

The construction and shaping of protesters' perceptions of police legitimacy: a thematic approach to police information and intelligence gathering

David Lydon PhD.

Canterbury Christ Church University

Abstract

This paper aims to examine antecedents and contingents associated with the construction and shaping of protesters' perceptions of police legitimacy and provides a thematic approach to information and intelligence gathering in protest policing. It uses data obtained by qualitative interviews (N = 79) and non-participant observations at 13 protest events across London, between 2010 and 2015. Three inter-related themes are identified: 1) protester constructions of policing; 2) power and identity, and 3) levels of protester engagement and distancing. These suggest that protesters carry antecedent beliefs and are influenced by contingents during events, potentially leading to tensions that policing based on procedural fairness and respectful treatment alone, appear unlikely to ameliorate. The findings add to a growing recognition of the significance of context to perceptions of police legitimacy and provide police leaders and practitioners with a thematic approach that can be applied to the facilitation and management of protest.

Keywords: police legitimacy, protest policing, context, procedural justice.

Introduction

Police legitimacy is a fundamental aspect of protest policing, that requires considered attention in the ways that the police manage events and engage with protesters. While the police have established structures and means to gather ‘hard’ criminal intelligence about protesters (della Porta and Reiter, 1998; della Porta et al., 2006; Reicher, 2011), that aimed at ‘softer’ areas such as how their perceptions of police legitimacy are constructed and shaped by antecedents and contingents, appear less well developed. The positive influence of engagement with protesters on police legitimacy, often involving dialogue based intervention and ‘soft hat’ tactics has been demonstrated (della Porta and Reiter, 1998; Gilmore *et al.*, 2019; Gorringer and Rosie, 2013; Reicher, 2011; Stott *et al.*, 2013; Whelan and Molnar, 2019). However, specific approaches that can be applied by police leaders and practitioners to information and intelligence gathering activities, about its construction and shaping are perhaps lacking. It is in this significant area of protest policing that the paper aims to contribute to police practice and research.

The paper engages with a predominant approach applied to several aspects of police practice across the world: procedural justice (Tyler, 1990, 2003, 2011a, 2011b). To contextualise the research study, it begins with an outline of the procedural justice approach that has become orthodoxy in many police jurisdictions (Donner *et al.*, 2015; Mazerolle *et al.*, 2013), followed by a discussion about how police legitimacy can be interpreted. Using empirical data, a thematic approach consisting of three inter-related themes is presented: 1) protester constructions of policing; 2) power and identity, and 3) levels of protester engagement and distancing. Potentially, the findings have international impact, since procedural justice is widely researched and globally adopted in many areas of policing (Bradford *et al.*, 2014; Hinds & Murphy, 2007; Hough *et al.*, 2010; Jackson *et al.*, 2012; Schaap, 2018; Tyler & Huo, 2002).

There are several explanations and models available relating to the reasons for, and the mechanisms involved with the initiation and escalation of disorder and violence in protest contexts (Adang, 2011; Adang and van Ham, 2015; Benyon, 1987; Hundley, 1968; King and Waddington, 2005; Reicher, 1996; Smelser, 1962; Spiegel, 1969; Stott, 2009; Stott and Reicher, 1998; Waddington *et al.*, 1989). Others have engaged with procedural justice in crowd contexts (particularly, though not exclusively sporting events), situating police legitimacy within a social identity, inter-group-based framework (Radburn *et al.*, 2016; Radburn and Stott, 2018; Stott *et al.*, 2011). However, outside that tradition, qualitative study of perceived police legitimacy in the context of protest participation, remains under-researched (Donner *et al.*, 2015; Mazerolle *et al.*, 2013). While Radburn and Stott tend to be critical of what they see as ‘reductionist individualistic approaches to group processes’ (2018: 17), the research presented here follows interpersonal dimensions of perceived police legitimacy by focusing on protesters’ individual experiences, rather than those at the group level. This allows for the complexities of perceptions of police legitimacy and its nuances, to be accessed and reported on in more detail than a group process approach might provide. The paper aligns with the idea that perceived legitimacy is based on ‘the reality that interactions with the police are interpersonal’ (Meares *et al.*, 2014: 310), and with Waddington *et al.*, (2015) that it is impacted by antecedent personal experience of the police.

The procedural justice approach to police legitimacy

Procedural justice is a psychologically based compliance theory emphasising the utility of fair processes and respectful treatment at the hands of authority in establishing perceptions of legitimacy; with compliance and cooperation as a corollary (Hough *et al.*, 2010; Tyler, 1990,

2003, 2004, 2006). Perceived police legitimacy is held to occur because the *experience* of fairness and respectful treatment fosters feelings of trust, confidence, and a sense of shared identity between people and the police. Fundamentally, the approach suggests that police legitimacy depends on the behaviour of police officers, in relation to the way that they wield their power and authority (Bradford *et al.*, 2014). However, we should note that policing is a highly context relevant activity (Waddington, 1994, 1998, 1999), conflict-ridden (Bowling *et al.*, 2019; Reiner, 2010), and even the rightful enforcement of the law can fail to enhance perceptions of police legitimacy (Bottoms and Tankebe, 2012; Tankebe, 2013). In some contexts, despite the proper exercise of power and authority police legitimacy is hard won, if at all and easily lost, therefore these complexities necessitate a nuanced police approach to understanding its antecedents and contingents.

