



**IN THE MATTER OF:**

**THE PUBLIC INQUIRY INTO UNDERCOVER POLICING  
SUBMITTED ON BEHALF OF THE  
NATIONAL POLICE CHIEFS' COUNCIL**

**FOURTH WITNESS STATEMENT OF  
CHIEF CONSTABLE ALAN PUGHSLEY**

I, Alan Pughsley, Chief Constable of Kent Police, Police Headquarters, Sutton Road, Maidstone, Kent ME15 9BZ will say as follows:

This statement is intended to supplement, and should be read with, my first statement dated 31st January 2017, which I set out in full at paragraphs 1-214; my second statement dated 20th July 2017, which I set out in full at paragraphs 215-428; and my third statement dated 27th September 2017, which I set out in full at paragraphs 429-450:

**The Purpose and preparation of this statement**

1. Draft open and closed grounds for restriction order applications have now been prepared and this statement is intended to provide generic evidence in support of applications for restriction orders, as required by the letter from the Inquiry dated 17<sup>th</sup> November 2016. This statement provides evidence in support of the categories of open and closed risks of harm that is risked by disclosure of the methodology of undercover policing. It is served on behalf of the NPCC on the basis that it may be used, where appropriate, by any police applicant for a Restriction Order, although I am aware that future applications may also rely on additional evidence about specific damage.
2. This witness statement is not exhaustive as to all the categories of harm. It is likely that as the Inquiry develops this witness statement will be supplemented by further evidence concerning the risks of disclosure.



3. I have prepared this statement with the assistance of the practitioners working group and the legal working group that the NPCC have developed in order to assist the Inquiry. Accordingly, this statement has been prepared with assistance from the Metropolitan Police Service, the Crown Prosecution Service, the Home Office, the Independent Police Complaints Commission, the College of Policing and the National Crime Agency, as suggested in the Inquiry's letter.
4. Many of the examples set out in this statement have been taken from the Rule 9 statements made by individual police forces in response to the second Rule 9 request to identify failings. As these statements were submitted for a specific purpose it is likely that individual forces will have additional examples that would have assisted the NPCC in the preparation of this statement. Conscious, however, of the Inquiry's wishes to manage the evidence gathering process the NPCC has not approached individual forces seeking specific evidenced examples that may assist in the production of this statement. No doubt the forces will provide such examples when eventually asked. Where an individual force has been approached for further information about a specific matter I have made that clear in this statement.
5. Legal and practitioner working groups have taken place on a regular basis and whilst the contents of this statement are to the best of my knowledge and belief true, the contents of this statement are the result of the collective knowledge obtained from the organisations involved in the working groups.
6. All of the information that has been provided to me was done so on the basis that it would be contained within a 'closed' statement and I have not examined any of the original documents that may be held by individual forces. If further information or detail is required the Inquiry will no doubt approach the relevant forces, or give permission for the NPCC to do so.
7.  will have interest in the tactics and methods described in this statement and I assume that the Inquiry will be undertaking the necessary consultations.
8. This statement will adopt the following structure:

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**A. Introduction**

9. I am the Chief Constable of Kent Police, but I am also the current Chair of the National Undercover Working Group (NUWG) and it is in this latter capacity that I

[REDACTED]

make this statement. For the purposes of introducing this statement I can adopt paragraphs 3-6 of my previous statement dated 17<sup>th</sup> January 2017:

*“3. I was appointed as the lead for Undercover Policing in June 2016. This position was previously held by Chief Constable Jon Boutcher QPM. As the national undercover lead I hold the position of the Chair for the NUWG. Undercover Policing is a subgroup of the Organised Crime Portfolio that works to the Crime Operations Coordination Committee (COCC). A portfolio area is one where it is deemed that there would be a benefit in national cooperation to provide oversight and consistency and to ensure effective communication of changes in legislation and practice. National police portfolios are ideally held by officers that have a professional history in that particular business area. These roles are additional to the core functions that each chief officer is employed to do by their police force or agency.*

*4. I am supported in my role as Chair of the NUWG by a secretary, [named] and staff officer [named].*

*5. Previously in my policing career I served in the Metropolitan Police for 25 years, mainly as a detective working in serious and organised crime and anti-corruption. I then became an Assistant Chief Constable in Kent Police in 2009 with responsibility for the Serious Crime Directorate. I was promoted to Deputy Chief Constable in 2011 and became Chief Constable of Kent Police in 2014.*

*6. So far as my experience in undercover policing is concerned, I have benefited from utilising undercover operatives in many of my previous roles whilst working in organised crime, investigating offences such as murder, kidnap, drugs and firearm distribution, sexual offences against children and corruption within the police service. I believe undercover deployments have been used within the United Kingdom and internationally with great effect, primarily to gain evidence of criminality or disrupt such criminal activity, which other proactive and covert methods would never have achieved. My experience of undercover activity before becoming Chair has highlighted the professionalism and bravery displayed by undercover officers in the many varied roles they perform. As I have progressed in my service through senior management to Chief Constable I have seen the personal sacrifice some undercover officers have made during and after investigations.*

[REDACTED]

10. In this statement I intend to explain how the use of undercover policing as a valuable method of tackling crime, and other covert law enforcement techniques, will be undermined if the details of undercover officers, tactics and/or methodology were to be released into the public domain during the course of the Inquiry. To support my explanations I propose to set out actual examples of how such details being released has caused harm in the past and could cause harm in the future.
  
