your way, or you going to be on photograph or, every time you get to do something cameras in your face or they literally block your path, just bring yourself away...it doesn't matter...apparently its having a stand-up argument with someone saying 'no I want to do this. You want to do that', just creates friction, you win just by moving away...They think they've won but what do I care? Just pretty much out of the way for peace and quiet' (Interviewee 5, 2014, 10-11).

He also raises the possibility of entrapment due to some protestors being deliberately provocative, 'substantial provocation from people who, uh, people who are trying to provoke officers into reacting in a certain way and in the age where we live where officer will quite often be videoed' (Interviewee 5, 2014, 18). In a report on their observation at the TUC march on 26 March 2011, Liberty picked up on this tendency as well with their observers noting that 'Protesters attitudes hostile. Police calm....' Or that groups were 'tormenting' officers who did not react to the provocations (Liberty, 2011, 3-4). HMIC highlights how 'taunting', as well as violence, can be

'...frightening and physically wearing...', suggesting there might be a temptation to react forcefully to these provocations (HMIC, 2011, 6).

The previous chapter on communication tactics examined this approach where the interviewees described having to put up with what they feel is a high amount of provocation from protesters. This is an example of under-enforcement, although the interviewee does not merely refrain from intervening, but also engages in a pragmatic retreat.

He now says that the situation is very different, 'As for now rarely does anyone bat an eyelid as to what I'm doing and it might be because we now dress the same, you know, we don't wear the blue tabards anymore' (Interviewee 5, 2014, 10).

Moving on to the modes of counter-surveillance present at demonstrations. The TSG officer is dismissive of the protestors recording the police actions on the day,

'...they'll always give me a funny look...because they'll perceive me as the enemy. You'll get the independent observers, and ...there's nothing independent about them at all, but they're there, record your shoulder numbers with the camera and anytime they come across I openly volunteer, 'Good afternoon...how's your day? By all means take a picture. Do you think it's going well? Do you think it's a success?' (Interviewee 3, 2014, 8).

This dismissal comes with a justification from the officer that he has nothing to hide. An EGT officer was perplexed by the interest intelligence gatherers get from protestors,

'...I found it quite funny in some ways how obsessed the protest world are with the EGs...They'll learn your names, they'll learn your numbers, they'll learn things about you, they'll see what demonstrations you are [sic] work at. They work-they'll try and work out what stations you work at , they'll try and work out all these different things, if they recognise your face from you walking down the street just working normally, they suddenly think they're being followed.' (Interviewee 6, 2015, 15)

As well as the protestors' attempts to record or curtail police activity, both demonstrations and their policing take place in public. This opens them up to scrutiny by members of the public and the media, all with the ability to record what the police are doing. The same interviewee is very wary of how bad policing can look,

'...its caught in the wrong angle with a camera, if its caught from the wrong time, if it hasn't seen the lead up, if it hasn't seen the whole thing, with the current climate we're working now, with mobile phones, with CCTV, I personally think you've always got to be, thinking, you're being recorded and how you should deal...middle-aged ladies who are tying themselves to vehicles who feel very strongly about their views. You gotta be thinking, 'That could be your mother, your grandmother, do you really need to be going in with size nines and size 15 hands to wrestle these people off?' (Interviewee 6, 2015, 10).

This comment highlights the basic institutional fault line of policing in that they are expected to be able to use force and exercise control over citizens. Consequently, some citizens might elicit more sympathy from onlookers and cast the police officer using force in an unfavourable light. A previous chapter already highlighted the importance of the age of protesters where officers would often think of symbolic assailants as being young. However, some civil disobedient protesters are decades older and can command a lot of respectability and sympathy from the wider public. In the view of cameras they can be a potent disarmer (Reiner, 2000). If the police are forced to act, it can be an example of 'dying in a ditch' (Waddington, 1994, 167, 180, 185) where police must remove the obstruction knowing full well how bad it looks due to the sympathy the protester in question can arouse.

There is a vast arena of cameras already in place in the urban settings of the majority of these protests. The interviewees do display an awareness that they are working under more scrutiny in a public order operation that was already a highly visible arena. This might account for the lack of reaction to supposed 'provocation', knowing that filming can be present at any time and that, even if the officer was in the right, it can be misinterpreted. It might also account for the FIT officer's previous statement that his unit used to have a reputation amongst supervisors as a 'rogue element' (Interviewee 5, 2015, 12).

Another innovation that increases scrutiny on the officers comes from the police themselves. In the timeline of this research, 'body-worn' cameras were coming into use. One interviewee states his agreement with it, 'Um, basically I wouldn't have a problem with wearing one... as long as there is a clear distinction for people to say, 'We're not here to film you because we're being told we have to by the government, I can switch it off, look it's off, it's gone' as long as that's available and that option's there then I haven't a problem with it...' (Interviewee 2, 2014, 10). He puts this casual attitude down to the classic justification for more surveillance that he has

nothing to hide, 'I don't do anything that I would fear being shown on camera because there's hundreds of social media cameras out there that are tracking what we do' (ibid).

One interviewee was not as carefree about this development stating that the increased visibility will lead to officers' recourse to discretion being curtailed,

'Yeah, em cameras, so personal body-cameras will be very significant and uh, from my personal perspective I think it's terrifying...policing is always grey, it's the point of what we do...in this risk adverse environment the IPCC will leave no room for interpretation, there will be no room for grey. The IPCC are right or are wrong and uh....so once you've got that video camera in this highly complex environment, can the officer hand on heart, walk away and honestly say for 60 minutes, 2 hour scenario they've acted to the letter of the law...but is there anything there that can be open to interpretation? And of course there will be because it's grey' (Interviewee 3, 2014, 47-48).

This recalls the ruling on 'Austin and Others v. the United Kingdom'. It justified its ruling that containment is not a contravention of Article 5 and the right to liberty because, '...account must be taken of the difficulties in policing modern societies, the unpredictability of human conduct and the operational choices...which must be made...', and that, '...the police must be afforded a degree of discretion in taking operational decisions' (Austin and Others v. The United Kingdom, 2012, 14). Both these quotes demonstrate what happens when discretion no longer operates in the remarkably low-visibility setting the classic policing literature describes (Ericson, 2005). There can be starker disciplinary oversight and public court cases at the European level, throwing the proportionality of current public order tactics into doubt. Combined with the amount of scrutiny urban public order undergoes and the political issues at the heart of most demonstrations, it means that reproducing this low-visibility environment is absent for officers. The same officer identifies the risks of being under surveillance,

'...they don't want to be misinterpreted, 'You did this and you didn't follow, you know, article 1 or you didn't follow the police procedures at the time', 'Well I didn't use that for these reasons which would be common sense logical, lawful and proper but they still don't abide by the exact guideline', so more and more people, rather than engage common sense will refer to the template' (Interviewee 3, 2014, 6).

This officer does not have the blasé attitude of the liaison officer who believes it is a simple case of if he has done nothing wrong then there will be no negative consequences. He posits a possible effect of surveillance, where those doing the watching can misinterpret officer actions and the latter stick rigidly to a routine form of action and do not stray from this. The main lesson from panopticism is that the use of surveillance and the possibility of its operation can result in a change in behaviour on the part of the observed individual (Foucault, 1991) and this equally applies to the police too who often end up using less force or using it less regularly (Brown, 2016). Here the interviewee believes that officer behaviour will be less adaptable to the different considerations that protest can present. This concern over the effect of surveillance on behaviour can be just as plausible for protestors who experience surveillance. The interviewee never extends comparable considerations to them and the fact that protestors may fear their conduct will be open to misinterpretation and they may be subject to criminalisation based on this.

It is tempting to state that police behaviour is tightly controlled at a public order operation. However, this is a question of how effective surveillance really is. Neocleous (2000, 102, 104) argues that a constable is not a 'citizen in uniform' but 'a state official exercising administrative or executive power'. This means there is less juridical review over police powers and courts often end up deferring to the power of administration and the police, especially in the police use of discretionary powers. Commenting on the decision of the Director of Public Prosecutions not to bring charges against PC Simon Harwood over the death of Ian Tomlinson, Inquest states that it is in a long line of cases where the death of a member of the public after contact with the police are not treated as a potential homicide. This is despite the fact that PC Harwood was recorded by a member of the public striking Mr. Tomlinson shortly before he died (Inquest, 2010a). More research is needed into how many officers received convictions for misdemeanours in public order operations. A significant number might help revise views of the relationship between courts and officers, with a wealth of video evidence of police conduct potentially available to the court. One example is the conviction of PC Andrew Ott for assault at a student demonstration in 2012 that was caught on a recording device he himself was carrying (Walker, 2015; IPCC, 2015). Footage seems to be useful in getting demonstrators acquitted where it contradicts police accounts. Another example is brothers Christopher and Andrew Hilliard's acquittal when they were charged with pulling an MPS officer off his horse during student fee protests in 2010. Evidence showed the officer falling off his horse after he pulled on one of the brother's hair and had not fastened his saddle properly. Video footage apparently played a part in piecing together this argument This was after several police officers took the stand to testify that they did indeed see the brothers unseat the officer in question (Cowburn, 2015; DtRtP, 2014a). This resembles the inaccurate MPS Press Release statement after Ian

Tomlinson collapsed that police medics attempted to treat him and came under fire from protestors throwing missiles (MPA, 2009a). Video evidence showed that it was in fact only one missile thrown with other protestors reprimanding the thrower and appearing to aid Tomlinson (Inquest, 2009; Hemmings, 2009; *Guardian*, 2009; Lewis and Walker, 2009). It seems there is a choice between the ex-TSG officer's fear that public order policing will no longer be able to operate in a recognised 'grey' area of moral complexity in the face of constant and omnipresent filming.

Interviewees can describe the filming of their actions as intrusive or irksome but it seems that the net advantage of monitoring police actions is helping protestors' defence in court as opposed to the alternative scenario of the protestor's word against that of the police. It is a much deeper question as to what extent Neocleous' (2000) thesis of juridical deference to police is consistently observable in the public order scenario, or even applicable. This can outline a future avenue of research that looks more into the how public order cases proceed in court, but it appears anecdotally at least that footage can be of distinct advantage to activists in court.

## **7.5 Conclusion**

This chapter shows there are several levels of surveillance and not merely police monitoring protestors. Various actors, including the public, the media and protestors themselves, are active in monitoring the police. Protestors are used to being under police surveillance and subjected to intelligence gathering. One finding from the data is that the use of surveillance can affect the amount of enforcement the police will display, including under-enforcement or merely delayed enforcement upon the individual. At the same time the decision to use surveillance can be just as incendiary as the use of enforcement due to the reputation that FIT officers have with protestors, leading to more tension. As regards panopticism this means that the primary effect of surveillance might not just be automatic obedience but resistance of a more disorderly variety.

As regards the police and the omnipresence of cameras looking at them, there is either a blasé attitude where if there is nothing to hide there is nothing to fear, or a more nuanced concern that the use of cameras can leave officers' actions continuously open to misinterpretation. However, certain court cases show that it can also be an effective defence for protestors charged by the police.

The next chapter will look at the tactics of communication and examine the extent to which the police use communication to avoid resorting to force, and how this interacts with surveillance.

## Chapter 8: Tactics of Communication

This chapter will consider the strategy of communication including the tactics, 'negotiated management' and 'liaison policing'. These tactics both rely on the police communicating with protestors and reaching agreements and compromises with them before their protest occurs. This can involve working with an appointed protest organiser or organisers, or the majority of protestors themselves. Negotiated management usually entails the police meeting the organisers beforehand and agreeing on a route, and the latter notify the police of their intentions on the day. Both the police and protestors come to an arrangement that satisfy them both. On the other hand, liaison policing involves liaison officers who mix within the crowds and attempt to be in communication with both the central command of the public order operation, and the protestors so as to inform both groups of their respective intentions and actions throughout the day. Of the two, negotiated management has the longer history within British public order. The MPS began using liaison policing after the G20 protests in 2009. The latter attempts to reach out to groups who are traditionally hostile towards the police, and do not engage in negotiated management beforehand.