Interpreting police legitimacy

In seeking to understand perceptions of police legitimacy, it is important to be clear about the concept applied in the procedural justice approach. The interpretation is an empirical one, primarily concerned with public approval of authority, values or norms; that is actualised or instantiated by specific acts of deference, compliance or cooperation (Jackson and Bradford, 2010). This is interpreted as ‘say[ing] something is legitimate is to make a claim about the *subjective* (emphasis added) state of mind of particular individuals’ (Jackson and Bradford, 2010, p.2). An empirical interpretation of police legitimacy perhaps fails to grapple some fundamental challenges, for instance, what if people eschew the idea of established order, the legal and moral authority of the police, or the law itself (Cherney and Murphy, 2011). Legitimacy seen in this way is reduced to the ability of authority to induce positive feelings toward them and their activities (Simmons, 2001). The policing context and its impact become critical, since policing by nature is never entirely consensual: it is discriminatory because there is always someone being policed against (Reiner, 2010; Waddington, 1994);

operating at times without public consensus, and sometimes by moral necessity against it (Wood, 2017).

In the context of protest policing, engagement with protesters is evidently important to perceptions of police legitimacy. However, because such perceptions are constructed and shaped in a nuanced way, consisting in antecedent beliefs and contingents, at times beyond the reach of procedural fairness and fair and respectful treatment, police engagement needs to apply an approach taking these into account. The aim of this paper is to provide police leaders and practitioners a themed approach to information and intelligence gathering that can be incorporated into their engagement activities, to better gain an understanding of how protesters' perceptions of police legitimacy are constructed and shaped.

Method

The aim of the empirical research was to qualitatively examine antecedents and contingents associated with the construction and shaping of protesters' perceptions of police legitimacy. It employed a constructivist qualitative approach, using semi-structured interviews with protesters and non-participant observations at protest events. An approach informed by grounded theory was applied to the collection, coding and analysis of the data in order to inductively produce an evidence-based framework (Charmaz, 2006, 2014). Data were recorded using field notes that were subjected to line-by-line and focused coding, and then organised into sub-categories and categories to underpin the four themes presented below. The potential for bias in data collection and coding was mitigated by applying reliability and validity criteria for qualitative research as set out by Guba and Lincoln (1989) and Eriksson and Kovalainen (2008).

A total of 79 participants were interviewed across 13 protest events in London, between 2010 and 2015. These were identified through social media sites or as publicised by

the local police. To optimize the sampling procedure, events were selected on the likelihood of large numbers attending, defined start and finish times and routing. The events attended were: Justice for Ian Tomlinson rally 2010; The Democracy rally 2010; Occupy London Stock Exchange 2011; March for Jobs 2011; Students Against Cuts 2011; Trades Union Congress N30 march 2011; Trades Union Congress march 2012; Occupy Parliament Square 2014; 'LIFE' Anti-abortion protest 2015; protest against Imprisonment for Public Protection 2015; Re-imagine Democracy rally 2015; The Peoples' Assembly 2015, and Unite Against Fascism rally 2015.

The author attended prior to the published start time, spending time physically moving among protesters. This was intended to gauge the mood, and the likelihood of people being amenable to engaging in the research. It proved helpful to accept leaflets and literature about various protest events and issues that were offered by protesters, serving to make it easier to engage people in interviews and raising the authors awareness about the issues that were important to them.

Participants were sampled on a purposive, convenience basis during their participation in a protest event, being engaged either during a march, a static protest event, or at the end of a march. This is a sampling method common to social research occurring in 'real world' settings (Daniel, 2012; Morse, 2007; Punch, 2005; Robson, 2011). On occasions this involved shadowing the police, for instance, where a group might have broken away and diverted from the main event. Sometimes, this involved protesters focusing attention on counter-protest groups or iconic premises.

Adopting a position near protesters enabled the author to establish if there were any health and safety issues that needed to be considered, arising from physical threats, fireworks or missile-throwing, or outbreaks of violence. This enabled dynamic risk assessment to decide whether to continue or withdraw from a situation. Risk assessment meant the author

could stand away from such situations, particularly where counter-protesters confronted each other, observe and wait until people had dispersed, before approaching them for interviewing. Once satisfied that it was safe to do so, the author approached individuals or small groups and engaged them in conversation about the protest event and asked if they would take part in the research.

The author was keen to overcome concerns about confidentiality by explaining to participants that visual or audio recording would not be used, written notes would be made at the time if they were agreeable, and that they could see what had been written, if they wished. Participants were able to read any notes taken as part of the interview process. A structured template was used initially for the interviews, developing to reflect the themes as the fieldwork progressed.

Still photography and video recording were used during non-participant observation at some protest events, to supplement the note taking by aiding the author's post-event reflections and to triangulate events reported. Any video or still photography occurred in an overt manner, in public spaces where no expectation of privacy could have been made, and it was not directed at specific individuals, or used to identify anyone.

Because of the type of research strategy employed, no claim is made regarding generalizability, or that the choices in coding and categorising are the only ones to be made. However, they are made on an informed basis and on the grounds of a robust interactional process with the empirical data, guided by theoretical sensitivity and a research strategy that has established theoretical provenance (Birks and Mills, 2011; Charmaz, 2006, 2014).

Results

The following section provides a summary of the empirical research, excerpts from interviews have been truncated at times to aid presentation without losing the meaning and integrity of the original data. Through analysis of the data, three themes were identified: 1)

protester constructions of policing; 2) power and identity, and 3) levels of protester engagement and distancing. These suggest that in relation to the protest events studied, antecedents and contingents beyond the application of fair processes and respectful policing, played a significant role in constructing and shaping protesters' perceptions of police legitimacy.

Protester constructions of policing

A dominant theme emerging from the data concerned: the ways in which the police as an institution is viewed or imagined by protesters; their role and conduct at protests; the tactics employed, and narratives about the police. All participants described protest policing as somehow different from what they considered 'routine' day-to-day police-public encounters.

