

OFFICIAL - SENSITIVE

National Oversight Group Minutes

6th Meeting – Tuesday 1st September 2015, 11am at Riverside House Southwark.

Attendees:

Name	Role
Alex Marshall (Chair)	College of Policing
A psychologist	(by phone)
Mike Lupton	CT National Network
Jon Boutcher	Chair, National Undercover Working Group
Joe McGuigan	HMRC
Katerina Hadjimatheou	University of Warwick (by phone)
David Tucker	College of Policing
Mick Creedon	NPCC Lead for Serious and Organised Crime
Apologies:	
Rob Beckley	College of Policing
Dr Chris Nathan	Warwick Interdisciplinary Ethics Research Group - represented
John Dilworth	CPS
Ben Bowling	Dickson Poon School of Law
Sue Mountstevens	APCC

1. Welcome & Introductions (Alex Marshall)

1.1. Alex Marshall welcomed all attendees. Introductions were made

2. Apologies noted

3. Previous minutes

3.1. The minutes of 24th June 2015 had been circulated ahead of the meeting and were accepted as accurate and approved for publication on the College website.

4. Actions

- 4.1. David Tucker updated the meeting regarding the potential for new members to join the panel. Panel members have raised concerns frequently about the small number of members who are unconnected with law enforcement. A number of potential sources of membership were considered. There was concern that full membership of the Panel may not be attractive to all those who may be approached and other options were suggested.
- 4.2. One option discussed was to hold an event at which a table top exercise is presented so that attendees could comment and assess the role that undercover policing could play in addressing the incident as it unfolds. This approach was used in counter-terrorism. The scenario used could be built around anonymised real cases where some difficult decisions were taken by law enforcement officers, allowing attendees to explore ethical issues about the deployment of undercover resources.
- 4.3. A further option would be a conference for interested parties to enable discussion of issues connected with undercover policing.
- 4.4. The Panel discussed how events such as these could be organised so that there could be real and insightful discussion. There was concern that some people who might attend could be disruptive. There would also be a need for attendees to be informed on the subject. The psychologist member of the Panel suggested that papers would need to be circulated to attendees so that they could be made aware of the principles that guide use of undercover operatives.
- 4.5. Joe McGuigan said that it is important that we also take account of the views of the public. Ben Bowling has previously raised this issue and has been engaged in conversations with the College about research into this area.
- 4.6. **Action – David Tucker to find out the current position of any research proposal**
- 4.7. The discussion about membership also covered the issue of ensuring that Panel members are able to discuss demanding and contentious issues. The use of a scenario based event to explore ethical issues would enable a broader range of people to contribute to discussion. The product of those discussions could then be fed into the Scrutiny Panel for members to make recommendations.
- 4.8. Katerina Hadjimatheou suggested that informed people attending these sorts of event should have an overview presented to them ahead of an event with some questions for them to consider so that

they could present thought through comments to enable the debate that is generated to be as rich as possible

4.9. Action – David Tucker to present options at the next meeting.

5. Presentation on accreditation

5.1 Iain O'Brien, an associate of the College, gave a presentation to Panel members on the College process for accrediting undercover units.

5.2 HMIC recommended that the College take on accreditation of undercover units in its report in October 2014.

5.3 A discussion about the presentation followed. Panel members were concerned about the lack of external scrutiny of the process – it is delivered by ex-police officers working with current undercover practitioners. It was noted that the accreditation process forms one part of the scrutiny structure and that other parts comprise people from outside law enforcement. The College process will be managed by a person employed specifically for this role. The College is independent of law enforcement bodies. Whilst there is a close relationship between the College and law enforcement agencies, particularly the police, their roles are quite different and the college brings a measure of objectivity.

5.4 The Panel discussed the potential to bring in people from outside law enforcement agencies. Law enforcement members of the Panel expressed some concern about the need to build confidence in the process first and the need for vetting for people from outside law enforcement undertaking the role. It is necessary for those performing a role in the accreditation process to have a good understanding of undercover policing and this could limit the potential pool of assessors to other law enforcement agencies such as military intelligence or the security services. There was scepticism that people from these agencies would add substantially to the level of external scrutiny.

5.5 It was agreed that the process outlined in the presentation covers the issues that should be addressed in an accreditation process. Members were invited to consider the content of the presentation and make any further comments.

5.6 Mick Creedon and Jon Boutcher noted that there are cases where undercover operations fail. Law enforcement agencies should be encouraged to accept failure of operations as an opportunity to derive learning. Sadly, this doesn't happen all that often and the psychologist member described a case where his requests for a debrief after a failed operation were not taken forward. David Tucker remarked that such cases could identify issues that should be included in the accreditation process.

5.7 Members of the panel were asked to consider whether the time frames for the accreditation process – an annual update of the Quality Assurance Management System with three yearly accreditation visits – was about right to maintain effective scrutiny. It was agreed that this was the right time frame.

5.8 Action – Members to consider the contents of the presentation and feedback if there are matters that they consider are missing from the framework.

6. Public Inquiry

6.1 Mick Creedon and Jon Boutcher updated the meeting on the public inquiry into undercover policing. The opening remarks of Lord Justice Pitchford and the terms of reference had been circulated ahead of the meeting.

6.2 The Inquiry team is beginning the process of scoping their work. The Inquiry will cover police use of the tactic in England and Wales.

6.3 The Inquiry team have invited people and organisations to become ‘core participants’. The role is not legally defined but has encompassed, in previous inquiries, those who might be subject to substantial criticism and those who will have substantial continuing interest in the matters discussed. Core participants are represented and can receive disclosure of materials. The Metropolitan Police, National Police Chiefs Council and College of Policing will need to consider whether they would wish to seek to be core participants.

6.4 David Tucker raised the time limit in the Panel’s terms of reference. The Panel is due to conclude business in January 2016. Members discussed whether the Panel should continue to exist at least throughout 2016. It was agreed among those present that the panel should continue.

6.5 Action – place terms of reference on agenda for next meeting for discussion about timescales for the Panel.

7. Action Plan update

7.1 Jon Boutcher updated the Panel on progress towards fulfilling the requirements of the action plan formed following the HMIC inspection report.

7.2 Jon Boutcher agreed to circulate an updated version of the plan for the next meeting.

7.3 Action – Jon Boutcher to circulate an up to date copy of the action plan for the next meeting.

8. Any Other Business

8.1 None raised



College of
Policing

9. Date of Next Meeting

9.1 11am, 3rd November 2015, Riverside House, London, SE1 9HA

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National Undercover Oversight Group – Action Log

Date / Item	Action	Owner	Status
24/6/15	Alex Marshall and David Tucker to reconsider whether there are organisations that could join the panel.	Alex Marshall and David Tucker	Complete
24/6/15	Oliver Cattermole to amend Code of Conduct and recirculate	Oliver Cattermole	Complete
24/6/15	David Tucker to consider how the Panel can consider some of the most demanding and contentious issues of undercover policing	David Tucker	Complete
1/9/15	David Tucker to find out the current position of any research proposal	David Tucker	
1/9/15	David Tucker to present options on involving a broader group of people in Panel deliberations at the next meeting.	David Tucker	
1/9/15	Members to consider the contents of the presentation and feedback if there are matters that they consider are missing from the framework.	All	
1/9/15	Place terms of reference on agenda for next meeting to consider continuing operating through 2016	David Tucker	
1/9/15	Jon Boutcher to circulate an up to date copy of the action plan for the next meeting.	Jon Boutcher	