There is also the presence of the Police Liaison Gateway Team that works largely online, going through social media to contact protest groups and introduce themselves before the event, "...to basically build up a relationship with event organisers. So, by word of mouth, by new social media, whatever, we've actually introduced ourselves to a lot of organisations....' (Interviewee 1, 2014, 2). This was a tactic that was used during the London Olympics of 2012 to monitoring, 'for signs of social disorder and, in particular, for organised protest' (Jones, 2012, 8) This tactic is especially relevant in light of the spontaneous organisation of disorder during the August 2011 riots, which was attributed to the use of social media platforms, like Blackberry Messenger (LSE, 2011).

This chapter investigates how successful these approaches are in their aims of improving police and protestor interaction and what limits they may face being deployed in future protests. It is concerned with the extent that the introduction of liaison policing represents a fundamental shift in MPS public order policy. It will suggest that newer forms of communication, such as liaison policing, cannot represent an overall replacement of force but instead, a complex and sometimes contradictory relationship with it and surveillance.

## **8.1 Working conceptions of ‘communication’ and ‘facilitation’**

This section looks at how participants defined the concepts of ‘communication’ and ‘facilitation’ and how the police can achieve them. The research highlighted these due to being consistent themes the interviewees emphasised.

### *8.1.1 Communication*

It is clear from the police interviewees that communication and liaison will never fully replace force. It can merely try to minimise the application of force without discrimination. They state that there will always be protest participants that will not come forward to the police, and despite the fact that legal assembly without informing the police can be legal (Wainwright et al, 2012), the police will treat their protests and actions with a greater trepidation. They describe communication as a necessarily reciprocal process, and protestors should engage with the police as an example of good faith and if they want a lighter police presence at their demonstrations,

‘I’ve policed these a few times now and the most important thing, is that...liaison policing is a two way process...I know that we have to establish that trust because it’s been brought down in the past for whatever reason but, we are getting more and more successful but we will not succeed with some people, they just see us as part of the establishment, part of the whole problem as they see it,’ (Interviewee 2, 2014, 7)

One police action that undermined trust in the past, was how the dialogue role was often the remit of FIT officers and that current police liaison officers have been recognised as former intelligence gatherers (DtRtP, NUS and NUSBSC, 2016; Netpol, no date).

Her Majesty’s Inspectorate of Constabulary (HMIC, 2009b) are one of the first to advocate for the police to readjust its outlook on the culture and conduct of the crowd. The present move to communication is supposed to involve explanations of what the police will facilitate and what they will not, and ensure that organisers know their responsibility in terms of health and safety for protest participants (HMIC, 2009b).

ACPO also makes a recommendation that more local officers deployed as, opposed to officers from outside the area the protest occurs in (ACPO, 2010). One of the interviewees remembered working with police forces from Scotland in smaller cities standing on duty at football matches, and how personally knowing the football fans influenced the public order approach, ‘I think it was 2005, somewhere around there or 2008, I was talking to some of their officers...and they’ve [the Scottish officers] got the scare factor, that they [the football fans] don’t want to lose

their season tickets to their football matches' (Interviewee 6, 2015, 9). He suggests a certain air of familiarity the smaller police forces have with the regular football fans that evokes the concept of the 'village bobby'. Banton speaks of the police officer in the small village whose job it is to, 'oil the machinery of society, not to provide the motive power of law enforcement' (Banton, 1964, 3). The village residents maintain certain codes of behaviour as their communities are close-knit, and they are reluctant to alienate their neighbours (Banton, 1964). The Scottish cities cited above are larger than villages, but that level of familiarity is posited as a pacifying technique in its own right, where football fans will not be able to take part in their leisure ritual. At first sight, it might seem that the very largeness of the MPS resource pool of police officers, and the size of anti-austerity protests, means that it can be hard to try and build this level of familiarity, '...we got...34-35,000 officers...Lambeth borough has more officers than some county forces so the police in London...the anti-austerity demos...can muster big numbers very quickly and they can grow very quickly' (Interviewee 6, 8-9). HMIC confirms this tendency of anti-austerity protesters to be able to muster huge numbers quickly in a matter of hours and re-coordinate their actions in a matter of minutes using social media and mobile phones. This contracts the timeframes police are expected to react within (HMIC, 2011). However, on the point of familiarity, other interviewees say that they do recognise the same people over and over again taking part in demonstrations, including those that do not engage with the police, as being part of the protest 'crowd', 'We work with these people...protest from protest, you get to know these people, you get to know what they want, know who they are' (Interviewee 5, 2015, 13).

Yet at the same time there are other obstacles to police becoming familiar with protestors. Interviewees observed their fellow police officers undertaking modes of behaviour that made this difficult to achieve,

'And I think that a long time ago, it was bred into the officers to be paranoid, it was very much that you wouldn't call yourselves by your first names when you did start working because you didn't want them to know you by your first names, something like that but I was like, '...well I'm not really bothered if they're calling me by my first name'. I worked here for quite a long time with a robbery unit and all the kids we dealt with every day, they all knew my first name, they spoke to me using my name and that's one of those things. I think that if you work in an area of policing where you continuously, you will get to know their names, they will get to know your names, that's how it works...'

(Interviewee 6, 2015, 9).

This 'paranoia' reminds one of Skolnick's point that one of the characteristics of policing is 'danger' which leads to suspicion of everyone the officer meets (Skolnick, 2011, 40-41). This might lead an officer to not speaking to those they police. This will be explored more in the following sub-section looking at the personal attributes officers must have to be good communicators.

Communication can have an important role in gathering intelligence. It must be remembered that before PLT officers, Forward Intelligence Teams (FIT) originally held were expected to engage in dialogue with protesters as part of their intelligence gathering, '...we would talk to the crowd, we would get intelligence about demonstrators, especially those people that we've seen before, we've identified them....' (Interviewee 5, 2015, 13).

The fact that the FIT no longer have this as their core function defines another aspect communication, that it relies on trust and it is fragile. The use of dialogue to assist intelligence-led policing resulted in activists considering communication with the police as another method of gathering data on protest (DtRtP, 2014a). According to Muir, communication should also spread stories of, 'good works far and wide, doing good without a communication system to advertise it would not have been effective...this came to individual police officers who exhibit eloquence and are comfortable talking with the citizenry' (Muir, 2005, 187). If liaison officers are visibly working in tandem with FIT or units more oriented around force then this can undermine the trust and attendant legitimacy they seek to gain amongst protestors. An example of this is on Netpol's website where they put up pictures and names of police officers and claim they were previously deployed as FIT officers and are now liaison officers (Netpol, no date). Meanwhile, a liaison officer states,

'It would be difficult for us to work side by side...because obviously there's us trying to take the engagement approach, and if it's gotten to the stage where police officers are carrying shields and things like that...there's a different stage that has been reached' (Interviewee 1, 2014, 11).

Interviewees were also sure that communication can be more disruptive to transgressive protestors, than tactics of force and a heavy police presence can be. They state that, whereas before, an overzealous police presence may encourage protestors to view disruption as a perfectly appropriate response, the use of communication can undermine this development, 'I think that they [disruptive protestors] feel threatened by the fact that the new approach by police is almost taking away their power as they no longer have the ability to whip up the crowd into a frenzy by, 'Look at all them nasty police over there, look at all their nasty riot equipment', ' (Interviewee 1, 2014, 11). The sense

of identification protestors can have with police is forcefully emphasised when one liaison officer recalls one protester saying to another, “Come on lets trash Starbuck’s’, some of them were saying, and they would say ‘No, why would we do this when these guys have been good to us and haven’t caused any trouble all day?’...It was quite a surprise on their side that the police were here not to stop them’ (Interviewee 2, 2014, 1).

The achievement of self-policing can disperse the amount of social control throughout the group as peers in the protest crowd undertake it. The protest crowd are possible agents of censure towards other protestors who the police see as violent or unacceptably disruptive.

### 8.1.2 Facilitation

Another word the police use to describe negotiated management and liaison policing was ‘facilitation’, where police help the protestors to achieve some of their aims on the day. Waddington describes this as ‘winning over’ the trust of the organisers and the wider protest crowd. He cites a 1992 demonstration of the National Union of Miners through central London which involved an assembly at Hyde Park as well as a lobby in Parliament Square. The police negotiated with the Department for National Heritage who supervised the latter location and secured permission. Waddington of course emphasises that ‘negotiation’ implies that the police will want something in return, a say in what form the style of protest will take, hence the Silver Commander later asked the stewards to deal with a group of protestors carrying a banner deemed ‘obscene’ (Waddington, 1994, 74) .

There is a comparative example from this research of police negotiating with landowners to allow a protest to occur on their property. One liaison officer shared his approach for dealing with a protest group that wanted to hold a dance in a bank branch in London,

[Protestors:] ‘All we’re going to do is go into the bank and dance’ and when they realised that we weren’t going to stop them...[Liaison Officer:] ‘Well we know now all you want to do is have your dance and sing your song and be on your way, we can live with that’... some banks we can always offer some reassurance, [Liaison Officer:] ‘just to let you know everybody, this group want to do their protest dance and they’re not going to cause you any more problems than that’ (Interviewee 2, 2014, 3-4).

This statement has a sense of indulgence for what the officer seemed to consider was an irrelevant and eccentric display.

Unlike Waddington's view that the police engage in facilitation to achieve comparable or larger concessions from the protestors one interviewee states the watchword is 'safe and peaceful' for the protests throughout,

'...let's just do what we can to try and make it safe and as peaceful as possible you know, so that's our start point no matter what... it might cause a certain amount of disruption to other agencies and peoples and communities and that but they do have a right to demonstrate, let's do what we can to make it safe and peaceful... If it's safe and peaceful, it's not causing disruption, it's not breaking laws, you know and these things also need to be looked at in degrees, uh you could have 75 people bringing central London to a halt because they occupied some important road junction...but if its 10,000 people crossing the road junction you explain it proportionately. Yes it will be closed for a while, 50 or 60 people closing it for a while is different' (Interviewee 1, 2014, 15).

On a similar theme of 'lawful protest', in their report on the G20 protests the now-defunct MPA stated that the lack of willingness on the part of some of the protest groups to engage with the police made it, '...very difficult for the MPS to work with them to facilitate peaceful protest' (MPA, 2009a, 4). There is an interesting distinction here about the numbers of people. The officer seems to think it is less justifiable to shut down roads or streets for a handful of protestors, but a group of several thousand is a different matter. This may be due to the fact that the larger crowd is more likely to be a multitude of teachers whom the police might perceive as the respectable fellow public service workers, 'you know they're teachers, some people think of public order, 'Oh no there's 11,000 of them', They're teachers!, make the correct assessment' (Interviewee 1, 2014, 7). These are seemingly contrasted to the infamous containment of the massive student demonstrations for numerous hours in Parliament Square in 2010, and the beating of participant Alfie Meadows resulting in brain surgery (Davenport, Moore-Bridger and Parsons, 2010). This recalls the trepidation police might feel about younger participants in the crowd. A lot of interviewees flag youth as an indicator of unrest, with no forward thinking or maturity and just plain rage being exhibited, 'I love going up to the, groups of young lads, they'll be there, they'll be scowling at ya, they'll be muttering 'pig' under their breath' (Interviewee 3, 2014, 18). This evokes the idea of the 'symbolic assailant' as Skolnick posited and that students are more open to interpretations in this vein than trade unionists. Skolnick posits the symbolic assailant as having its origin in a key feature of the police role,

‘...because his work requires him to be occupied continually with potential violence, develops a perceptual shorthand to identify certain kinds of people as symbolic assailants, that is, as persons who use gesture, language, [sic] and attire that the policeman has come to recognize as a prelude to violence’ [spelling in the original] (Skolnick, 2011, 266).

Reuss-Ianni and Ianni write on how ‘street-sense’ means being able to intuitively ‘recognize people and situations that are ‘dirty’...it is the ‘gut-level’ to recognise’ (Reuss-Ianni and Ianni, 2005, 302). The liaison officer quoted says it is a matter of proportion and the numbers of protestors present but there are very few cases of trade union workers being contained during an anti-austerity protest.