One explains it like this:

I've been to a lot of protests and the police are usually bad at the job, they bring out the thugs and provoke people. There's a distinction between the normal police and the riot police, the police took the role of protecting premises and property, like Fortnum and Mason¹ and the Ritz [a hotel]. The local police are different, they're not the same as this lot are they? Like, my locals are okay, [they] let me off speeding but here it's different. They might be okay one minute and not the next. The majority on a day-to-day basis are okay, but they are used politically, especially at demonstrations. (Participant UF9)

A limited number of tactics and equipment employed by police at the protests were evaluated negatively by protesters, even if relatively benign, there to protect protesters' safety or facilitate them. In the following example, the police had used metal barriers to steer a march away from an iconic location, rather than use lines of police officers to keep protesters back:

The tactics like the metal barriers are confrontational and unnecessary. What do they think this is, Beirut? (Participant S8)

¹ This refers to a protest event where the Metropolitan Police intervened to eject and prevent a sit-in demonstration and were perceived to have used police lines to protect property and goods at the premises.

It appeared the barriers were symbolic to the participant, as somehow repressive, rather than as the means to steer crowds along a protest route. Here perhaps, engagement by the police, explaining why they were used as opposed to police cordons, would have ameliorated this perception. In a similar way, participants involved in a counter-protest during a Britain First² march, negatively interpreted police cordons aimed at keeping opposing groups apart:

Who protects the fascists? The police. They have given them police protection. We don't need it, look at all of us (pointing to a large group of protesters), the others need it to stop us getting at them. It's typical of the police, we don't need protecting, they do. I don't need or want that, that's the point of resistance, the police become pointless. (Participant UF3)

Thus, police interventions that by objective assessment might be considered reasonable, were interpreted as unnecessary and to lack legitimacy.

The containment³ of protesters, sometimes referred to as “kettling” has been subject of controversy and legal challenge (Bowling *et al*, 2019; HMIC, 2009a, 2009b, 2011a, 2011b). However, despite some refinement in its use and application by the police in England and Wales, participants anticipated its use and doubted the motives behind it:

I've seen all this before [lines of police officers across the road] they'll let people drift through into the road, draw them in then close the lines up and trap them in there. The police are bad here, they bring out the thugs and provoke people. It can be hard to see when you're in the crowd, but when you're there it's easy to get kettled up. (Participant SC1)

There is an impression of a lack of transparency and dubious motives of the police, something reified in many protesters' views about police integrity and corruption. Whether real or imagined, they made assessments of the reliability and trustworthiness of the police

² Britain First are a far-right British political organisation formed in 2011 by former members of the British National Party.

³ A police tactic for controlling crowds. It involves the formation of cordons (lines) of police officers who then move to contain a crowd within a limited area. It is sometimes referred to as “kettling” outside of the police service.

based on perceived lawfulness of their actions, accounts of wrongdoing, dishonesty and scandals:

The police are corrupt. They over police rallies and demos [sic], inciting violence, arresting people at random and use disproportionate violence on people. Kettling is just part of it. (Participant S11)

And again:

My own experience shows that protests of this size and nature tend to turn more violent later when media coverage is less on police conduct. I have had some bad experiences, but you see cases all the time [...] the police lies, corruption, Plebgate⁴ and that. (Participant RD2).

The sentiment was epitomised by an exchange between a protester and police officer at an Occupy⁵ protest event in London:

You have no right to stop me, protest is my right. You tell me the law that says why I can't stand here and make my point of view. You don't have the power to stop me and I don't need to give you my name and address. It's not my role in life to do that for the police – you'll only concoct something against me. (Participant PS3)

The perception that the police operate in a conspiratorial manner and cannot be trusted was an enduring one, as an example from this participant implies:

I remember the hundreds, if not thousands, that's who we are fighting for. The police cannot be trusted in any way, fuck the police and the police state and what it stands for. They all tell lies and cannot be trusted. (Participant IT1)

The culmination of these beliefs, whether rooted in fact or fiction were narratives about the police both generally, and specific to protest policing. These narratives were constructed from a variety of sources ranging from: personal contact and experience of the police; vicariously through other people; media sources, and protest 'folklore'. Significantly, they appeared to have an inculcating effect on protesters' perceptions of police legitimacy.

⁴ A reference to a scandal in the United Kingdom about an altercation between a Conservative Party MP and police officers. The officers were alleged to have concocted evidence to support an allegation of wrongdoing by the MP.

⁵ Occupy is an international socio-political movement that protests against social and economic inequality

Some believed that information abounds from several sources about policing, past and present:

If you are on the street, and you are black or brown, you know what the police are in this country. You're badly treated and treated differently. The police pick on kids, people are suspicious when they hear such things. People should refuse to buy into the lies. The stories are true, it's all out there, the student protests, police deaths, spies, the police are tied up with the system. History tells us that, look at Cable Street, Brixton, Poll tax and all those. It's a pattern in policing, people aren't blind. (Participant PA3)

When asked how they knew about these things, particularly given that many were historical, the same participant explained that:

It's a well-known fact about the police in this country. It's all there, if you look you can find it. (Participant PA3)

Other participants were a little more circumspect, but still concerned that there may be a grain of truth in narratives about the police:

I have no personal experience at rallies and protests like this, but I'm sure that bad things happen. Don't they? By the law of averages, there must at least be something in the stories that you hear. I expect that I might be horrified at the results, if I really knew [about bribes]. (Participant PA5)

Power and identity

The second theme identified in the data concerned participants' personal sense of *power and identity*. Power, in relation to feeling capable and willing to act in order to influence someone or something that was the focus of the protest, and identity, related to their feelings of solidarity with the cause and other protesters. This carried a strong sense of making a difference, being what many referred to as a 'change agent', as in the following example:

