

IN THE UNDERCOVER POLICING INQUIRY

THIRD WITNESS STATEMENT OF DONAL O'DRISCOLL

I, Donal O'Driscoll, WILL SAY

1. I am one of the Core Participants in the Undercover Policing Inquiry and am a founding member of the Undercover Research Group. Through the Undercover Research Group I have built up an extensive knowledge of undercover policing issues. I make this statement in connection with matters arising at the recent hearing on 20—21 November 2017.
2. The contents of this statement are from my own knowledge except where I indicate otherwise.
3. During day one of the SDS restriction Orders hearing on 20 November 2017 the Chairman said as follows:

“to expose all of [the officers] in their real names is (a) not useful and (b) may well not be fair depending on the individual's circumstances.”¹

4. With regard to the question of what undercover officers and their managers went on to do after their deployment the Chairman said:

“I really am not inquiring into wrongdoing outside the Special Demonstration Squad, the National Public Order Intelligence Unit and any other police undercover activity.”

5. In this statement I set out my understanding of the private sector roles a number of officers - including an undercover officer and those who managed undercover officers - have gone on to perform following their police deployments. On the basis of the limited

¹ Transcript page 32

currently available information it is not possible to know whether the managers undertook undercover deployments during their police careers but I suspect that they did. I am aware that a number of SDS managers previously worked as undercover field officers and it would make sense that managers would need some first-hand experience of the kinds of deployments they went on to manage. Also, in his submissions on HN58 dated 6 November 2017 Peter Francis says as follows: "...it was a Special Branch requirement that all SDS managers should have been a former SDS officer (PF is only aware of one exception to this rule). As far as PF is aware, all SDS officers would have had a training period of up to nine months, followed by a three to five year undercover deployment".

6. Through these examples I seek to illustrate why such post-police activity falls within the Inquiry Terms of Reference ('ToR') and why disclosure of real names is useful and important in fulfilling the ToR. The following aspects of the ToR are relevant to post police employment:

"examine the motivation for, and the scope of, undercover police operations in practice and their effect upon individuals in particular and the public in general"

"identify and assess the adequacy of the statutory, policy and judicial regulation of undercover policing."

7. In particular I am concerned that:

- a. Personal information on those reported on by undercover policing, and also tactics learned whilst in the police, may have been subsequently used by police officers in the corporate world and whether there is sufficient legal protection to prevent such misuse of information in the private sector which has been gathered by the state. For example, if a member of an undercover policing unit (whether undercover or manager) went on to work in an intelligence / security capacity for a private enterprise then it is a matter of concern if they relied on knowledge and / or contacts gleaned from undercover work in relation to protest movements, including where there were sexual relationships. Not only is this relevant to the question of the adequacy of regulation and oversight of undercover policing if UCOs are able to carry across information and techniques gained whilst undercover into the private sector, but it also means that past

undercover operations may still be having a current effect on individuals, if the information gained continues to be used.

- b. The motivation for police gathering of information through covert means on certain individuals or organisations may have been influenced by officers having one eye on what employment they may secure in corporate spying after their police careers ended.
8. I am aware that the above matters are not only a matter of concern to me but also to other core participants with whom I have spoken. It is clearly a matter of considerable public interest if the fruits of undercover policing are being transferred to the private sector without effective oversight and the officers concerned are using information and techniques gained through undercover police roles to pursue lucrative private sector careers or sexual relationships.
 9. Information in the public domain in relation to these issues is necessarily incomplete and as a result an officer's real name would play a significant role, in so far as it would permit identification of where they went on to jobs in relevant companies and what they did there.
 10. The issue was explored in a little detail in the 1988 book 'Blacklist: the inside story of political vetting' by journalists Mark Hollingsworth and Richard Norton-Taylor². In Chapter 10 - 'Private Security Industry and Political Vetting', they discuss the relationship between private security firms and Special Branch, acknowledging the ease by which Special Branch files were being obtained by private intelligence operatives through personal connections:

"Private detectives also utilise their links with the Special Branch and MI5 to obtain confidential information. Special Branch officers have easy access to the [Police National Computer]. Many of them go on to join private companies.

It is this cosy relationship that is often illegally exploited."