From the police perspective there can be facilitation for protests, and the aims of the protest can be achieved through police assistance. There are also certain groups like direct action groups and civil disobedience groups they can only assist for so long before they need to move them along or conduct an arrest. It is of course completely logical that the police do remove and arrest activists that disrupt commuters or other city dwellers indefinitely or refuse to move off of private land. Their role is the protection of the public, public order and property. And of course if activists do decide it is in their best interest to move when the police say so, then it also makes sense to avoid arrest, injury or harm coming to them or their fellow protestors. There is an impasse between the police role of maintaining day to day order and a range of activist objectives that can include immediate results, such as winning a pay dispute, or longer, more abstract objectives such as wider social change. Often the activist is faced with the possibility of arrest and a criminal record for a cause that can seem far off and have the odds stacked against its achievement. However, the police interviewees followed a style of begrudging liberalism as opposed to a clear-cut conservative-leaning rigidity as can appear in the literature about forces in the UK and the US (Reiner, 2010; Manning, 2005).

The police are also not actively propping up the government of the day but they are implicated through their continuous objective to maintain order on the street from violent or non-violent insurrection. It is not just the brute force that Weber (2009) described as holding the State together, but also the promise of force as Waddington (2006) states that makes the police interaction authoritative and holds citizens’ acquiescence to police prerogatives. This can lead protestors to accept the police offers of ‘facilitation’.

The next section will focus on what the interviewees describe as the right personal attributes that officers must have to engage in negotiated management or liaison policing.

## 8.2 Personal attributes

One common refrain amongst my interviewees was the perception that a lot of their colleagues do not have the necessary skills to try and engage with protestors. This makes the introduction of specialised liaison teams inevitable. Some even went as far to state after the interview that they were happy to participate in this research because they like talking to people,

‘...you see the majority of police, and this is a mind-set, if police are deployed at a protest, they think, ‘We are here to police this protest, they are demonstrators’ and the level of engagement is quite minimal whereas we, we will wander around, have a chat with them’ (Interviewee 1, 2014, 18).

There might be several reasons why this attitude is not more common amongst officers but the main one my interviewees cite is a fear that officers will appear on film saying the wrong thing. This is an interesting side effect of the ‘new visibility’ (Thompson, 2005) where, instead of merely decreasing the likelihood of the police using force (Brown, 2016), filming can also discourage police from engaging in communication as well. Even though protest organisations have been sceptical of police liaison officers, there is also criticism when the police do not engage in any kind of communication. This includes the dismantling of the Climate Camp at the G20 protests without sending warning to occupants beforehand (IPCC, 2008). The EGT officer also states that officers may be silent over fear of what they assume to be protestors’ greater legal knowledge,

‘I think [it] intimidates certain police officers...because they think, ‘Oh my God, maybe this person knows it better than I do!’ and stuff like that. I-I don't know, I sometimes find that some, my dealings with certain protestors, do know certain laws but they haven't studied them all properly and there are a little bit they missed out like two or three words that are quite relevant sometimes’ (Interviewee 6, 2015, 22).

As well as the fear of apprehending a member of the community that purports to know the law, the ex-TSG officer cites the influence of officer training,

‘You go to training school and your confidence just gets hammered from day one, ‘You do this or you lose your job’, ‘You abide by ‘GO WISELY’ or you lose your job’, ‘this is how you make a statement’, ‘this how you make...’[inaudible]’...this is how you speak to people, if you don't you will lose your job’. That's the message that got hammered into

you. You just become terrified, you talk about risk, you go in as a human being, having the ability to speak to people, you come out as a robot because you're too scared to engage' (Interviewee 3, 2014, 5).

Reiner says within protests there may be professors or lawyers in the crowd as opposed to marginalised political radicals (Reiner, 2000). This creates a challenge in identifying a symbolic assailant as police rely on clothes and types of actions to identify those as causing trouble, but if they get it wrong they can have a member of the more prosperous middle class being mishandled with the ability to bring legal challenges against them. This also applies to the perception of protestors knowing their rights and being able to challenge police actions, as opposed to the 'police property', encompassing powerless groups in society that give police a licence to keep in line (Reiner, 2010, 123). This in fact happened with the G20 protests where Liberal Democrat and Labour politicians were present among the protesters. They later claimed in Parliamentary hearings to have seen instances of police heavy-handedness first hand, including councillor Greg Foxsmith who said he was attacked by a police officer after witnessing them assault an elderly man (Hemmings, 2009).

Muir states that in the skid row areas in America that, '...the usefulness of violence was increased by keeping its memory alive within skid row. The recollection of the brutal example reminded the citizenry of the policeman's terrifying capability. If the community forgot it, it had to be repeated' (Muir, 2005, 182). However when it comes to protest there can be a difference between types of protestors. This includes the aforementioned distinction between trade unions and direct action radicals or younger protestors.

The EGT officer cited as being shocked at seeing defendants in the courtroom appearing all clean and well turned out that the jury began to identify with,

'We were going to trials there and with juries, and I must admit I'm sitting there looking at the people we were dealing with on the day. All of a sudden they're turning up with the court with their very smart, they're in a suit, their hair's done nicely they're-they're looking very smart going up and they were going up in these courtrooms and I think a lot of the juries were looking at them thinking, 'That could be my son', 'That could be my daughter'' (Interviewee 6, 2015, 26-27).

He attributes low conviction rates of protests to this identification on the part of jurors. However, activist organisations state that low conviction rates can be because of disproportionate police action or the use of mass arrests resulting in few convictions (DtRtP, NUS and NUSBSC, 2016). Also if

the jury is more middle class in orientation, as this officer seems to be suggesting, it is possible that it is their exposure to accounts of disproportionate police action they do not normally encounter that returns not-guilty verdicts. Scholars on the ubiquity of footage and recording of police, and the greater visibility of their practices, have mentioned that footage of police violence has a greater impact on middle class publics not used to interactions as opposed to citizens of a lower economic class, ethnic minorities or protesters (Haggerty and Sandhu, 2014; Brown, 2016).

The major consequence of this trepidation around using communication on the part of officers, is that the MPS needed to create a specialised unit for communication in the first place, “whereas if more police officers just chatted to them [protesters], perhaps we would have never come into being to be quite honest, but...I think that they feel, that anything they say will be held against them...,” (Interviewee 1, 2014, 19). In the next section there will be a consideration on how the police try to encourage this attitude and approach throughout the whole police force.

It is interesting that the uppermost fear for officers seems to be losing their job. Muir finds it in police who patrol areas of high poverty in America where they focus on avoiding ‘hot situations’ and ‘move on’. He quotes one officer stating,

‘A guy worries about the repercussion if you did get into a hot situation...I worry about security. I think of it more and more. My house, my daughter, more and more security. So when you see a job that looks like it might blow up, you sometimes want to say, ‘so what?’ and move on’ (Muir, 2005, 176).

It is a much more pressing concern than the fear of conviction. Inquest have remarked on their experience campaigning around hundreds of cases of those who have died in police custody or after police contact, where criminal charges are never brought forward (Inquest, 2010b). This lack of fear of conviction lends support to Neocleous’ contention that instead of seeing the police officer as a Peelian ‘citizen in a uniform’, they are,

‘...a state official exercising administrative or executive powers’ and that the court is reluctant to interfere in police operations and hence why police interpretations of their use of discretion in any instance as being based on ‘reasonable suspicion’ often experiences deference from the courts with very few police officers historically facing prosecution’ (Neocleous, 2000, 102-105).

This fear of intruding on police operations included the House of Lords ruling, that containment was not false imprisonment. The European Court of Human Rights upheld this ruling so as not to completely obstruct the police in their duties (Wainwright et al, 2012). The previous chapter on surveillance stated that there can be instances where courts rule in favour of the defendant if police misdemeanour is caught on camera.

The participants also mentioned how they enjoyed talking to protestors because they see it as breaking up the monotony they experience on public order lines, ‘...I try and talk to people just because it makes the day go quicker’ (Interviewee 5, 2015, 2). There is an oft-repeated characteristic of police work that it tends to draw great excitement about the possibility of using force yet the chances to exercise it are few and far between. This jars with how dull the majority of police work actually can be (Westmarland, 2008). Even when officers in a public order context see crimes being committed, public order commanders may tell them to not engage. One EGT officer joked of how the police tactic almost seems to be to bore the protestors as well, ‘I think a lot of the way, a lot of the tactics sometimes we use, it seems to be a boredom tactic, we bore them before they bore us and then hopefully everyone will go home happily...’ (Interviewee 6, 2015, 3). For the interviewees one way of getting around this was trying to speak to protestors, not just in terms of getting them to cooperate with a softer mode of social control but also just to help pass the time, ‘I absolutely love it, I do it now for the enjoyment and fully enjoy what I’m doing... I quite like what I do is that I’m happy to talk to people ...’ (Interviewee 1, 2014, 17-18). But this seems to depend on the personality of the officer. The two liaison officers already had a long experience in public order and seemed to find liaison policing quite an interesting juncture late into their career

‘...basically I was getting too old for all the running around but...wanted to stay in a public order forum but I got to be honest I found the planning side not very stimulating, a lot of office based work and when the um, the opportunity came up, I thought, well it will get me out of the office more, meeting protestors and it sounded interesting because I do like meeting people and talking to people’ (Interviewee 2, 2014, 1)

The police officers must have a sense of self confidence being in the midst of crowds, ‘...you can be detached where you’re right in the middle of the crowd and other officers are on the outside of the crowd....11, 000 plus on the march. The only police officers who went with the march were four PLT officers..... Other people might be uncomfortable with that...’ (Interviewee 1, 2014, 7). This does not mean however that there aren’t other police officers nearby but they can be kept separate and far away. However the liaison officer in the midst of the protest crowd must be able to make the

decision when to withdraw , ‘...if it comes to a stage where any kind of confrontation or conflict where disorder is likely to break out, our remit...this demonstration is no longer being liaised with its now being policed with’ (Interviewee 1, 2014, 5-6)

The former TSG officer states his personal background makes him comfortable approaching gangs of young males,

‘I am a rugby player, I have two young brothers, I love going up to the, groups of young lads...I’d go over, I’d make it a point to have a smile on my face, I’d make it a point to walk up to these young boys, in [Home town] it would be ‘shag’ or ‘kid’, in London it would be ‘bro’ or it would just be ‘Alright guys, alright guys, how’s it going? Enjoying your day?’ and you’ll get this ‘Oooohhh yeaaaahhhh!!! Yeah....what? What do you want?’ And then some of them will look at you and go, ‘Oh actually, oh, you know it’s going really well, I’ve just come down from university, I’ve got two hours between lectures’ and then the conversation will develop, ‘Alright mate, crikey, you’re a big bloke you’re not going to, you’re not going to get angry are you?’, ‘No man, just chilling with my bros’, ‘Oh right so, 6 foot 3 did you ever play second row?’, you know it’s bullshit but that for me fills the day, I don’t want to stand there in complete silence with my face, it achieves nothing and TSG, again will give you that confidence to engage with people, you know to carry on’ (Interviewee 3, 2014, 30-31).

Once again while this confidence is seen as a personal attribute it also relies on the assurance an officer can place on their colleagues to be able to come to their assistance if there is any issue. Force not only steps in where communication and facilitation fails, it not only lends authority to an officer’s communicative encounter with protestors but it can also make the officer feel safe in the midst of a crowd. He also makes reference to young males being aggressive and how having younger brothers and a pursuit in a classically masculine endeavour like rugby, can make him connect with them and disarm their initial hostility.

His typification of his banter with the younger male protestors as ‘bullshit’ recalls Waddington’s description of negotiated management where ‘spurious friendliness’ is extended to protest organisers until the officers are in private and speak of them with absolute derision (Waddington, 1994, 86-7). It helps to disarm any protestors that come across as confrontational and neutralises them. This attempt to appear personable and approachable even takes into consideration the dress the police wear,

'What we don't wear is the public order PPE (Personal Protective Equipment), which is obviously the knee pads, the elbow pads and you know, the NATO-style...because obviously that is not conducive to the face to face conversation.' (Interviewee 1, 2014, 6-7).