Look I voted. But what was the point? I didn't vote for cuts [...] but that's what we got. Come on, that's not democracy, it's an insult. It takes people like me, together, standing up and saying this ain't right. The system is wrong, and we will change it [...] I am doing something to change the system, imagine if everyone did that. It's my place to challenge the police and their authority. People like me. (Participant PS1)

A belief that the political system is broken, and that they had an alternative that worked better was commonly expressed, with many protesters sharing a vision of a different type of system:

The political system is broken. An election won't fix it. This [the protest] is about real democracy. Launching a national campaign with people joining together to build real democracy, by uniting and fighting for it, and being a movement for change. (Participant RD1)

This vision was coupled with a feeling of power and strength, enabling participants to believe they could act in ways that they might not otherwise, outside the context of protest, as this example from an Occupy protest event demonstrates:

Look at it [the crowd], if all these people don't like what the police are doing, they [the police] couldn't do a thing about it. The people decide, not the police. You know that, and he (pointing to a police officer) knows it. With all these people here, we can do what we want right now. The police can't stop us. (Participant PS4)

In another example, after repeatedly shouting obscene words at police officers nearby, Participant IT2 explained how he felt he could engage in behaviours on a protest march that otherwise he would not:

Fuck the law (directed at officers standing nearby).

Asked if he would do that if he were alone in other circumstances:

Obviously not. They would arrest me right? But here, they can't with all of us. Would they arrest all of us? No. They are less likely to take action for shouting, they either can't or wouldn't risk it. There's masses of us, and we'd look after each other [...] I'd like to think that we would protect each other, we the people, it's where the real power lies. Resistance gives me a feeling that I'm not on my own, like I'm part of something. (Participant IT2)

The impression is one of a sense of identification and solidarity with other protesters, in uniting against the police. However, not all participants shared a desire to support certain types of protester or behaviour:

Let's face it, the police have a job to do. Most people here aren't going to kick off, it'll be the usual nutters and they don't need much of an excuse. It [violence] takes away from the message and gives them [the police] an

excuse to blame us. All people see in the papers is fights and that, and then forget about the real point – cuts, politicians, banks. You get some who come for violence, but most want to get the point across. (Participant PS2)

While some participants were not fully supportive of the actions of certain protesters, others approved of them, even if they were not prepared to do so themselves. Many recognised that disparate groups shared similar aims as far as the protest cause was concerned; this might involve violence and direct action:

We all have a link in some way. It wouldn't mix that well at a protest if we had competing agendas, to work together you have to share ideas as a starting point. We're non-violent, certain groups don't think we're violent enough, Antifa⁶ or whatever, they will use very direct action and violence. But to some extent we're all on the same side. (Participant UF8)

This also illustrates that in the face of different protest agendas, a perceived affinity could still be found on some level. Notably, personal choice and value-based judgements appeared to influence many participants' decisions to cooperate with the police or not.

Levels of protester engagement and distancing

A third theme identified concerned *levels of protester engagement and distancing* from the police, and the law. The theme is drawn from: participants' expressions of alignment with the police generally and specifically in protest events; personal value systems, and attitudes to compliance and cooperation with the law and authority. Participants expressed different levels of alignment with the police, in relation to how they identified with them and what they represented. Many voiced a belief that in exercising their rights and freedoms, the police and the law to varying degrees may be in opposition to them, and hence misaligned with their personal expectations and value systems. The following example exemplifies this:

They [the police] seem to be against protest. It's not like I am doing anything wrong, this is a right. It seems to me that it's not their role to facilitate that, it should be, but I don't think most [police] see it that way. (Participant UF9)

⁶ A term originally used to describe the Anti-Faschistische Aktion group (a German anti-fascist organisation), often used as an umbrella term to denote a protest network opposed to fascism.

In addition:

It's a right to protest. They [the police] have a job to do, but it's not to assist us with that. They don't represent me. They represent the interests of the rich, not the poor. I feel threatened – not protected by them. They just don't represent me. (Participant S19)

At times this feeling of detachment and disengagement left some protesters taking up a more dismissive approach to the police and their authority. The following exchange between Participant PS3 and police at an Occupy protest illustrates the point:

We want to occupy the Square [Parliament Square] for a while and I am not here to do what you want. That's why I am protesting and I'm not here to agree with the police. I'm not listening to you (walks away from the police officer), because you can't tell me what to do. (Participant PS3)

Similarly, detachment and disengagement manifested in overt displays of anger and resentment toward the police, bordering on calls for collective violence:

We're about to start a riot – and why not? I have no respect for any of you now (gesturing at the police present). None of you! We live in a police state and have lost the freedoms which over generations we won in this country. So, what we have is blindingly obvious. A police force that kills you, arrests you if you're innocent. You don't represent us, and I don't recognise what you stand for. (Participant IT1)

Significantly, many participants assessed the legal system and the legal dimensions of protest as incongruent with their personal sense of right and wrong. At times there was a strong sense that cooperation and compliance with the law was a choice based on personal values and opinions. The following example taken from interviews with protesters who were trying to gain access to a restricted area during a protest, illustrates this:

We aren't doing anything wrong, there's no violence. I'm just here to do what I need to do and not what they [the police] think I should do. Standing on the Green, standing up against cuts, it's nothing in comparison. It's their laws [the police] not mine. (Participant PS2)

The same evaluative process appeared regarding the acceptability of using violence as part of the protest; with some participants distinguishing levels of criminal activity:

There are levels I think. Like trespass, or whatever they [the police] call it is one thing. Then, me throwing things is another, and then fighting that's something else. It's our law – not like theirs [the police]. If people want to use violence they can or would, it's a personal choice thing. (Participant PS4)