11. I am aware that many core participant victims of blacklisting through the Consulting Association are concerned about to the extent to which undercover intelligence about

² Mark Hollingsworth and Richard Norton-Taylor, Blacklist: The Inside Story of Political Vetting, The Hogarth Press, London, 1988, pages 213-214.

them was passed on to private companies by the police and about the absence of regulatory oversight to stop this from occurring. I am also personally concerned by this as I appear on the so-called "Greenlist", a particular blacklist operated by the Consulting Association focusing on environmentalist campaigners. This falls to be examined as part of the ToR given Lord Justice Pitchford's First Core Participants ruling where he said:

"In my view, the accusation that undercover police officers supplied personal information about workers that was used for the private purposes of employers in the construction industry is one that requires investigation under the terms of reference."[33]

12. If, in addition, there was cross over with undercover officers - or those who managed them and their intelligence product - being hired by private intelligence companies then that is strongly indicative of another route through which such information would have been disclosed to non-police third parties. The extent to which this occurred cannot be revealed by police files alone and will depend on real names so career progressions become apparent.

13. Mark Kennedy is a significant individual in this, not because he is exceptional, but because his story is one of the best known and understood. It is now well established that after leaving the police in early 2010, he joined the private intelligence firm Global Open (see also below for further issues relating to this company). He continued to maintain his cover identity established while an undercover officer during his time working for Global Open, but more particularly, drew heavily on his existing knowledge and understanding of those he targeted while a serving police officer to continue that work, this time for private gain.

14. This included Mark Kennedy initiating a relationship with 'C' who is now a core participant. As is set out in Lord Justice Pitchford's First Core Participant's ruling:

"C claims that she was groomed for a sexual relationship with a man who was at that time an undercover officer. A sexual relationship took place only after he had left the police force and worked for a private security firm. She has instituted civil proceedings against the firm in which she has been granted anonymity". [49]

15. I knew both Mark Kennedy and 'C' when they first met and am aware that Kennedy first came into contact with 'C' when he was serving with the police. I am also aware that Kennedy's sexual relationship with 'C' began after he left the police, by which stage he was working for Global Open. In the circumstances, the roots of this relationship are clearly based in the knowledge and cover created while Kennedy was an undercover officer. As someone who knows 'C', including at the time of the discovery of the gross deception, I am aware of the traumatic impact that has had upon her.

16. I list below what I believe are examples of relevant officers moving onto private intelligence firms as follows:

- a. Commander Roy Habershon, who led the investigation into the Angry Brigade which drew on Special Branch sources, particularly the Special Branch officer DS Roy Cremer³. Habershon subsequently became one of the founders of leading intelligence & security firm, Control Risk International^{4, 5}.
- b. Commander Rollo Watts, Head of Operations for Special Branch, who went on to work for KMS Ltd / Saladin Security Ltd– itself a spin-off of Control Risk International⁶.
- c. Commander Peter Phelan, Head of Special Branch 1987-1991⁷, worked for Kroll Associates in 1998⁸.
- d. ACC Anton Setchell, National Coordinator for Domestic Extremism, which oversaw the work of the National Public Order Intelligence Unit, who became head of security for blacklisting firm Laing O'Rourke.⁹
- e. Melvyn Young, Deputy National Coordinator for Domestic Extremism 2004-2009. From October 2009 he was Global Head Extremism and Risk for Novartis,

3 Gordon Carr, *The Angry Brigade: A History of Britain's First Urban Guerilla Group*, 2010, PM Press, pages 5, 64.

4 John Stevens, *Not for the Fainted-hearted: My Life Fighting Crime*, 2006, Phoenix, p. 114.

5 Control Risks have been alleged to keep various forms of blacklists, as per the evidence of former banker Chidi Obihara. See for example, <https://publications.parliament.uk/pa/cm201213/cmselect/cmselect/156/156we20.htm>

6 Mark Hollingsworth & Richard Norton-Taylor, *Blacklist: the inside story of political vetting*, 1988, Hogarth Press, page 214.

7 Ray Wilson & Ian Adams, *Special Branch: a history 1883-2006*, 2015, BiteBack Press, page XIII.

8 Richard Blystone, Joie Chen & Steve Harrigan, *World capitals take a second look at their security*, CNN WorldView, 27 July 1988 (accessed via Nexis.com) See also <https://edition.cnn.com/WORLD/europe/9807/27/parliament.security/>

9 Dave Smith & Phil Chamberlain, *Blacklisted: The secret war between big business and union activists*, 2015, New Internationalist Press, pages 282-283. See also <http://www.theftsolutions.org/theboard.html>

becoming their Deputy Head for Global Security in January 2012, remaining there until June 2013¹⁰. During his time at Novartis, they were pursuing civil injunctions against animal rights protestors.

