



National Oversight Group Minutes

4th Meeting – Wednesday 29th April 2015, 11am at Riverside House Southwark.

Attendees:

Name	Role
Alex Marshall (Chair)	College of Policing
Ben Bowling	Dickson Poon School of Law
Sophie Khan	PAC (by phone)
John Dilworth	CPS (phone)
Mick Creedon	National Lead Organised Crime (phone)
Sue Mountstevens	APCC (Phone)
Katerina Hadjimatheou	University of Warwick (phone)
David Tucker	College of Policing
Oliver Cattermole	College of Policing
Natalie Davidson	College of Policing
Apologies:	
Rob Beckley	College of Policing
Dr Chris Nathan	Warwick Interdisciplinary Ethics Research Group - represented
A psychologist	

1. Welcome & Introductions (Alex Marshall)

1.1. Alex Marshall welcomed all attendees. Introductions were made

2. Apologies

2.1. Apologies were received from Rob Beckley, Dr Chris Nathan (who was represented), and the psychologist member of the group.

3. Presentation on principle of 'neither confirm nor deny'

3.1. Chief Constable Creedon gave a presentation on the NCND principle. He has overseen the development of a policy document on NCND that sets out how legal cases have developed.

3.2. The principle was first used in America in the 1970s following the sinking of a Russian submarine and attempts to discover whether it had been recovered by the US Navy.



College of Policing

- 3.3. There is also some UK case law, the most recent being Dil v Commissioner of Police that sets out three criteria to be considered when deciding whether to use NCND or not. The three criteria are-
 - 3.3.1. The presence of outrageous behaviour;
 - 3.3.2. Self identification by an alleged undercover officer;
 - 3.3.3. Identification of an alleged police officer by a public organisation.
- 3.4. The Dil case referred to actions involving two former undercover officers – Jim Boyling and Bob Lambert. In both cases all criteria applied and the MPS could not rely on NCND. Other cases will be judged on their merits.
- 3.5. John Dilworth noted that NCND was not limited to undercover policing but extended to the CPS disclosure manual and was applied to informants and surveillance as well as other issues. He also noted that there are Attorney General's guidelines on intercept material that address similar issues and these are publicly available.
- 3.6. Sophie Khan asked how NCND applied to illegal behaviour of officers using identities of dead babies as cover.
- 3.7. CC Creedon stated that the activity was not illegal but morally wrong. It had stopped many years ago but, at the time, the officers concerned were following instructions.
- 3.8. NCND does not have a direct impact on behaviour, but may have an impact on the way that such behaviour may be exposed. It is, therefore, a critical issue for the Panel.
- 3.9. Sue Mountstevens said that, as this is such a sensitive and important issue, the Panel should be able to see the document being developed by CC Creedon so that members could give an input before decisions had been made.
- 3.10. CC Creedon stated that many of the issues discussed, and his personal position on the behaviour of the MPS and some of their officers, is fully recorded in his reports under Operation Herne. These are available on the MPS website.

Action CC Creedon to consider making the NCND document available to the Panel ahead of publication

Action David Tucker to circulate copies of Op Herne 1 and links to the other reports

4. Previous minutes

- 4.1. The previous meeting's minutes were noted to be missing a section on Ben Bowling's presentation on research. Sophie Khan had previously stated that her apology was not noted.

Action – minutes to be updated

5. Actions

- 5.1. It was noted that all actions had been completed with any requiring further discussion already noted on the agenda for the meeting.

6. Terms of reference

- 6.1. The terms of reference for the group had been revised in as part of the action arising at the previous meeting. The revised document had been circulated ahead of the meeting.

- 6.2. The revised terms of reference were accepted.

Action – Terms of reference for the group to be published on College website.

7. Membership Code of Conduct

- 7.1. A draft Code of Conduct had been drawn up and circulated to members, although not all had received the document.

- 7.2. The Code that was presented was made up from examples used in other settings.

- 7.3. Concern was expressed about the inclusion of the Nolan principles. These apply to people in public life and members felt that, although they are assisting a public organisation, the principles were not appropriate to apply to them.

- 7.4. There was also concern that the code did not impose or explain the duties of the College in supporting the panel and its members.

- 7.5. The section on deselecting members was felt to lack detail and did not include an appeals process.

- 7.6. Katerina Hadjimatheou stated that there are good examples available on the internet

Action – Oliver Cattermole to revise the code and circulate a new version before the next meeting

8. Action Plan Update

8.1 The action plan to respond to the HMIC report had been circulated to members at a previous meeting.

8.2 A paper summarising progress had been circulated to the meeting.

8.3 David Tucker presented the paper at the meeting and there was a discussion about the extent to which various documents can be made public

Action David Tucker to look into which documents can be made public.

8.4 In relation to accreditation of undercover units, Sue Mountstevens asked if PCCs would be made aware of the findings of the accreditation process. The chair noted that it would entirely appropriate for PCCs to ask their chief constables about how undercover tactics are delivered, how undercover officers are supported and the outcomes of the accreditation process.

9. Any Other Business

9.1 Sophie Khan raised the need for more diverse membership of the panel

9.2 The chair noted that minutes of previous meetings, including the last, had invited members to nominate new people to join and that invitation was made again.

9.3 Ben Bowling said that the original MPS independent advisory group had been formed to bring the force's severest critics into the heart of policing to make a difference. The same approach is necessary for this subject area.

Action Members to suggest individuals and organisations to David Tucker as potential members. He will make contact with them

10. Next Meetings

Next meetings on

24th June 2015 at Riverside House at 10.30am 12.30pm

1 September 11:00 – 13:00, Riverside House

3 November 11:00 – 13:00, Riverside House



**College of
Policing**



National Undercover Oversight Group – Action Log

Date / Item	Action	Owner	Status
22/10/14 2.8	Update the terms of reference to include the ability to challenge, enquire and ask questions about the ethical nature of the discipline.	David Tucker	Complete
22/10/14 3.2	The NUWG action plan would be shared with the group via correspondence once in draft.	Jon Boutcher	Complete
22/10/14 3.27	To develop plans for providing psychological support for uc officers	David Tucker	Complete
22/10/14 4.3	To release the literature review completed as part of the NPIA 2012 review into training, selection and support for undercover policing.	Gordon Ryan	Complete
22/10/14 5.5	To produce a non-technical briefing on RIPA and present to the group at the next meeting.	Richard Martin	Complete
22/10/14 6.4	Alex Marshall to write to members to invite views about confidentiality of details of group members	Alex Marshall	Complete
22/10/14 7.2	The next agenda should include present products designed to date by each project theme to enable the group to challenge items in design.	Gordon Ryan	Complete
5/2/15 6.4	Revise ToR and circulate	David Tucker	Complete
5/2/15 6.5	Arrange 'neither confirm nor deny' presentation	David Tucker	Complete
5/2/15 7.3	Publicity for the group	Chair	Complete
29/4/15 3.1	Minutes to be amended to show Ben Bowling's presentation and Sophie Khan's apology	David Tucker	
29/4/15	CC Creedon to consider making the NCND document available to the Panel ahead of publication	CC Creedon	
29/4/15	David Tucker to circulate copies of Op Herne 1 and links to the other reports	David Tucker	



College of Policing

29/4/15	Terms of reference for the group to be published on College website.	David Tucker	
29/4/15	Oliver Cattermole to revise the code of conduct and circulate a new version before the next meeting	Oliver Cattermole	
29/4/15	David Tucker to look into which documents – APP and accreditation framework -can be made public.	David Tucker	
29/4/15	Members to suggest individuals and organisations to David Tucker as potential members. He will make contact with them	All panel members	