However, for some participants there was a rational calculation of the personal cost of engaging in criminal acts. When asked about the implications of doing so, this participant explained:

I wouldn't get involved, because of what I might lose. It's not really worth it for me. I guess if you feel that you have nothing to lose then you might, but personally I couldn't do that. It is a personal assessment, a country needs laws or it would be barbaric, people would run amok. So, there has to be something in place, I would [follow the law] but that's because I think it's the right thing to do. But, others don't. It's got to come down to your own standards. (Participant PA2)

Beyond their own personal values and risk calculation, is the question of how participants responded to fairness and respectful treatment at the hands of the police during the protests; whether this garnered legitimacy and translated into expressions of cooperation and compliance. A striking feature in the data was that many participants described positive or benign encounters with police at protest events yet reported little or no support for the police. In the following interview this was apparent:

The police did a good job today. I haven't had any issues with the policing. But I'm not cooperating with them. That is the whole idea [...] to resist. Not to do what they want us to. I'm staying here [at the occupation]. The police support the system, and this is about changing it. It's not happening – us moving on I mean – I didn't come here to follow their instructions. (Participant PA6).

In the two examples above, cooperation and compliance with the police appeared linked to participants' personal values more strongly than any positive experiences of police contact during the protest(s).

Discussion

The findings provide a contextually based understanding of antecedents and contingents associated with the construction and shaping of protesters' perceptions of police legitimacy.

A thematic approach to police information and intelligence gathering, consisting of three inter-related themes can be suggested:

- *Protester constructions of policing;*
- *Power and identity,*
- *Levels of protester engagement and distancing.*

Thematically, *protester constructions of policing* is based on perceptions of the police as an organisation and the ways in which they may be *perceived* to police protest events. The findings highlight a distinction being made by participants between general day-to-day routine, and protest-specific policing. This was made through: evaluations of police roles; the tactics used; police trustworthiness and integrity, together culminating in the creation and communication of narratives about policing. Evaluations were made of a limited number of police tactics wherein benign or well-intentioned police activity or use of equipment was perceived as unnecessary or even provocative. There was a suggestion that interventions were interpreted within a frame of reference, for example, police actions to control traffic or maintain public safety were reported negatively as an incumbrance to many protesters. The implication is that protest policing can be singled out by protesters and perceived as characteristically different to the routine, everyday policing experienced or imagined by them.

There are well documented historical examples of 'bad' policing, both generally and at protests, some were referred to by participants when they evaluated police trustworthiness and were used in the creation of narratives. However, some protesters anticipated police indiscretions based on previous personal contact, through vicarious experience or media reporting. The purpose to which constructions of policing were put, appeared significant in informing protesters' perceptions of police legitimacy; appearing in all participants' accounts. Notably, in order to challenge authority, people needed to create narratives that cast the police

in a 'villainous' role to justify their own positions and to validate their attitudes and behaviour.

As a theme, *power and identity* illustrated the sense of power and affiliation that participants felt; enabling their protest, behaviour, and support for others. Many described themselves as being 'change agents' raising awareness about issues, acting and delivering change. Taking on this role involved embracing a sense of grievance, particularly with the political system and democratic processes, which many viewed as failing in some way. Perceptions of police legitimacy were significantly influenced to the extent that the police were seen as barriers to protest activity, with many expecting the police to impede it (whether they were doing so or not). Participants saw themselves, and the act of protest as the means of change, sometimes expressing a sense of duty or social responsibility to do so. The limits on behaviours during a protest seemed to hinge on a personal value system which is dealt with below, however, empowerment; the extent to which they felt a sense of strength and solidarity was a significant feature of *power and identity*. Here there are some similarities with social identity based approaches to crowd behaviour, for example, the presence and development of an in-group/out-group dynamic, the shift in social identities in groups, and group conflict based on perceived police illegitimacy (Reicher, 1984, 1996, 2003; Stott, 2009; Stott *et al.*, 2001). Of significance, is that participants anticipated and expected in many cases, the support of others for their actions and behaviours, in opposition to the police and the law.

All participants expressed varying levels of engagement and distancing in relation to the police, law and state authority, vis-à-vis the extent to which they felt: aligned with the police; the laws that they represent and enforce, and cooperation and compliance with both. Significantly, the act of protesting itself seemed to carry with it a degree of misalignment with the police, some suggesting the police were actively opposed to the right of protest; that

it was their role as ‘state agents’ to undermine it. Thus, many protesters adopted a default position, that in protest situations there *should* be a degree of dissent and opposition to the police; a type of contextual animus. This is perhaps surprising, in recent times in the UK the police have displayed a greater rights focused and ‘hands off’ approach to protest, facilitating the right to peaceful protest, and adopting more dialogue-based engagement with protesters.

While research on the merits of police engagement with protesters suggests that it secures legitimacy and cooperation (Gorringer *et al.*, 2012; Gorringer and Rosie, 2013; HMIC, 2009a, 2009b, 2011a, 2011b; Stott *et al.*, 2013; Whelan and Molnar, 2019), it may not unconditionally follow. Notwithstanding that no police engagement was observed during the empirical study, participants’ accounts suggest that fair processes and respectful treatment alone, were considered insufficient in some cases to overcome the influence of antecedent beliefs and context specific contingents.