Green and Black Cross take the time to warn its readers that liaison officers are still police that have powers of arrest (Green and Black Cross, no date). However considering that officers will often be in the midst of the crowd by themselves it is hard to see how they would not have some enforcement powers just for self-protection.

Even though the interviewees often displayed perplexity towards the more radical protestors, they do consider themselves more accepting of their right to protest and assembly, an attitude which they often see at odds with the public and the media,

'I am more tolerant than most people and I do honestly understand that people have the right to protest no matter what the media say...We actually do get this, 'Why do you let people do this?', well because they can to be quite honest. The question needs to be what powers do we have to stop them? Well historically, the police would have stopped marchers but why would we do that?' (Interviewee 1, 2014, 17).

A lot of police can be frustrated with certain marchers but they can also seem baffled as to why the public do not seem to grasp the basic conception that protest is a normal and expected part of democratic political life.

The previous chapter highlighted how some officers consider the deployment of surveillance and applying the regulations as a type of craft. This chapter's focus on the use of communication and the participants' self-descriptions as enthusiastic communicators seem like instances of the 'British Model of Policing' that Chapter 4 describes. Though a lot of protest groups may be sceptical, these officers view themselves as a particularly British version of public order where they communicate, resort to negotiations and work 'toe-to-toe' with demonstrators (HAC, 2009, Ev46). However each participant agrees there is only so far communication can go and feel that there can be a certain type of protestor inherently hostile towards communication or engagement with the police in the first place.

The next section will look at how the interviewees consider the MPS to be extending the liaison and communication function of their officers.

### 8.3 Extending the liaison function

It is clear that liaison policing and negotiated management are supposed to be a continuation of the classic British Model of Policing. There is however a perception that large street protests actually consist of disparate groups with a wide variety of aims as opposed to a unified collective,

‘I think that we find that with a lot of groups, especially like anti-austerity type protests, there’s a lot of different groups in there and what we used to take for granted was that everyone would want to do what the organiser wants to and we’re realising now that a lot of these groups are quite disparate they don’t have an organiser, they almost go with the flow and see what happens next’ (Interviewee 2, 2014, 4)

Because of this, the police must be able to reach out to all these groups and not expect them to come forward and negotiate before the protest. After the G20 protests a discourse arose on how the police needed to start drawing more on communication. There was already negotiated management and facilitation but this was restricted to hierarchical groups like trade unions and other ‘mainstream’ protests that do not engage in direct action, but stick to more conventional styles of protest. An EGT officer states that the new focus for public order commanders is to train officers to be effective communicators throughout the force, ‘...we’re looking at, what we call an ‘appeal process’, where we speak to people direct...we tell them the offences they're committing by being there, we explained to them what their actions could cause...’ (Interviewee 6, 2015, 6-7).

The police explain to protestors what consequences will occur if they undertake actions that are against the limits of facilitation.

One liaison officer states it as a natural consequence of them being police officers, ‘you don’t always agree with us and we will give news which may prove unpopular but at the end of the day we are police officers...’ (Interviewee 2, 2014, 2). There is still a promise of force to fall back on. It is imperative to ask whether force is substitutive in the event of the failure of liaison or actually constitutive of liaison. There are certain limits to what liaison can facilitate for protestors. There cannot be full facilitation and the appeal process consists of letting the protestors know that. This seeks to avoid an incident such as what happened during the TUC March for an Alternative in 2010. UK Uncut protestors occupied several high profile London locations peacefully. Despite an officer giving occupants of the Fortnum and Mason boutique shopping centre assurances that if they departed peacefully they will avoid arrest the opposite happened when they complied (Malik, 2011). The police did not inform the activists of the proper limits of the liaison. The occupants did not cause damage to any of the property. 145 were reportedly arrested and made up the majority of the 201

arrests made that day. They were all released after 20-23 hours and told not to come into Central London during the Royal Wedding that same year (Netpol, 2011a).

This need to actively reach out to protesters results in the use of liaison officers to mix within the crowds and engage in on the spot real time negotiation in the midst of the protest. This also helps to maintain low-visibility intelligence gathering the likes of which that FIT cannot undertake themselves,

‘...our primary role is to negotiate, facilitate but all the time it will mean that automatically gather, good, credible intelligence because we’re in the crowd...but that’s not our primary role...it’s not what people may see as *intrusive* intelligence’ (Interviewee 2, 2014, 9)

This agrees with an ACPO report that within a protest, the information gathering aspect should be ‘low-impact’ and the police should engage in such a manner with the crowd including ‘...non-aggressive postures, smiles, nods, etc.’ to gather and monitor the crowd’ (ACPO, 2010, 90, 164-5). However the final interviewee also spoke of how the liaison function is to be extended to encourage more officers to feel confident in speaking with protestors, ‘...we’re opening a lot of engagement...there has been a lot more being taught for, to engage with people, to talk to people and it’s to explain what could come from these incidents.. ...’ (Interviewee 6, 2015, 6-7). Commanders are attempting to get their officers to appreciate that this can be just as essential to successful policing as the classic idea of policing as law enforcement, ‘...I think they’re trying to get across that there is a bigger picture, it’s not just about what is in front of you, it is about the whole of London, the whole of this demonstration, and these people in charge are looking at the whole thing, not just that one violent area’ (Interviewee 6, 2015, 13). The one obstacle to this is the trepidation officers can exhibit towards interacting with protestors. When HMIC issued a review of their earlier recommendations for national public order policing (HMIC, 2009b), they singled out the MPS as particularly successful in implementing dialogue with protest groups and improving communication initiatives with, ‘...potential protesters, counter protesters, affected communities and the wider public’ (HMIC, 2011, 17).

There is another reason that the liaison function is being extended and that is the possibility it can present for reducing the amount of police resources that are mobilised at protests. The police are an organisation that is subject to austerity measures and public order policing can be an incredibly expensive venture often resulting in overtime for officers deployed. This is due to what Waddington calls the fear of the police losing control of the situation where commanders tend to

over deploy their resources and officers in the event that there are too few if trouble arises (Waddington, 1994). This has even led to the police previously tabling a failed proposal that protests should provide their own traffic control in the city (Liberty, 2015a) as a way to reduce expenditure. Liaison policing's role in cutting down on enforcement means that not only would the police no longer have to engage in actions bad for publicity but they may not need to come out in force as much or deploy as many officers. This means a reduction in the amount of Police Support Units (PSU's) on the street.

There is also the legitimating function liaison and negotiated management can have for policing. The debates after the G20 protests that criticised the police for not communicating enough with protesters are not new and reproduce a lot of the same themes throughout the history of British public order policing. Reports from such luminaries as Lord Scarman, in the aftermath of the Red Lion Square disorder of 1974, recommended the police reach out to organisers beforehand (HMIC, 2009b). Also as the previous chapter discussed a protest is a heavily mediated environment and police actions are undertaken in conditions of high visibility. Activists in this context can be an example of Reiner's 'disarmers', members of the populace who seem vulnerable and can elicit great public sympathy if seen to experience rough handling (Reiner, 2010, 125). Waddington also states that protests might elicit public sympathy, particularly if they are not of the far-right variety (Waddington, 2006), but caution might be necessary to stretching public sympathy this widely. Obstructive protests can also inconvenience the public and may make their sympathy evaporate, '...I find with the austerity demonstrators a lot of their stuff is obstructive... a lot of its annoyance not just to the police and that, but it's the public because they shut down areas' (Interviewee 6, 2015, 3). Liaison policing and the attempts to avoid or at least delay the use of force can help avoid getting into embarrassing public scenes of fights between officers and protesters.

On the topic of members of the public some interviewees stated that they had to liaise with them as well. This is so as to avoid other users of the city confronting protestors or just general annoyance at having their day interrupted. Liaison can also reassure the community or targets of protest,

'I think um, there's always a need to have a police presence, and if that presence is liaison officers then it's better all-round because there's a general perception by the public as well that protest means trouble .... As I say in the past that policing presence in the past has been too much and we don't need that overbearing presence but we do need that presence' (Interviewee 2, 2014, 8).

Van Maanen has pointed out how policemen need to be visibly maintaining order on their beat. They must maintain a façade that any law-breaking or disorder is unacceptable and immediately deal with it or the public will perceive them to have lost 'their edge' (Van Maanen, 2005, 285). Liaison policing allows some kind of police presence without swamping the area with police numbers.

It is obvious that there is a desire to extend communication to include in-situ liaison with protesters and members of the public. Also there is a desire for more officers to use it. It has several advantages in terms of reducing the costs around deploying public order officers, extending low-level intelligence gathering as well as presenting a better picture of policing and increasing public confidence. The penultimate section that follows will present some of the limits around this turn to communication and how it extends social control of protests.

#### **8.4 The Limits of Communication**

This section will assess these tactics on two levels. First it will assess how far the police can successfully liaise with and facilitate protest. Secondly it will take a more critical stance to the police use of communication and how the MPS as state actor means these tactics might qualify as an extension of state control of dissent.

It is obvious that even though the police can allow some mild civil disobedience that they cannot allow it to continue indefinitely even if it is peaceful, 'Em, violent protests, they won't accept it...they won't allow it, there'll always be a line in the sand...you must protect the integrity of places and protect the integrity of certain people' (Interviewee 6, 2015, 11). However as well as 'violent' protests there are also 'disorderly' protests. One of the liaison officers uses it thus, 'when you're speaking to people it doesn't matter what their cause is, they are behaving in a manner which is disorderly, if you're disorderly you're disorderly, it does not matter what...you're disorderly on behalf of it comes a point when your just being disorderly' (Interviewee 1, 2014, 4). He mentions that this is usually a private assessment on the part of officers in the midst of the protests and involves the main liaison role of reading the crowd's mood, 'So if it gets to that stage where those officers are deployed then it's time for us to leave...'You know what...I can no longer feel comfortable, I need to leave' and you have to take ownership and responsibility for yourself as well' (Interviewee 1, 2014, 6-7).

There is also the factor of whether the whole police force will accept the extension of liaison. One interviewee mentions that he was initially sceptical of the of liaison policing when he switched over from the TSG, 'I'll be honest, I didn't really know much about it, I was quite cynical at first, I thought, this was never going to work, this is like....being a social worker, not a police officer'

(Interviewee 2, 2014, 2). This is very similar to the complaints of research subjects in Loftus's ethnographic study of the police and their views on community policing deriding it as not real policing (Loftus, 2010). There is also the complaint from the FIT officer that he does not believe the liaison officers are doing enough in terms of gathering intelligence despite, the reputation they can have amongst some protestors that they are just another version of FIT, a reputation liaison officers are trying to disavow,

'I don't think they're getting any intelligence, they don't record what they're doing, they'll tell the command level what their intentions are but em, as far as I am aware they don't give anything else back. There's no sort of, proactive policing of it, intelligence wise, it's just a concept of, we'll police this demonstration, we'll tell you where they're going, we'll tell you what they want and that's their role.' (Interviewee 5, 2015, 14).

Another intelligence gatherer from the EGT team states,

'...I just think, with those, with Occupy and some of those other groups that are out there, pers-, that's my personal opinion, is I think they'll slowly start to detach themselves from the PLT type role because I think they'll see it as another arm of FIT and EG teams' (Interviewee 6, 2015, 19).

As stated throughout this research, protest organisations do encourage non-cooperation with liaison due to suspicions of intelligence gathering (Netpol, no date) or to counteract their attempts at instigating self-policing within the crowd which is treated as synonymous with undermining the protest (Green and Black Cross, no date). Meanwhile liaison officers can attribute these groups' unwillingness to work with the police as due to their identities and subculture,

'...there's some the individuals and the groups you're talking about will always have an attitude that 'we are not going to work with the police' because they see them as the establishment, see them as representing the establishment...will always have the view that you should not cooperate with the police, or liaise with them, or speak with them they will always have that view so I'm not sure if we'll ever be able to solve to be honest, the more people we convince we are there to facilitate, not to stop, the better it will be but there are certain individuals, that will never work' (Interviewee 2, 2014, 6).

