



National Oversight Group Minutes

8th Meeting – Tuesday 19th January 2016, 11am at Riverside House Southwark.

Attendees:

Name	Role
Alex Marshall (Chair)	College of Policing
Sue Mountstevens	APCC
Katerina Hadjimatheou	University of Warwick
David Tucker	College of Policing
Tom Gash	Institute for Government
Gary McFadden	College of Policing - presenting
Apologies:	
Jon Boutcher	Chair, National Undercover Working Group
Rob Beckley	College of Policing
A psychologist	
Dr Chris Nathan	Warwick Interdisciplinary Ethics Research Group
Mick Creedon	NPCC Lead for Serious and Organised Crime
Ben Bowling	Dickson Poon School of Law
Joe McGuigan	HMRC
Jeff Hill	ACC

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 4th November 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 The action regarding increasing the ability of the panel to challenge policing about its use of undercover tactics was an agenda item for substantive discussion.

4.2 No feedback had been received on the updated action plan developed to address issues contained in the HMIC report of 2014. The action plan to be uploaded onto the College website.

4.3 No further feedback on the terms of reference and the circulated version was accepted.

5. Options to increase challenge to policing

5.1 David Tucker informed the Panel that he had met with two groups of people who had an interest in undercover policing. Two people were from a group who monitored police undercover activity and a solicitor with two clients who were pursuing civil actions against the police.

5.2 In both meetings an offer had been extended for attendance at a Scrutiny Panel meeting. So far, the offers have not been taken up although there is still room for optimism that one group will accept.

5.3 David agreed to keep contact open and update the Panel.

5.4 Another option for increasing engagement in the group was proposed. David had discussed the potential for a desk top exercise, based around a fictional scenario, for academics and others with an interest in undercover policing to explore some of the difficult issues related to the tactic, including the ethical considerations. Kat Hadjimatheou from Warwick University had agreed to help with the development of the proposal.

5.5 Kat was keen to ensure that participants would be clear about what would happen to the output from the exercise. People would not attend if they felt that it was to be a talking shop which would have no impact on policing. It was agreed that, whatever the outcome, participants would be given an update on what had been done with the product of the exercise. Alex Marshall was keen to ensure there is a communications strategy from the start.

5.5 The Panel supported the proposal and David agreed to develop the concept with Kat.

5.6 Action – David to develop the proposal for a desk top exercise to enable broader challenge to the police use of undercover policing

6. Action Plan

6.1 David updated the meeting on the action plan. The most recent version had been circulated to members at the last meeting and by e-mail. No feedback had been received and it was accepted for uploading onto the College website.

7. Public Inquiry

7.1 The College is a 'core participant' of the Public Inquiry into Undercover Policing. The Inquiry chair, Lord Justice Pitchford, has set out the structure of the Inquiry – module 1 is to focus on undercover events that have happened, module 2 will focus on the standards that should have been applied and module 3 will explore future standards. Module 1 is expected to begin in September and last for a year.

7.2 The College has received a requirement for a letter, setting out the information it holds that might be relevant to the Inquiry, and for a statement describing the relationship between the College and the police service. The statement is to include a description of relationships of its predecessor organisations. The information letter has been sent. The statement will be submitted before the end of February.

8. Training Presentation

8.1 Gary McFadden, a member of the College of Policing's training team, gave a presentation on changes to the programme delivered or licensed by the College.

8.2 There was a discussion about training delivery and how the police service manages undercover resources with regard to demand.

8.3 Panel members were interested in the development of undercover online skills. The basic requirements of any undercover policing are the same in that the same laws and authorisations apply as do the requirements of the College Code of Ethics.

8.4 Alex Marshall pointed out that the Leadership Review carried out by the College had established the need for specially skilled people to be able to come into the police service in a more flexible way because the service needs a workforce skilled for the 21st century. Police officers and staff will also need to work within a flatter structure. The College is leading work to ensure the police service is able to respond to the challenges.

9. Any other business

9.1 The psychologist member of the group had e-mailed members regarding the recent allegations regarding an intimate relationship between an undercover officer and a woman involved in a protest organisations in the early 2000s.

- 9.2 The allegations were explored in a TV programme and in The Guardian. The officer was alleged to be a member of the Metropolitan Police Service (MPS) and the MPS had issued a statement neither confirming nor denying that the person identified was an undercover officer.
- 9.3 The psychologist member of the Panel recorded his deep sense of disappointment and his e-mail was read to those attending. CC Creedon, the lead for Operation Herne, the investigation into allegations regarding undercover officers from the SDS era, had replied to the original e-mail stating that his team will look at the allegations as part of its remit.
- 9.4 The Chair pointed out the Inquiry into undercover policing will explore many of the issues raised by this and other allegations. There will be the opportunity for people to air their cases and the police service will need to respond in an appropriate way – CC Creedon’s team forming at least part of that response. However, the Inquiry will take some time to carry out its work and report on findings.
- 9.5 Kat Hadjimatheou stated that the use of NCND felt like a blanket response, used by police to evade their responsibilities. It was important to recognise that the allegations here involved a person not suspected of crime. Many of these types of allegations raise questions about the appropriateness of targeting people for undercover policing who were not suspected of crime, but were the way in which criminals could be targeted. The recent allegations all seemed to involve protest groups and there are significant questions of proportionality.
- 9.6 There was a view among panel members that even platonic relationships could be abusive.
- 9.7 Sue Mountstevens stated that the number of allegations and investigations suggested that management of them had to move outside of policing. The service has to take steps to demonstrate that it has understanding of the gravity of the issues and that there is effective oversight.
- 9.8 She was concerned that the public was receiving a constant stream of negative stories, many from a long time ago, and that the police service was not responding in a way that showed it understood the gravity of the challenge. There was much work going on that reduces the possibilities for improper practice, but the public is unaware. There is a considerable risk that the public thinks that nothing has changed.
- 9.9 The College should consider how to show that steps are being taken to ensure that the police service recognises the seriousness of the allegations and that work is taking place to ensure that undercover policing practice is managed and delivered ethically.

9.10 Kat Hadjimatheou raised the potential for remote surveillance, using digital technology. Whilst this might be possible in some cases, there would also be many that required face to face involvement so that evidence could be gathered, so the need for undercover policing is likely to remain.

9.11 Tom Gash stated that the allegations served to highlight the need for a better sense of the cost/benefit analysis. Whilst undercover policing has had significant successes, it is an inherently expensive tactic and the risks are high in a number of ways.

9.12 Action The College of Policing to consider how to demonstrate to the public that the police service is responding to the issues of undercover policing.

10. Date of Next Meeting

10.1 19th April 2016 at 11am.

National Undercover Scrutiny Panel – Action Log

Date / Item	Action	Owner	Status
1/9/15	David Tucker to present options on involving a broader group of people in Panel deliberations at the next meeting.	David Tucker	Complete
3/11/15	Members to consider the contents of the Action Plan and feedback views.	All	Complete
3/11/15	Terms of reference to be circulated again and members invited to comment on the proposal to extend the life of the Panel to cover the period of the Inquiry.	All	Complete
19/1/16	David to develop the proposal for a desk top exercise to enable broader challenge to the police use of undercover policing	David Tucker	Open
19/1/16	The College of Policing to consider how to demonstrate to the public that the police service is responding to the	College	Open

	issues of undercover policing.		