Due to its dynamic nature, the social and political dimensions, and high potential for contention it can be argued that protest represents a policing context with specific characteristics (Reiner, 1998; Waddington, 1994, 1998). In order to effectively facilitate and manage it, the police need an understanding of what Reicher calls ‘cultural intelligence’ (2011: 18); broader and detailed knowledge about protester culture(s), identities, ideologies, legitimate aims and concerns. These are likely to appear as antecedents and contingents in the construction and shaping of protesters’ perceptions of police legitimacy. However, traditionally the police approach has relied upon ‘hard’ tactics involving criminal intelligence about individuals, and illegal intentions or activities (Reicher, 2011; HMIC, 2011a, 2011b). Therefore, when attempting to understand perceptions of police legitimacy, the police may need to adopt a ‘softer’ approach to information and intelligence gathering related to it.

There are similarities in the findings with Braithwaite (2003, 2009, 2010, 2011) on motivational postures, social distancing and *levels of protester engagement and distancing*. In line with Cherney and Murphys' observation that 'those who place greater social distance between themselves and authority are more likely to hold negative attitudes towards those authorities and their rules and more likely to display non-compliant behaviour' (2011, p. 231), the findings highlight the influence of levels of defiance and resistance to the police and their authority; resulting in civil disobedience, support for criminal acts and disengagement (with protesters walking away or ignoring police officers' efforts at communication). Moreover, it can be suggested that even *perceived* interference with their personal freedoms has significance for people perceiving police legitimacy negatively (Braithwaite, 2010; Brehm and Brehm, 1981). These sentiments were expressed many times during the interviews and observations reported.

In terms of police practice, the three inter-related themes highlight critical areas of focus when engaging with protesters, in seeking contextual understanding of the construction and shaping of perceptions of police legitimacy and educating themselves through information and intelligence gathering activities.

Limitations of the study

The research strategy employed was predominantly 'protester-centric'. The use of this 'view from below' (Jefferson, 1990, p. 20), can be interpreted methodologically as a selective one (Waddington, 1987,1993). However, when dealing with protesters' perceptions of police legitimacy it is an entirely necessary and useful heuristic, supplemented by non-participant observations.

The presence of the overt political dimensions seen in the data may be due to the types of protest events investigated (such as those concerning austerity measures, cuts to student funding, anti-globalization, environmentalism and social justice), although, it may also be

reflective of an observable trend in protests emerging from the late 1990s onwards (Bowling *et al.*, 2019, p. 86). To this end the study may relate to a particular form of protest. During the events studied, little evidence of physical engagement with protesters by the police was seen or documented, whilst it *may* have occurred, due to the large numbers and geographic footprints involved, it was not witnessed by the author. Furthermore, due to the limited range of police tactics and strategies seen and experienced by protesters during the events reported, it was not possible to establish whether some were perceived as more legitimate than others. While these may be considered limitations, it is clear when the data are fully considered that participants' perceptions of police legitimacy were constructed and shaped by their antecedent beliefs and contingent events.

Conclusion

The paper set out to examine antecedents and contingents associated with the construction and shaping of protesters' perceptions of police legitimacy and provide police leaders and practitioners with a thematic approach that can be applied to information and intelligence gathering, in order to identify and understand the range of antecedents and contingents associated with the construction and shaping of protesters' perceptions of police legitimacy.

Future research opportunities highlighted by the paper include: empirical study of application of the thematic approach, to develop its theoretical utility and contribution to engagement strategies; examination of whether some police tactics are deemed more legitimate than others by protesters, and longitudinal study of perceived police legitimacy across multiple events.

Current strategies employed by the police emphasise using procedural justice principles of fair processes and respectful treatment, and stress the importance of communicating through dialogue, facilitating peaceful protest, and encouraging self-policing. Clearly, there is evidence

that this ‘works’, but the significance of policing context to perceptions of legitimacy should not be under-estimated. As we have seen, the traditional police approach to engagement has tended to focus on criminal intelligence and the ‘usual suspects’, lacking nuanced understanding of the range of antecedents and contingents influencing protesters’ perceptions of police legitimacy. Information and intelligence gathering are key to understanding the construction and shaping of perceptions of police legitimacy; engagement provides police the opportunity to gain such and educate themselves about its antecedents and contingents. Applying a thematic approach based on: protester constructions of policing; power and identity, and levels of protester engagement and distancing, may assist police leaders and practitioners in developing the insight necessary for effective facilitation and management of protest.

Acknowledgement

The author is grateful to the anonymous reviewers for their comments in the preparation of this article.

Declaration of interest

No potential conflict of interest was reported.

Data sharing policy

The data that support the findings are available from the author upon reasonable request.

References

- Adang, O. (2011) Initiation and escalation of collective violence: an observational study in T. Madensen and J. Knutsson (eds) *Preventing Crowd Violence*. Boulder: Reinner Publishers, pp. 47-69.
- Adang, O. and van Ham, T. (2015) Contextual and Individual factors determining escalation of collective violence: Case study of the Project X riot in Haren, The Netherlands. *The British Journal of Criminology*, **55** (6): 1226-1244.
- Benyon, J. (1987) Interpretations of Civil Disorder. In J. Benyon and J. Solomos (eds) *The Roots of Urban Unrest*. Oxford: Pergamon Press.