The police attribute protestors' reluctance to engage with them as an extension of identity and the ideological framework protestors operate within. One would be tempted to try and counter this explanation for lack of cooperation as being due to real practices in public order policing which made protestors mistrustful of the police as opposed to a set of rigid ideologies which are simply marked off as 'anti-establishment'. There are several ways trust between the police and those they police can be undermined and can include tactics like containment (Liberty, 2011), the impression of mass data gathering without reasonable suspicion (Netpol, no date), a lack of trust in the main police complaints body suggesting a lack of accountability (Inquest, 2012a; IPCC, 2012) and a perception that the police favour violence and harassment when dealing with protests and young people (Statewatch 2013; 2014). The lack of trust cannot simply be attributed to simple ideological stances or worldviews of activists when they and civil rights organisations are claiming real instances of disproportionate police action.

Waddington points out issues with policing scholars speaking about an 'occupational culture' or a 'canteen culture' that often takes police rhetoric and verbal descriptions of attitudes towards race or certain populations as directly translating into action. He points out that it may be rhetoric and empty boasting. What the police actually do in the situation might be a completely different course of action (Waddington, 2005). If real events of police brutality and racism in practice cannot just be attributed to a particular 'canteen' subculture then that might also equally apply to the interviewees' attributing protestor ambivalence towards police as stemming directly from mere beliefs and moral dispositions. The interviewees rarely mention the fears around surveillance and intelligence gathering and news stories around undercover policing that might lead protestors to conflate the visible and invisible methods of intelligence gathering as working together. When asked whether this, as well as moves to acquire a water-cannon, could lead to a bad impression one liaison interviewee stated in the event that the MPS ever acquire a water cannon,

'...then it's you know just there as a tactical option that we explain to people that it's a) just not here today or if it is then you can tell people, 'Look, there is a water-cannon available for use today but it is nowhere near being deployed, nowhere near that stage, hopefully it will never get to that stage' and just being open and honest about it' (Interviewee 2, 2014, 13).

The police interviewees seem to mostly attribute this reticence to communication on the part of groups who hold certain beliefs or ideologies but there can be also the fact that controversies in

policing are conflated in the protester's mind, and they may think it is safer for reasons of privacy not to engage with the police at all.

Another limit is that the liaison function is tied closely with the aims of the command team. One interviewee remembered negotiating with one protest group,

'...and said 'Look, what's the plan at Downing Street?' and they said 'well we want to sit down outside Downing Street, we know we're going to block the traffic but we want to make a point' so we said, '...well how long would be...an acceptable amount of time for you to do that?', 'Oh, um about half an hour?' 'Ok we'll take that past to the command team and see what they say-well yeah if it's only half an hour we can live with that...''

(Interviewee 2, 2014, 3).

His colleague states that liaison officers must consistently refer back to the command team. This is not surprising due to their function as a link between the protestors on the ground and providing real time intelligence to the commanders in HQ, '...as long as personnel within command teams recognise that we can help...reassure command teams that they do not need to deploy 12 PSUs and help reduce disorder' (Interviewee 1, 2014, 3). This is a fairly banal point as it stands to reason that the amount of liaison or force that is resorted to relies on the command team. However, Gorringe, Stott and Rosie have pointed out that the roll out of liaison policing is not going to happen instantly due to organisational constraints within the police and hierarchies with different priorities and work practices (Gorringe, Stott and Rosie, 2012).

Disquiet has been expressed over the fact that there is less means of independent redress for complaints on Direction and Control complaints which the police force in question investigates rather than the IPCC who focus on the misconduct of individual officers (IPCC, 2009c). This means that in later events, if public order commanders favour enforcement over liaison policing, then the IPCC cannot scrutinise this decision. Examining public order policy through the tactics police deploy, highlights the complementarities and contradictions between those of force, surveillance and communication. There was the publicised move to get water-cannon after the 2011 riots, which seemed to be an outright contradiction of the discourse around the police need to move away from force and emphasise communication after the death of Ian Tomlinson two years beforehand.

Also, attempts to extend liaison needs to contend with revelations around undercover policing and the tendencies of the interviewees to compartmentalise what they and their colleagues do on the day of the protest from the effects on trust and legitimacy from the other, more covert arms of policing.

Liaison policing is now an established feature in MPS public order operations but it will never fully displace the use of force and surveillance. There will always be an element of coercion and there will always be some fear that protests can turn violent, even within the more sophisticated analyses of ESIM. However it can also diffuse policing throughout the protest population itself where the majority of protestors can be a resource for neutralising the effect of more transgressive and directly conflictual protest methods. The policing of protest seems to be in line with some fundamentally liberal attitudes displayed from the police interviewees. This does not mean that force, whether moving people off the road to withdrawing liaison officers and bringing forward TSG officers, is discounted but that there is an array of methods the police fall back on and deploy, sometimes concurrently. The ultimate aim is 'self-policing' when the majority of protestors see the police as legitimate and never identify with the more confrontational protestors, violent or peaceful (Gorringe, Stott and Rosie, 2012). This means that any anger or resentment towards the police is isolated and dissipates under the watchful eye of the 'respectable' protestor or the steward.

There is a possibility that, in taking out the confrontation with the police, the effectiveness of protest is also compromised. The demonstration is a public event like a concert or a sports fixture, that also require public order preparations, but the former is geared towards social change with objectives that can be heterodoxical to the sitting administration. For the protests involved in this research they oppose austerity. It is hard to see any effectiveness in a protest that, while not endangering life or property also does not seem to cause any consternation at all in the sitting government. Peaceful but disruptive methods might be a way to draw attention to a cause even though their use can be highly contentious for the public the protest needs to convince. The police will certainly allow a bit of disruption under the idea of liaison but there is an endpoint when the police will have to rely on force to terminate the protest. To ignore police commands when this eventuality happens leads a movement to face legal censure. The more liberal case of liaison policing is clear that people are free to undertake any action that does not disproportionately impinge on the freedom of business or other users of the city, but more radical protestors may see this as a neutering of effective protest on the interests of commerce and commuting more than avoiding personal injury or property damage. Civil disobedience receives a limited degree of tolerance over out and out violent disruption. This means that there can be liberalism and there can be non-violent policing and protest enshrined in law, but that civil disobedience tests this legality. That it does involve crossing a line shows a fundamental irreconcilability between protest and policing that innovative methods like liaison or negotiated management cannot reconcile.

Protests are often a direct challenge to the state. This limit to tactics of communication exists and can only be resolved by questioning how necessary it is for social movements to engage in

illegal action to further their cause, if ever. Participants must consider whether they need to put themselves in danger of arrest and legal censure. This may require a historical analysis of successful social movements themselves and whether these victories happened due to successful resistance or cooperation with police.

## **8.5 Conclusion**

Communication *is* a progressive use of police powers and can help to avoid the controversies witnessed under the escalated force style policing. However it also exists in a complicated relationship with the strategies of surveillance and force. All three strategies can complement or hinder each other. When protesters do not engage in pre-event liaison this can result in more police officers being deployed and a bigger show of force being reserved for these protests. The previous chapter detailed how surveillance can record the actions of a protester committing an offence and allow police to arrest them when they are separated from the rest of the crowd. Here communication, and the reluctance of organisers to engage in it with the police, can also channel the deployment of force. The lack of engagement is taken as an indication of possible disorder.

Also, liaison policing is avowed here as a form of intelligence gathering, not because it is an extension of the surveillance teams like FIT, but because every police officer is engaging in some form of intelligence gathering anyway. As well as that, communication with protesters can furnish details about numbers and what groups are present. Previous controversies around the deployment of FIT officers has led to activist suspicion of liaison officers, but intelligence gathering is an unavoidable aspect of communication.

The next chapter will conclude this research and draw the major findings the previous five chapters.

## Chapter 9: Conclusion

This thesis analysed how the MPS deployed tactics of force, surveillance and communication to anti-austerity protests. It also examined how police officers responsible for implementing these tactics conceived of their response to anti-austerity protesters and the protesters themselves.

It collected a range of opinions from six police participants from different divisions, with experience of deployment at anti-austerity protests and who respectively held responsibilities around enforcement, surveillance and liaison. It outlined a taxonomy of how rank and file officers described what they perceived as different groups of activists and how their presence can affect tactical deployment at each protest. It has highlighted what participants considers to be the future challenges in policing and the research concentrated its focus on the intersection of police culture and the function of policing in public order operations.

The following section will respectively explain the major findings and their contribution to the existing knowledge on this area of study. The following section outlines the ramifications of the research for public order policy. The penultimate section considers covert policing as an avenue for future research and how this could fundamentally change how public order policing protest is examined and researched in criminology. The chapter and thesis finally ends with concluding remarks.

### **9.1 Major findings and their contribution to knowledge**

This section will outline the contributions to existing theory that this research has made.

#### ***9.1.1 The attempted displacement of force through communication and surveillance***

While the literature and the documents describe the police as an institution that is heavily reliant on force or the possibility of its use (Bayley, 2005; Waddington, 2006) this research highlights the importance of examining force in a constantly shifting dynamic with communication and surveillance. The interviewees seemed concerned about previous controversies around their use of force. It highlighted how they deployed the comparative strategies of communication and surveillance to reshape the deployment of force so it is more selectively used or delayed.

The data from police sources frequently acknowledge that police overreaction can help initiate resentment and violence amongst protestors and that their aim should be to ensure the protest is safe and peaceful. Force is still seen as necessary in certain cases and the research focused

on highlighting the groups and the conditions under which the police relied on tactics of physical intervention. The police are anxious to avoid repeating the controversies around their initial response to the G20 protests and the student demonstrations the following year.

The data cited the strategies of communication and surveillance helping to limit the use of enforcement for specific scenarios.

For instance the use of liaison policing often involves reaching out to protest groups before the day of the demonstration and setting up a dialogue. This can avoid the use of force or minimise the number of officers needed for deployment. However, if attempts at dialogue are rebuffed or ignored on the part of protesters, then the police take that as a bad sign of their intentions and increase the numbers of police officers on the day to monitor and regulate the demonstration in question. Strategies of communication are not merely an attempt at replacing the use of force, but can assess the protesters' willingness to cooperate on the day. If it is rebuffed then interviewees take this as a sign that disruption is more likely on the day and the public order operation will plan accordingly. Interviewee did not consider this an issue with trade union marches, as they regularly engage in pre-event liaison and this means the police are less likely to appear in large numbers. Enforcement is reserved for those who do not engage in pre-event liaison.

The use of surveillance can also have the effect of reshaping how force is deployed at the protest. Despite recognition that surveillance can enflame protesters (ACPO, 2010), it can also delay the use of force on the part of the police. Instead of the scenario where officers instantly react to individual law-breaking and surge into the crowd spreading a wider conflagration, they can instead record the face of the offender and arrest them separately from the crowd (Interviewee 6, 2015). The thesis marked this as 'delayed enforcement'. This means that surveillance must be put into use very carefully so as not to victimise the whole protest crowd but also to channel the use of force in such a way that it can be directed at individual offenders that will not spread panic.

Despite the classic Weberian formulation of the State as holding the legitimate means of violence (Weber, 2009), the use of force can be negotiable or fluctuate in the extent of its use by the state and its agencies. Between force, surveillance and communication is an iterative process depending on the context. There are other ways they can affect each other such as a concurrent deployment of surveillance undermining activists' trust in attempts at police communication or how force establishes certain limits on the use of communication because peaceful disruption cannot be facilitated indefinitely. However the ways that communication and surveillance can serve to reorient, or delay the use of enforcement as opposed to simply supplant is absent from the literature and is a significant contribution from this research.

The research counsels against the idea that the use of force by the police is always constant in protests but at the same time disagrees that it can be entirely replaced by either tactics of communication or surveillance but that they can shape how force is used. Any future research on public order policing in any context can use the triad of force, surveillance and communication to analyse each police force's approach and how these strategies interact in subtle ways with each other that influence their respective deployments.