- f. Roy Leeming, Head of the Animal Rights National Index (within the Metropolitan Police Special Branch until 1999, when that unit became the National Public Order Intelligence Unit).¹¹ Subsequently founded Global Open Ltd, which most notably employed Mark Kennedy after he left the police.¹² An open question is how Global Open and Kennedy came to know each other. Another employee of Global Open was former police officer Stephen Solley, also believed to be ex-Special Branch and subsequently a leading security consultant to the fur industry.¹³
- g. Supt. Stephen Pearl, former head of National Extremism Tactical Coordination Unit (NETCU),¹⁴ who set up Decx Ltd, a security consultancy, and became a non-executive director of Agenda Resource Management and Agenda Security Services,¹⁵ which carry out employee screening, including for animal laboratories.¹⁶
- h. Jim Sheldrake, a NETCU officer¹⁷ who later joined the Issues and Risks Communication Team of Novartis in April 2010¹⁸ – at the time when the NPOIU, working in conjunction with Novartis, were deploying the undercover officer ‘James Adams’ as part of an operation to gather information against myself and another core participant, Debbie Vincent.
- i. Nic Clay, a NETCU officer¹⁹ who subsequently joined the US firm Welund Report, a commercial service providing daily intelligence reports on protest groups.²⁰

10 LinkedIn Profile - <https://ch.linkedin.com/pub/melvyn-young/71/239/107> (archived copy in authors possession)

11 <https://www.theguardian.com/environment/2011/jan/12/mark-kennedy-policeman-corporate-spy>

12 http://powerbase.info/index.php/Rod_Leeming and http://powerbase.info/index.php/Global_Open

13 <https://uk.linkedin.com/in/steve-solley-04060755>

14 <https://rusi.org/publication/combating-animal-rights-extremism-uk>

15 <https://uk.linkedin.com/in/steve-pearl-b734223b>

16 <http://www.agenda-rm.co.uk/>

17 <https://www.theguardian.com/uk/2009/oct/27/high-court-injunctions-protests>

18 <https://uk.linkedin.com/in/jimsheldrake>

19 <https://www.theguardian.com/uk/2009/oct/27/high-court-injunctions-protests>

20 Private communication. See also <https://corporatewatch.org/re-visiting-netcu-police-collaboration-with-industry/> and https://archive.org/stream/Fusion-Center-Occupy/occupy-docs-set-2_djvu.txt

- j. DCC Gordon Meldrum, former Strathclyde special branch officer and Director of Intelligence for National Crime Agency. Has since become a director at Agenda Life Sciences (a sister company of Agenda Resource Management)²¹. He is notable for having led the policing operation during the G8, at which many NPOIU undercover officers were in attendance.²³
- k. Gordon Irving²⁴, Head of Special Branch at Strathclyde Police at the time Mark Jenner was visiting Glasgow. Subsequently Head of Security for Scottish Power when he was exposed for hiring private intelligence firm Vericola Ltd which targeted environmental protestors.²⁵
- l. Wilf Knight, who handled SDS undercovers, including one who infiltrated the Anti-Apartheid Movement in the 1970s, has gone on to set up his own company 'Robert Graham Associates', which is known to work with private intelligence firms that spy on activists, including C2i which targeted environmentalists.²⁶

I believe the facts stated in this witness statement are true

Signed: [the Inquiry holds a signed copy]

Name: Donal O'Driscoll

Date: 11 January 2018

21 <http://www.agendalifesciences.com/blog/new-director-on-board-for-agenda> and http://www.sipr.ac.uk/conference2008/PO_Abstracts.pdf

23 <https://theferret.scot/revealed-links-covert-scots-police-units-hmics/>

24 <https://www.theguardian.com/environment/2011/feb/14/energy-firms-activists-intelligence-gathering>

25 <https://www.theguardian.com/environment/2011/feb/14/energy-firms-activists-intelligence-gathering>

26 <https://www.theguardian.com/world/2017/dec/12/inside-the-secret-world-of-the-corporate-spies-who-infiltrate-protests>