- Birks, M. and Mills, J. (2011) *Grounded Theory: A practical guide*. London: Sage.
- Bottoms, A., and Tankebe, J. (2012). Beyond procedural justice: A dialogic approach to legitimacy in criminal justice. *Journal of Criminal law and Criminology*, **102** (1): 119.
- Bowling, B., Reiner, R., and Sheptycki, J. (2019). *The Politics of the Police*. 5th edition. Oxford: Oxford University Press.
- Brehm, J. W., and Brehm, S. S. (1981). *Psychological reactance: A theory of freedom and control*. San Diego, CA: Academic Press.
- Bradford, B., Murphy, K., and Jackson, J. (2014). Officers as mirrors: Policing, procedural justice and the (re)production of social identity. *The British Journal of Criminology*, **54** (4): 527-550.
- Braithwaite, V. (2003). Dancing with tax authorities: Motivational postures and noncompliant actions. In V. Braithwaite (ed) *Taxing Democracy: Understanding tax avoidance and evasion*. Aldershot: Ashgate, pp. 15-40.
- Braithwaite, V. (2009). *Defiance in taxation and governance: Resisting and dismissing authority in a democracy*. Cheltenham: Elgar.
- Braithwaite, V. (2010). Defiance and motivational posturing. In D. Weisburd and G. Bruinsma (eds) *Encyclopedia of Criminology and Criminal Justice*. Berlin: Springer Verlag.
- Braithwaite, V. (2011). Resistant and dismissive defiance toward tax authorities. In A. Crawford and A. Hucklesby (eds) *Legitimacy and Compliance in Criminal Justice*. Abingdon: Routledge.
- Charmaz, K. (2006) *Constructing Grounded theory. A Practical guide through Qualitative Analysis*. Thousand Oaks, CA: SAGE.
- Charmaz, K. (2014). *Constructing Grounded theory*. 2nd edition. London: SAGE.
- Cherney, A., and Murphy, K. (2011). Understanding the contingency of procedural justice outcomes. *Policing*, **5** (3): 228-235.
- Daniel, J. (2012). *Sampling Essentials: Practical guidelines for making sampling choices*. London: SAGE.
- della Porta, D., and Reiter, H. (1998). *Policing Protest: the control of mass demonstrations in Western democracies*. Minneapolis: University of Minnesota Press.
- della Porta, D., Peterson, A., and Reiter, H. (2006). *The policing of transnational protest*. Aldershot: Ashgate Publishing Ltd.
- Donner, C., Maskaly, J., Fridell, L., and Jennings, W.G. (2015). Policing and procedural justice: a state-of-the-art review. *Policing: An International Journal of Police Strategies & Management*, **38** (1): 153-172.
- Eriksson, P., and Kovalainen, A. (2008). *Qualitative Methods in Business Research*. Thousand Oaks, CA: SAGE.

- Gilmore, J., Jackson, W., and Monk, H. (2019). 'That is not facilitating peaceful protest. That is dismantling the protest': anti-fracking protesters' experiences of dialogue policing and mass arrest. *Policing and Society*, **29**:1, 36-51.
- Gorringe, H., Stott, C., and Rosie, M. (2012). Dialogue policing, decision making, and the management of public order during protest crowd events. *Journal of Investigative Psychology and Offender Profiling*, **9**: 111-125.
- Gorringe, H., and Rosie, M. (2013). 'We will facilitate your protest': Experiments with liaison policing. *Policing: A Journal of Policy and Practice*, **7** (2): 204-211.
- Guba, E.G., and Lincoln, S. (1989). *Fourth generation evaluation*. London: SAGE.
- Hinds, L., and Murphy, K. (2007). Public satisfaction with police: Using procedural justice to improve police legitimacy. *Australian and New Zealand Journal of Criminology*, **40** (1): 27-42.
- HMIC (2009a). *Adapting to Protest*. London: HMSO.
- HMIC (2009b). *Adapting to Protest: Nurturing the British model of Policing*. London: HMSO.
- HMIC (2011a). *Policing Public Order*. London: TSO.
- HMIC (2011b). *The rules of engagement: A review of the August 2011 disorders*. London: TSO.
- Hough, M., Jackson, J., Bradford, B., Myhill, A., and Quinton, P. (2010). Procedural justice, trust and institutional legitimacy. *Policing: A Journal of Policy and Practice*, **4** (3): 203-210.
- Hundley, J. R. (1968). The dynamics of recent ghetto riots. *Detroit Journal of Urban Law*, **45**: 627-639.
- Jackson, J., and Bradford, B. (2010). Police legitimacy: A conceptual overview. National Policing Improvement Agency wiki. Available at <http://papers.ssrn.com/sol3/papers.cfm?abstractid=168407>. Accessed on 16/4/2011.
- Jackson, J., Hough, M., Bradford, B., Hohl, K. and Kuha, J. (2012). European Social Survey, *Policing by Consent: Understanding the dynamics of police power and legitimacy*. ESS Country specific top line results series Issue 1 (UK). European Commission.
- Jefferson, T. (1990). *The case against paramilitary policing*. Milton Keynes: Open University Press.
- King, M., & Waddington, D. (2005). Flashpoints Revisited: A Critical Application to the Policing of Anti-globalization Protest. *Policing & Society*, **15** (3): 255-282.
- Mazerolle, L., Bennett, S., Davis, J., Sargent, E. and Manning, M. (2013). Procedural Justice and Police legitimacy: A systematic review of the research evidence. Oslo: Campbell Collaboration.
- Meares, T. L., Tyler, T. R., and Gardener, J. (2014). Lawful or fair? How cops and laypeople view good policing. *Journal of Criminal Law and Criminology*, **105** (2): 1-49. Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2116645 (accessed 17/07/19).