### *9.1.2 Valued aspects of the policing role*

The literature often emphasised that for a lot of new recruits the possibility of using force is the most attractive quality for them of their new role. It also mentions how the police conceive their role as one of excitement and danger despite the fact that the use of force and confrontation with serious lawbreaking is actually a rare occurrence in their day to day role (Westmarland, 2008; Fassin, 2013). There were certainly glimpses of this attitude amongst some of the participants here, particularly the ex-TSG officer, who highlighted the contradiction between expected danger and routine boredom that manifested itself in the course of public order policing (Interviewee 3, 2014). But there also was a great emphasis in the data on the skill required in using talk and communication and how this defines a certain 'British Model of Policing' (HAC, 2009, Ev46). This suggests that being a good communicator can be just as important in how officers conceive of their role. Being able to defuse a situation with talk exudes confidence and authority. While this authority may come from the public's recognition that the police can resort to force (Waddington, 2006) it was interesting to see how much enthusiasm amongst interviewees for using dialogue with protesters.

The two liaison officers are clear that they take great enjoyment from this aspect of the job. The ex-TSG officer alluded to pride in being able to keep calm with hostile protesters and interact with them using 'spurious friendliness' (Waddington, 1994, 86-7).

There is also a certain belief in policing as a craft with tools. This is evident in the excitement the ex-TSG officer exudes when discussing his use of surveillance as part of the repertoire of a multi-skilled unit like the TSG (Interviewee 3, 2014).

The use of communication and surveillance can be just as exciting for officers and a source of professional pride. However, although surveillance holds its attraction as a method of crime control by helping to detect disruptive protesters, it does mean the police do not only venerate the use of physical force. Police officers do not merely view their role as an agent of the State's legitimate means of violence, but find it more nebulous than that and can appreciate it for being so.

It could also be a sign of newer recruits being more educated. The happiness the ex-TSG officer exhibits in applying legal codes may be due to a sense of intellectual fulfilment in the job. This

is more compelling considering this interviewee at the time of research was currently in a university doing a Master's degree. The interviewees often bemoaned how other officers are often content not to upgrade their skills with a particular emphasis on their lack of engagement in communication with protesters, resulting in an impression of the police as reticent and uncommunicative.

These findings serve to help reassess received notions of police culture, and what aspects of the job it emphasises favourably. There can be enthusiasm from police officers for the use of communication or more skilled aspects of the job, and disdain for colleagues who do not train properly to acquire these. These insights should help avoid simplistic conceptions that force is the central characteristic and attraction for officers entering the profession.

### *9.1.3 The individual officer's lack of opportunity to use discretion in a public order scenario*

Interviewees cite decreasing levels of discretion available in public order roles for lower ranking constables. Police are in full public view and a heavy handed approach can undermine perceptions of legitimacy. There is very little of the invisibility that normal beat policing (Ericson, 2005) involves, and hence decisions are much more open to scrutiny from protestors, the public, the media and political leaders. As well as that the plethora of recording devices from the protestors and assembled media that policing scholars identify (Goldsmith, 2010; Haggerty and Sandhu, 2014), is why more police officers often find themselves explaining their actions in court or disciplinary hearings. Because of this scrutiny Gold Commanders and Silver Commanders set strategy and tactical plans meaning that there is preliminary and continuous involvement of higher ranks, further increasing the levels of scrutiny constables are subject to. This largely coheres with Waddington's take that there is very strong control exerted over a public order operation from command (Waddington, 1994).

Interviewees stressed that this resulted in orders for them to restrain from directly dealing with law-breaking, or that they would need to deal with it at a later date to avoid a mass confrontation (Interviewee 3, 2014; Interviewee 5, 2015).

This can lead one to think that with all this visibility and top-down command there will be more restraint on individual officers from using force. But this intervention of commanders should not, like the increase in visibility, be seen as only resulting in what Brown (2016) observed was a new promise of police accountability that can stave off the use of force. Instances of what interviewees described, where commanders ordered officers not to enforce the law against petty damage can result in public outcry. This may demand police action and intervention even if it sparks wider confrontation. After the August Riots of 2011 there was widespread criticism from several quarters including the Prime Minister that the police were in fact not forceful enough and should have engaged with the rioters more directly (Newburn, 2012). Just as Mythen (2004) criticised Beck for

not considering that the public may be approving of forceful action against the movements of 'sub-politics' so images of the kind of under-enforcement in the face of petty looting can just as easily result in an outcry. This means that the intervention of commanders might not result in a decrease in force.

However while the heavily criticised police response to the likes of G20 protests might bring more criticism for public order commanders, certain groups such as student unions, radical direct action protestors or breakaway groups, still experience an expanded police presence (Interviewee 1, 2014). They are symbolic assailants whose presence, not only the rank and file officers conceive as a sign of disorder, but their commanders seem to as well. This attitude from commanders indicates a similar suspicion of a certain type of protestor, especially considering that more radical protesters are inclined to not engage with the police beforehand. One criticism of the IPCC states that they do not investigate Direction and Control complaints. This results in the police force in question investigating complaints around how public order operations are conducted or planned on the part of commanders (IPCC, 2010a) This can cause consternation for activists and civil rights organisations pointing to a significant lack of independent oversight in this procedure (Netpol, 2012a).

While public order policing can result reduced discretion for lower ranking constables than the routine beat policing that the majority of classic policing literature describes, this does not automatically mean there is less scope for over-enforcement to occur.

#### 9.1.4 Residual sympathy for anti-austerity cause

Research participants did make distinctions between nominally 'respectable' protestors and varieties of symbolic assailants in the anti-austerity movement. But the MPS is also an institution that is subject to austerity measures themselves. Amongst some interviewees there was residual sympathy for the protests, the only problem they have is with a perceived radical element, but they have a degree of sympathy with unionised workers facing cuts or reforms in the public sector.

This is reminiscent of Reiner's contention that though historically the police can be sympathetic to the Conservative Party as being tough on law and order, they are also antipathetic to the tendency of Conservative-led administrations to introduce market-led reforms (Reiner, 2010). Similar reforms were also proposed after the financial crisis, with a proposed reduction of 20% in spending on the police. There were also proposals for the State police to be complemented through the involvement of voluntary and for-profit agencies. This has resulted in public disputes between the Police Federation and the Home Secretary (Brogden and Ellison, 2013). The literature does not often establish this link between massive socio-economic crises impacting the police just as it impacts the protesters they regulate. Hence there is an interesting link between public servants

opposed to austerity, while another set of public servants, the police, who are also experiencing austerity cannot protest but must in fact keep public order on behalf of the government implementing the policy in question. This may explain the professed enjoyment interviewees gained from talk and communication, due to a degree of identification with certain sections of the protest crowds. But it can also reinforce divisions with certain groups of more radical ideologies like anarchists or general anti-capitalists, that pursue more far-reaching abstract aims as opposed to trade unions that are primarily about protecting the rights and benefits of their members. Police can identify with the latter, especially in times of market reforms to their own institution but it can also reinforce the 'symbolic assailant' construction of other protesters, not merely on account of their appearance and gesture but also on the ideology that the police attribute to them.

There is an interesting emphasis on the contradiction of police officers regulating the protests against the same socio-economic conditions that they will experience. The police are often described as enforcing the order of the State, but this research highlighted interesting moments from interviewees where they criticised *how* some protesters pursued their aims but were broadly in agreement with their opposition to austerity. While the police cannot march and protest themselves they may have residual sympathy for the cause, which is testament to the all-embracing consequences for the entire public sector of the financial crisis of 2008, and the austerity policies that followed. It affects police budgets as well as the livelihoods of those marching under the watchful eye of public order officers. In public order policing research it is important to consider where the police stand on the issues that mobilise the protests they regulate and whether they feel affected by them as well.

#### 9.1.5 The measured liberalism of police officers

As well as the careful recognition of their own self-interest in austerity being opposed, it also became clear that police officers often saw themselves as being quite liberal in their role. They upheld basic democratic rights of protesters and balanced them with the rights of other users of the city. They feel that they are more understanding than the public of the rights of protestors as long as the latter do not disrupt business or commerce. The interviews and the documentary analysis identified a gap between the police officers and activist blogs over the practice of civil disobedience but it should serve to temper tendencies to describe the police as simply 'right-wing' or 'conservative'.

The police interviewees largely present themselves as akin to defenders of social and economic liberalism, the respective freedom to practice protest and business, balancing the socially liberal aim of freedom to protest and also ensuring it minimally intrudes on the latter, more

economically conservative aim to conduct business freely. It is the degree of disruption that the police are willing to allow protests to instigate in the streets that seems to separate the police from the protesters more inclined to direct action. Also, it might be due to Reiner's previous contention that police conceive of their work as pragmatically as possible, that the participants largely present this liberalism in seemingly common sense terms such as the liaison officer with the bald phrase, 'This is England', and that protest rights are embedded in the democratic culture (Interviewee 2, 2014, 11). The rest of the participants also viewed themselves as more agreeable to the basic freedom to protest than members of the public.

However, the interviewees seem to think that protesters' primary concern is around force and can be dismissive or suspicious of protesters who express consternation towards surveillance and attempts to engage in negotiated management. The interviewees often describe the hostility of some protesters as arising out of ideology that motivates their dismissive attitudes towards police outreach. So to a degree the liberalism of the participants was limited, and while they are happy to try and lessen or reshape the use of force to more minimal ends there is a certain reluctance to critically assess the concerns around negotiated management and surveillance. It points to an ideological gap between those police who describe themselves in such liberal terms and those protesters who are radical and believe in civil disobedience and disruption and it is the latter that research participants suggest that surveillance is necessary for. The blasé attitude of a lot of the interviewees to surveillance needs careful interrogation and questioning.

Direct action and civil disobedience often involve breaking the law or disrupting business establishments that the protesters view as unethical. This is especially important for tax protestors like UK Uncut who directly protest businesses they believe guilty of tax evasion. This seems to point at the main difference between the police and transgressive protestors and between liberal and radical understandings of dissent. The police are broadly happy with the description of their role as being that to protect protestor rights enshrined in law and minimise the degree to which it intrudes on commuters and business in the city, but the more radical and direct action protestors keep testing the boundaries of law and engage in active civil disobedience. Interviewees do point to the advent of negotiated management and liaison policing as representing some latitude for demonstrators to engage in civil disobedience but as a force entrusted to protect property and minimise disorder for other users and businesses in the city this cannot continue indefinitely. This is what Hall identifies as one of the contradictions of the role of policing. The police are expected to enforce law and public order, yet at the same time, uphold the rights of citizens (Scruton, 1987). Here the police are obligated to facilitate peaceful protest but the police cannot allow the disruption it causes to continue indefinitely.

## **9.2 Ramifications for policy**

This section shall describe how these findings can help review current public order policy.

### **9.2.1 Communication**

The fact that the police want to avoid the perception of being overly reliant on the use of force in protests can help to solidify the place of communication as a preferable emphasis in public order policing and a cornerstone of British policing. However the research participants often criticised a lot of their fellow police officers for not being able to engage with protesters.

Fielding accused policing sub-culture of resulting in younger recruits being socialised along with established officers who denigrated any official human rights training (Fielding, 1994). This research shows that there are also figures who can accompany younger recruits on patrol and socialise them into the importance of talking and maintaining a calm demeanour when dealing with situations that arise in day to day policing, that may not be easily simulated in a classroom setting. Indeed the ex-TSG officer describes training as mostly instilling fear in the officer about disciplinary procedures and losing their job if taking the wrong initiative. He states this results in officers who are extremely uncommunicative and reticent with the public and protesters (Interviewee 3, 2014).

What this means is that the cop canteen culture that Fielding describes might also be a source of induction into how to use communication properly, how to defuse a situation or to assist the under-enforcement of the law as opposed to venerating the use of force and violence. Policy must account for socialisation and its effect on officers, and use it to try and achieve good communication for new recruits. It must also recognise that previous training itself might encourage officers to be uncommunicative, especially if it only emphasises the punishments for any misconduct. While officers are wielders of state-sanctioned force they should always be aware of the possibilities and opportunities to use good communication as a valuable capability in policing.

### **9.2.2 Surveillance**

As regards the use of surveillance, despite its use for delaying enforcement in the midst of a protest crowd, recasting it as a positive strategy is problematic. Like with communication it might be important to explain to recruits that their role does rarely involve the use of force but that policing involves a range of skills including the use of surveillance tools that can be professionally rewarding in its own right.

However officers must be taught to respect and take seriously activist concerns around mass-data gathering. They must be informed that overt surveillance can be just as negative for police and protester interactions, as the use of force can be.

There is recognition that officers can feel uneasy when they are being recorded by cameraphones or other recording devices belonging to assembled onlookers or citizen journalists (Interviewee 3, 2014; Brown, 2016) and there must be a recognition that protesters can feel the same way when they notice several teams of FIT or EGT officers deployed at a demonstration. It chimes with the insight of Foucault that a state of panopticism or all-encompassing surveillance can change the behaviour of those under observation (Elmer, 2012; Brown, 2016). Interviewees noticed sub-groups of protesters hostile towards intelligence gathering which recalled the observation of scholars on the effect of surveillance on prisoner behaviour (Lyon, 2006) and warnings that FIT officers can make a hostile confrontation between protesters and police more likely (ACPO, 2010). There needs to be a deeper consideration from the police on surveillance, not just as an information gathering tool but as a significant influence on the behavioural dynamics between police and protesters. The former must consider whether the information accrued from surveillance is worth the possibility of confrontation. As one of the liaison officers who participated said, every officer on duty or patrol is effectively intelligence gathering anyway (Interviewee 2, 2014). Relying on observation from the police constables without visible manifestations like FIT or EGT officers might result in less potential to turn the protest crowd's mood hostile.

### 9.2.3 Under-enforcement and civil disobedience

The police cannot tolerate property destruction due to their institutional role involving the protection of property amongst numerous functions. Also they cannot tolerate interminable civil disobedience due to their role in regulating life in the city including traffic or business which peaceful civil disobedience can often disrupt. To avoid a complete conflict between the separate aims of the police regulating the city and the protesters getting maximum exposure for their cause, liaison officers should consider the possibility of offering protesters an advantageous alternative location for their protest with a good vantage point in return for them not attempting to get exposure through blocking a public highway for instance.

This will be a very delicate process but if the police can do anything to delay further the recourse to force then it is ultimately more advantageous to them. It might even be a good idea for liaison officers to study protest tactics not so much to try and curtail them, but to try and be able to conceive of ways protesters can get attention without obstructing other users of the city. It is possible that the protesters might refuse this assistance but it can help to widen the options available to police as opposed to merely delay the use of force. The research has made clear the point made in the literature on the contingency of police decision making, of the different situations and contexts within which the police need to undertake decision making (Kinsey, Lea and Young,

1986) and how a lot of their decisions can lead to under-enforcing the law to avoid more confrontational situations (Muir, 2005). If the police actively study protests and think of imaginative ways to facilitate raising their profile then it might open up new avenues of cooperation.

### **9.3 Future avenues of research**

This section will reflect on alternative methodological choices the researcher could have pursued in conducting this research. As well as that it outlines emerging interests in the course of this study that the researcher intends to pursue in the future and why.

#### *9.3.1 Recruiting activist participants*

It is necessary to find more effective methods of recruiting activists. Some of the responses from the police justifying their public order policy would have been interesting in forming interview schedules for activist participants and recording their responses. It would have also been enlightening to analyse their response to the occasional sympathy that the police stated they held towards anti-austerity protests.

Future research could also look at the possibility of participating in activist meetings and fostering more long term acquaintances, rather than just sending an email with requests that worked so effectively for recruiting police interviewees. A form of ethnography might make more sense where participating in open-source meetings and being overt about the role of a researcher might over time foster a degree of familiarity with activists. They may be more forthcoming and trusting as opposed to an unsolicited email from a complete stranger. Just as Fassin was embedded with a Parisian anticrime squad (Fassin, 2013) it might be possible to embed oneself with an activist group and study in detail their culture, values and responses to public order policy. The overt role might allow for the interviewee to steer conversations in a certain direction relevant to their research, as opposed to the risk of detection were they to do this in a covert role (Bryman, 2008). As well as that if the main priority was to get interviews the researcher could engage in a “micro-ethnography” meaning focusing on a certain aspect of community and only occupying it for a short time (ibid.).

A lot of the issues might be around minimising the cost to the activists taking part in the research. The officers were forthcoming and the interviews took place in their stations presumably while they were on duty. Instead of activists having to travel to a location, if the researcher approaches them at their meetings and bears the cost they might be more willing to agree to participation.

This research wanted to give a chance to outline police officers' beliefs and narratives in a rigorous and sustained manner. It was fascinating to see the personal insights of the officers yet it would have been interesting to conduct open-ended interviews with activists to compare and contrast the data from both sets of interviews. This would be an interesting counterpoint to police accounts of the implementation of the strategies of force, surveillance and communication from those who directly are directly affected by them.

### 9.3.2 Covert surveillance

Covert surveillance was an issue that the interviewees did not touch on, in great detail which meant that this thesis had very little data to investigate it in greater detail. Future research should seek to identify fertile sources of data on this tactic. Covert surveillance can include examples such as undercover police officers and the filing of images of protestors onto databases termed as dealing with 'domestic extremism'. This had the potential to be just as significant an issue in public order policing as the use of overt forms of surveillance such as FIT or EGT teams. This point is particularly pertinent considering that there is currently the Pitchford Inquiry commissioned to look into historic undercover policing deployments. It would be interesting to see how these issues affected activists, whether this changes their perception of the policing of their protests, or whether this confirmed certain suspicions on their part.

The chapter on surveillance discussed the use of plain clothes tactics which my interviewees described as not a purely covert tactic. There are no explicit revelations of undercover officers who have infiltrated anti-austerity movements, however revelations have emerged of undercover officers like Mark Kennedy and their infiltration of environmental groups fostering relationships with activists and fathering children with them during his deployment. These and other stories point to the possibility of its extensive use amongst environmental and social justice movements before 2008 and the establishment of the Pitchford Inquiry to investigate this issue promises more revelations.

When the questions touched on these topics, interviewees showed a lack of comprehension as to why protestors would view FIT officers and liaison officers negatively due to the issues these scandals raise. They treated the revelations around undercover policing, overt intelligence gathering and liaison policing as completely discrete concerns unconnected with each other. This compartmentalisation recalls Reiner's view of the police as fundamentally pragmatic in their orientation and relying on common sense that resists any kind of analytic approach instead favouring short term solutions and, as seen here, clear cut explanations (Reiner, 2010).

This would go against the interpretation of disorder from David Waddington. He states that historical relations and ideological climates can influence the occurrence of flashpoints at protests

on the day they occur (Waddington, 2007). Whereas he is speaking about the most extreme occurrence of rioting, it can explain the hostility of some groups like Occupy London or UK Uncut to working with the police and seeing them as part of a milieu of encroaching surveillance as opposed to straightforwardly facilitating protests on the day. As for liaison policing, their attempts to gain legitimacy and trust from protestors might seem anachronistic in light of the revelations of undercover officers. The EGT officer was certain that liaison officers will not be able to gain long term trust with the more radical groups for this reason (Interviewee 6, 2015). He indicates here that mainstream protest groupings can still work with the liaison officers, but these were the same groups and trade unions that engaged with the police long beforehand as public order theorists have stated (Gorringer et al., 2012) and the problem still stands with how the police will try to build trust with the more radical protest groupings.

Activists have expressed anxiety towards the seeming classification of protest in the same realm as extremism (DtRtP, no date). Examples include anti-austerity groups such as Occupy London finding themselves being mentioned in the same City of London Police training presentations on extremism along with groups such as al-Qaida, (Quinn, 2015). There were also attempts to recruit undercover informants amongst student campaigns (Evans and Khalili, 2013).

This might lead protestors to view all police actions as working in concert, from the visible presence of liaison officers and FIT and EGT officers they see on their protests to the feared presence of counter-terrorism agencies they do not see cementing a belief in a synthesis between public order and counter-terrorism legislation, between covert and overt surveillance. An example of this perception occurs when Occupy London quotes a report in the *Independent* newspaper that at their march in conjunction with the November 30th public sector strikes in 2011 that 'undercover' officers were visible and apparently recognised from earlier student protests (Occupy London, 2011). They connected this to recent revelations over Mark Kennedy's infiltration of environmental groups fostering relationships with activists and fathering children with them during his deployment. In the same article they drew attention to the use of Forward Intelligence Teams and mention the limited access individuals have in knowing how much information the State actually has on them (ibid.). This writing from Occupy London draws very little distinction between covert and overt surveillance and despite the protestations of my research participants, see them as part of a general trend towards increased surveillance. It is hard to say how extensively undercover policing occurs within the anti-austerity movement but it might discourage people joining campaigns or participating in activism.

Undercover surveillance has not just targeted radical groups. The former undercover officer, Peter Francis, spoke about his time embedded in a campaign group as an anti-racist to monitor the

family of murdered teenager Stephen Lawrence (Channel 4 News, 2014). As well as that, there have historically been covert police units who targeted trade unions to get information on activists and shared this with construction companies blacklisting striking workers across the industry (Unite the Union, 2015). This research spoke at length about the seeming dichotomy police establish between the respectable 'mainstream' trade unions that engage in negotiations with the police and the more radical and direct action groups like Occupy London that do not. This research confirms that in the 'visible, uniform' realm of policing (Loftus and Goold, 2012, 276), the unions very rarely experience harsh enforcement styles policing. This is in line with most writing on public order policing. However in historical cases of covert surveillance there seems to have been a much wider remit that could ensnare trade unions and campaigning families of murder victims, along with direct action groups in the police gaze. There may be several reasons for this, but it seems that any criminologist wanting to conceive of the police as separating the protestors into groups of 'respectable' activists and trade unionists from direct action protestors have to contend with the disquieting notion that both groups were historically monitored covertly. It is still an open question whether it continues amongst both groups.

Future research must try to develop a methodology for examining the world of covert surveillance. There is an emerging body of work through the efforts of Loftus and Goold asking whether there is a covert realm of policing with its own police culture as opposed to the uniform realm (Loftus and Goold, 2012). In a later paper, commenting on the paucity of research on this issue they write,

"...we nevertheless still know very little about the daily activities of covert police officers, or the values, beliefs and informal rules that inform their work and decision making. This lack of knowledge about the culture and practices of covert policing has no doubt been exacerbated by the low visibility behaviour of covert officers, as well as their understandable desire to protect the methods and craft that are essential to covert work." (Loftus, Goold and Mac Giollabhui, 2016, 631).

In the same article they construct an ethnography of covert officers targeting acquisitive crime. Whereas the previous work of Loftus focused on some persevering aspects of police culture first identified by classic authors decades earlier (Loftus, 2009), covert policing exhibits a different working culture (Loftus & Goold, 2012). Not only that but Loftus and O'Neill have argued that state surveillance is moving away from the previously though wide-scale management of deviant populations to targeted scrutiny of "specific troublesome individuals" (Loftus & O'Neill, 2013, 438).

Future research should try and adapt these methods for looking at covert policing amongst political groups. Another source can be revelations and research from activists themselves (Smith and Chamberlain, 2015). Criminology must access this covert world and generate reliable data if it is to keep up with new revelations. Public order policy seems to have historically involved a significant degree of covert surveillance and it is important to establish how extensive it is and who it targets. If criminologists do not tackle this issue, there will always be an implied asterix next to work on public order policing that only deals with the visible element of deployment but does not acknowledge and investigate the covert deployments that might be operating in tandem. This will be a challenging area of research where it will be difficult to gain access or generate valid data and might rely on the cooperation of targeted activists or former undercover officers turned whistle-blowers. It might be restricted to historical cases where the materials are publicly available after the deployment has long ended. However if an attempt is not made to engage with covert surveillance then findings in this area of criminology will always draw suspicion that they are found wanting. Criminology must find a way to catch up and explore the increasing historical and possibly contemporary revelations around covert public order.