- Morse, J. M. (2007). Sampling in Grounded Theory. In A. Bryant and K. Charmaz (eds) *The SAGE Handbook of Grounded Theory*. London: SAGE, pp. 229-244.
- Punch, K. (2005). *Introduction to Social Research*. 2nd edition. London: SAGE, pp. 187-188.
- Radburn, M., and Stott, C. (2018). The social psychological processes of Procedural Justice: Concepts, critiques and opportunities. *Criminology and Criminal Justice*, June. Available at : <https://doi.org/10.1177%2F1748895818780200> (accessed 17/07/19).
- Radburn, M., Stott, C., Bradford, B., and Robinson, M. (2016). When is policing fair? Groups, identity and judgements of the procedural justice of coercive crowd policing. *Policing and Society*, **28** (6): 647-664.
- Reicher, S.D. (1984). The St. Pauls riot: An explanation of the limits of crowd behaviour in terms of a social identity model. *European Journal of Social Psychology*, **14**: 1-21.
- Reicher, S. D. (1996). The Battle of Westminster, Developing the Social Identity model of crowd behaviour in order to explain the initiation and development of collective conflict. *European Journal of Social Psychology*, **26**: 115-134.
- Reicher, S. D. (2003). The psychology of crowd dynamics. In Hogg, M.A and Tindale, S (eds) *Blackwell Handbook of Social psychology: Group Processes*. Oxford: Blackwell, pp. 182-208.
- Reicher, S. D. (2011) From crisis to opportunity: New crowd psychology and public order principles. In T. Madensen and J. Knuttson (eds) *Preventing crowd violence*. London: Lynne Reinner Publishers, pp. 7-23.
- Reiner, R. (1998). Policing, protest and disorder in Britain. In D. della Porta and H. Reiter (eds) *Policing protest: The control of mass demonstrations in western democracies*. Minneapolis: University of Minnesota Press, pp.35-48.
- Reiner, R. (2010). *The Politics of the Police*. 4th edition. Oxford: Oxford University Press.
- Robson, C. (2011) *Real World Research*. 3rd edition. Chichester: Wiley and Sons, Ltd.
- Schaap, D. (2018). *The police, the public, and the pursuit of public trust: a cross-national, dynamic study of trust in the police and police trust-building strategies*. The Hague, Netherlands: Eleven International Publishing.
- Simmons, A. J. (2001). *Justification and Legitimacy: Essays on rights and obligations*. Cambridge: Cambridge University press.
- Smelser, N. (1962). *Theory of Collective Behaviour*. New York: Free Press.
- Spiegel, J. P. (1969). Hostility, Aggression and Violence. In A. D. Grimshaw (ed) *Racial Violence in the US*. Chicago: Aldine.
- Stott, C. (2009). *Crowd Psychology and Public Order Policing: An overview of scientific theory and evidence*. Liverpool: University of Liverpool.
- Stott, C., Hoggett, J., and Pearson, G. (2011). ‘Keeping the peace’: Social identity, procedural justice and the policing of football crowds. *British Journal of Criminology*, **52** (2): 381–399.

- Stott, C.J., Hutchison, P., and Drury, J. (2001). Hooligans Abroad? Intergroup dynamics, social identity and participation in collective disorder at the 1998 World Cup Finals. *British Journal of Social Psychology*, **40**: 359-384.
- Stott, C. and Reicher, S. (1998). How conflict escalates: The intergroup dynamics of collective football crowd violence. *Sociology*, **32**: 353-377.
- Stott, C., Scothern, M., and Gorringer, H. (2013). Advances in liaison based public order policing in England: Human rights and negotiating the management of protest. *Policing: A Journal of Policy and Practice*, **7** (2): 212-226.
- Tankebe, J. (2013). Viewing things differently: Examining the dimensions of public perceptions of police legitimacy. *Criminology*, **51** (1): 103-135.
- Tyler, T.R. (1990). *Why people obey the law*. New Haven: Yale University Press.
- Tyler, T.R. (2003). Procedural justice, Legitimacy and the effective rule of law. In Tonry, M. (ed) *Crime and Justice- A review of research*. Chicago: University of Chicago, pp. 431-505.
- Tyler, T.R. (2004). Enhancing Police legitimacy. In *The Annals of the American Academy*, 593: 84-99.
- Tyler, T.R. (2006). Psychological perspectives on legitimacy and legitimation. *Annual Review of Psychology*, **57**: 375-400.
- Tyler, T.R. (2011a). Trust and Legitimacy: Policing in the USA and Europe. *European Journal of Criminology* 2011, **8**: 254.
- Tyler, T.R. (2011b) *Why people co-operate*. Princeton: Princeton University Press.
- Tyler, T.R. and Huo, Y.J. (2002). *Trust in the Law Encouraging Public cooperation with the Police and Courts*. New York: Russell Sage.
- Waddington, D., Jones, K., and Critcher, C. (1989). *Flashpoints: Studies in Public Disorder*. London: Routledge.
- Waddington, P. A. J. (1987). Towards Paramilitarism? Dilemmas in policing civil disorder. *The British Journal of Criminology*, **27** (1): 37-46.
- Waddington, P. A. J. (1993). The case against paramilitary policing considered. *British Journal of Criminology*, **33** (3): 353-373.
- Waddington, P. A. J. (1994). *Liberty and Order: Public order policing in a capital city*. London: UCL press.
- Waddington, P. A. J. (1998). Controlling protest in contemporary, historical and comparative perspective. In D. della Porta and H. Reiter (eds) *Policing protest: The control of mass demonstrations in western democracies*. Minneapolis: University of Minnesota Press, pp. 117-142.
- Waddington, P. A. J. (1999). *Policing Citizens: Authority and Rights*. London: UCL Press.
- Waddington, P. A. J., Williams, K., Wright, M., and Newburn, T. (2015). Dissension in public evaluations of the police. *Policing and Society*, **25** (2): 212-235.

Whelan, C., and Molnar, A. (2019). Policing political mega-events through 'hard' and 'soft' tactics: reflections on local and organisational tensions in public order policing. *Policing and Society*, **29** (1): 85-99.

Wood, D. (2017) *Blackstone's Handbook for policing students, 2018*. Oxford: Oxford University Press, pp. 41-42.