### **Concluding Remarks**

The policies the MPS deployed in the wake of controversies over initial responses to anti-austerity protests show an attempt to decrease the use of force and try a more conciliatory approach towards protesters. There are necessary limits to the extent to which they can achieve this due to their role of protecting private property, as a state actor and maintaining public order but a real attempt has been made.

An important direction to follow now is whether they can try to reshape how surveillance is deployed to take account of activist concerns on data gathering. One central aspect to this question is whether the police use of surveillance can be curtailed while also not limiting the ability of the police to tackle serious crime if it arises in the course of public order. Excessive surveillance can undermine the extent that activists can feel like they can trust the police enough to cooperate with liaison officers and engage in dialogue with them.

There is also a question for protest movements over whether they can align the objectives of their protest while cooperating with the police and the need of the latter to minimise disruption. Activists must consider whether this will result in co-option and neutralisation of the impact of their demonstrations.

For future research on public order this thesis proposes the importance of investigating how covert surveillance can affect public order policy, whether the covert means might have a more

ameliorative influence in terms of not being detectable or that revelations around undercover officers actually sets up a deeply hostile interaction between police and protesters. Future research will need to see how the undercover and the overt aspects of public order policy affect each other, much as this research analysed how the different tactics of force, surveillance and communication interacted with each other. Analysing undercover policing and its effect on the legitimacy of public order as well as the real civil rights and privacy concerns it presents can form a valuable and urgent follow up to this study.

# Appendix 1: Coding Guide for analysis of documents and interview data

What follows are individually numbered codes and respective memos that the researcher used to justify their use in the course of analysing documentary and interview data. These were assigned to significant sections of text for further analysis and illustration of emerging arguments and theories in the thesis.

1. Is the law, regulation or tactic in question oriented to the use of (i) force (ii) surveillance or (iii) communication?

**Memo:** The focus of this research was on police due to the many consequences and controversies that resulted from the perceived misuse of these. Also by splitting the tactics under three different strategies of “force”, “surveillance” and “negotiated management” the analysis oriented itself to these three topics as opposed to all of the individual tactics and how the police deploy them.

2. How were (i) protests and (ii) protestors described?

**Memo:** It was important to see how the author of each texts or interview participant judged and constructed protests and protesting. If either are described negatively or positively then this indicates an ingrained bias towards the police or the protestors. Also while the tone of the text may not explicitly seek to cast the protestors in a negative light they may constantly emphasise the negative aspects of protest by constantly highlighting the possibility of disorder breaking out without mentioning that protests are an essential aspect of democratic societies or, vice versa, they can constantly emphasise the positives of protests without focusing on the risks that can result and which officers must take into account.

3. How are (i) police and (ii) policing described?

**Memo:** The same principle applies here as for codes 2(i)-(ii). The police and policing can be potentially described in a more negative light such as being authoritarian or contravening basic

protest rights or in fully glowing terms as being essential to restrict the committing of crime or disorder by protestors. By trying to determine if the police are present in the narratives in a negative or positive light it may be easier to tell if the author or the body or organisation they represent constantly have an anti-police or anti-protestor bias. It is important to state for codes 2 and 3 that the guidelines discussed so far are not just aimed at trying to see if the author is either biased or not to one of the sides. They also aimed to discover what the major concerns around protestors or police are and how they are described.

4. In what circumstances should this law, regulation or tactic apply?
5. In what circumstances should it not?

**Memo:** Tactics in UK public order law has restrictions or directives from proper authorities counselling against its use in certain situations as well as when the police should resort to it. This is due to whether the police are able to exercise the power in question proportionately to the situation. This should explain what factors are considered in the event of containment or dispersal for instance as well as when these tactics should not be used.

6. To whom should this law, regulation or tactic in question apply?
7. To whom should this law, regulation or tactic in question not apply?

**Memo:** These two codes worked as 4 and 5 did but instead of the situation or circumstances dictating whether a tactic should apply it asks to what kind of protests or protestors these regulations or tactics should apply against. This gives an indication as to how officers assess which demonstrators are considered to amenable to tactics of communication on the other hand and those they apply surveillance or force to.

8. What safeguards are in place to prevent the misapplication or abuse of the law, regulation or tactic in question?

**Memo:** This applied to any guidelines that are supposed to be followed in applying a tactic. This can mean for example human rights legislation that can overrule police action or may need to be taken account of such as the European Convention of Human Rights (ECHR). If the police do not follow these guidelines this can fuel criticism of their action.

9. What are the advantages and disadvantages of the law, regulation or tactic in question?

**Memo:** Some tactics, before they are applied have intrinsic advantages and disadvantages to them. It was important to see these first as the author of each text may be making an argument that the tactic in question needs to be done away with entirely.

10. Who or what body should have oversight of the use of this law/regulation or tactic in question?

**Memo:** Each tactic may have different figures in charge of its application or authorisation. These are not necessarily always positions within the Metropolitan Police Service. For instance the lobbying group of commissioners the Association of Chief Police Officers are expected to set out guidelines over some tactics to be followed by British police forces (ACPO, 2010). Also for the MPS to acquire a water cannon they need authorisation from the Home Office.

11. What reasons are given for a tactic's application being a success?
12. What reasons are given for a tactic's application being a failure?

**Memo:** These questions were important to delineate differing narratives between, police, protestors and authors about the appropriateness of a certain tactic, whether it is a tactic that should be part of a public order repertoire or whether it should be discontinued overall.

13. Who are blamed for the failure or difficulties in the application of the tactic?

**Memo:** This is different from codes 11 and 12 as it suggests personal responsibility on the part of protestors, the police or both as opposed to the tactics used.

14. What recommendations are made for future deployments of the tactic?

**Memo:** Depending on how far back these recommendations from each author are in the timeline this code is useful to see if they have been taken up by the police in the current day in more previous demonstrations.

15. What negative consequences flow from certain actions or failures?
16. What positive consequences flow from successful actions/tactics?

**Memo:** This was looked for predictions positive or negative from certain police tactics or approaches to public order so that the research can try and predict future challenges or tactics and public order policies from its documentary and interview data.

## Appendix 2: Information sheet and consent form

What follows are samples of the information sheet and the consent form that was sent to each research participant that agreed to take part in the research and were required to sign.

### Information Sheet:



***Policing Anti-Austerity in London: How the policies and practices of the London Metropolitan Police impact upon the policing of demonstrations against government cuts***

Version 2, 31 January 2014

You are being invited, with authorization from your commanding officers, to participate in an interview for the Sociology Department in the University of Liverpool as part of PhD-level research being undertaken on public order policing. Before you decide whether to participate, it is important to be informed of the aim of the research and what the interview will involve. Please take the time to read the following information carefully and feel free to contact me on the email address below if you would like more information. Attached with this information sheet is a consent form detailing the extent of your participation and how the anonymity and confidentiality of your answers will be protected. If signed and emailed back to the principal investigator it denotes your acceptance of the offer. Lack of reply will be taken as refusal.

This research is undertaken with the aim of investigating and evaluating public order operations by the London Metropolitan Police Service of anti-austerity demonstrations in the capital city since the financial crisis of 2008. Demonstrations include actions by groups such as trade unions as well as direct action groups like Occupy London or UK Uncut. An essential aspect of the research involves

interviews from serving police constables on their experience of these public order operations. It will investigate three aspects of regulation of protests. The first to be considered is the use of “force” which involves the use of physical force or any curtailment of liberty including crowd containment and arrests. It will include “surveillance” which is defined here as any attempt to gather intelligence on protestors including the use of photography, CCTV and stop and search and the final approach it researches is “negotiated management” which can include the use of Police Liaison Officers during a protest or the use of routes for a public procession prearranged between protestors and the police. Questions throughout the interview will involve topics such as new public order policing challenges after the financial crisis and budget cuts, the range of tactics resorted to when policing austerity demonstrations and why they are chosen, how your own particular role contributes to successfully achieving the aims of public order operations and what future challenges will lie ahead for the London Metropolitan Police. The interviews place a high value on the research participant’s own opinions of public order policing in London and they are encouraged to share their judgements. You have been chosen to take part due to having served at numerous demonstrations with anti-austerity groups. The experience you have of how these are policed can be invaluable to my research.

It is also important in this line of research to emphasise that disclosures of criminal activity not already on public record are not being sought in the course of this research. I am only investigating matters of routine demonstration and public order policing practice. If such a disclosure is made that is not public knowledge the researcher may be obligated to report it if judged in the public interest. Every effort will be made to maintain your anonymity by excluding your name and ID number from any data resulting from your participation. Your commanding officers will also not be aware of your participation unless you decide to approach them to seek direct permission or advice on your involvement. The police force you are recruited with cannot, however, be kept anonymous due to the subject of research. Your answers will be kept on a password protected computer and under lock and key in filing records in my campus office. The answers will be seen by my two PhD supervisors. They may also be used for research to be published in academic journals or delivered at academic conferences yet your anonymity will be assured throughout.

There is absolutely no obligation to take part if you do not feel so inclined and are free to withdraw at any time without any penalty incurred or explanation required.

The research will consist of a one-hour interview but can go on longer if you agree. The interviews will be audio recorded unless you request otherwise.

There is no intended material benefit, financial or otherwise, expected to accrue to the participant for taking part in this research.

If, after acceptance of participation, you are unhappy with any aspect of your participation, or if there is a problem, please feel free to let me know by contacting Aidan O'Sullivan at +00447950849169. If you remain unhappy or have a complaint which you feel you cannot approach the Principle Investigator with then you are able to contact the Research Governance Officer at [ethics@liv.ac.uk](mailto:ethics@liv.ac.uk). When contacting the Research Governance Officer, please provide details of the name or description of the study (so that it can be identified), the researcher(s) involved, and the details of the complaint you wish to make.

Participants are also welcome to have research results from their contribution modified or removed within a period of two weeks after their participation and will receive a copy of the interview transcript on request.

Aidan O'Sullivan  
Principle Investigator/PhD Candidate  
Sociology Department  
School of Law and Social Justice  
University of Liverpool  
[aidanosu@liv.ac.uk](mailto:aidanosu@liv.ac.uk)

## Consent Form:



### PARTICIPANT CONSENT FORM

**Title of Research** Policing anti-Austerity in London

**Project:**

**Researcher(s):** Aidan O'Sullivan

1. I confirm that I have read and have understood the information sheet dated 31st of January 2014 for the above study. I have had the opportunity to consider the information given on the research, ask questions and have had these answered satisfactorily.
2. I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason, without my rights being affected. In addition, should I not wish to answer any particular question, I am free to decline.
3. I understand that the data from my participation will be published as a report and that I am free to request a copy of the interview transcript.
4. I understand that as a serving officer my employers will be identified and have given their consent for their employees to participate in this research.
5. I understand that confidentiality and anonymity will be maintained and it will not be possible to identify me in any publications

6. I understand that the researcher is not looking for disclosures of professional malpractice or activities of a criminal nature that are not already public record. If such sensitive information is disclosed I understand the researcher may be ethically obligated to report it if judged in the public interest.
  
7. I agree for the data collected from me to be used in future research and understand that any such use of identifiable data would be reviewed and approved by a research ethics committee.
  
8. I understand that that my participation will be audio recorded unless I refuse this.
  
9. I understand and agree that my contribution to this study may be used in reports, publications, conferences, presentations and other research output.
  
10. I understand that my name will not be linked with the research materials, and I will not be identified or identifiable in the report or reports that result from the research.
  
11. I understand that, under the Data Protection Act, I can at any time ask for access to a copy of the interview transcript and I can request the redaction or destruction of that information for a period not exceeding two weeks after my participation.

Participant Name	Signature	Date
Name of person taking consent	Signature	Date
Researcher	Signature	Date

**Principal Investigator:**

Name Aidan O'Sullivan

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**[Version 2, 31/01/2014]**

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