11. At the outset, I feel that it is necessary to identify the type of harm that is in issue. Undercover policing is [REDACTED] used against organised crime groups (OCG), paedophiles and terrorists. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
  
12. It is therefore not possible to limit consideration of harm to the sort of harm that might or might not be caused by an activist group. Serious criminals and terrorists are willing to use killing and torture in order to ensure the success of their plans, and will use extreme means to ensure that they are not subject to undercover police infiltration.
  
13. Moreover, many of the tactics used by undercover policing are common to [REDACTED] **GIST: another aspect** [REDACTED] of the criminal justice system. [REDACTED]  
[REDACTED]  
[REDACTED] The harm to the public interest, if the tactic of undercover policing is impaired by official confirmation by the Inquiry, will also be immediately damaged.
  
14. I have sought wherever possible to use real or worked examples of how official confirmation by the Inquiry risks causing real harm to (i) individuals; (ii) the ability of law enforcement agencies (LEA) to prevent and detect crime; and (iii) third parties.
  
15. I detail below the sensitive details of an Undercover Officers (UCO) training and deployment to explain why disclosure by the Inquiry of these details gives rise to a real risk of harm in each case. I observe that these risks are additional to those already faced by UCOs in the field. Those risks are already in existence because criminals are sensitive to the possibility of covert police infiltration. Any additional detail about undercover policing increases the risk that UCOs will be captured and killed.

[REDACTED]

16. I am acutely aware of the mosaic effect described in detail in the Mosaic report submitted by the Metropolitan Police Service. Although this report was focused on the Special Demonstration Squad (SDS) it is of general application and I agree with its general propositions and consider that it is relevant to most of the topics in this statement. Apparently unrelated snippets of information from different sources can be collated, pieced together like a jigsaw and used to identify a UCO. It is very difficult to know what parts of the jigsaw the criminal fraternity already have or could obtain conducting research on the internet. Accordingly, the release of any information about a UCO, a particular operation or particular methodology creates a risk. Apparently inconsequential information could provide the missing piece of the jigsaw that reveals a UCO.

**B. Sensitivities associated with selection and training of undercover officers**

17. The world of undercover policing has developed and changed over recent years. Officers are now carefully selected, properly trained and regularly monitored. It is not the purpose of this statement to describe the training provided to UCOs, but it may help the Inquiry if I provide a brief outline of the current training and selection methods.

18. In 2003 the Association of Chief Police Officers (ACPO) and the NUWG produced the 'Manual of Standards for Undercover Working', which addressed the structures and expectations for undercover policing (this document is already exhibited by Chief Constable Boucher as his exhibit JB/13). In 2008 work began on rewriting the guidance and in 2012 the first Authorised Professional Practice was published.

19. Paragraph 2.7.1. of the draft Authorised Professional Practice (2012) (exhibited in my previous statement as AP/7) explains that there are seven stages to the selection process for undercover Foundation operatives (UCF):

1. Advertising
2. Regional open day
3. Preview and questionnaire
4. Application form and sifting
5. Conduct and discipline checks
6. Personality assessment
7. Assessment through exercises

- [REDACTED]
20. A similar process is undertaken to select Advanced undercover operatives (UCA), with national open days.
  21. All UCOs are volunteers and it is commonplace for police officers interested in undertaking undercover work to begin their entry into this line of work by attending an open day.
  22. Thereafter, candidates that successfully complete the initial assessment and training courses will become accredited Foundation undercover officers (UCF). The role of a UCF is described in the APP as: "*UCF's carry out low-level infiltration that does not require the ability to withstand intense scrutiny*" (paragraph 2.3.1). Foundation training is licensed by the College Of Policing and delivered by a small number of providers.
  23. Advanced operatives are usually recruited from the pool of Foundation operatives. Advanced operatives are trained to undertake long-term infiltrations at a higher level and develop [REDACTED] legends supported by covert documentation to enable them to withstand greater scrutiny. Advanced undercover operatives are described in the APP as being: "*trained to undertake deployments involving higher-level infiltrations in a leading role with the ability to withstand intense scrutiny.*" (paragraph 2.3.2)
  24. Specific details relating to training, including locations, content and individuals concerned are sensitive and should be protected. Specific training content should not be revealed because it would disclose the methods and tactics dealt with later in this statement.
  25. Public identification of anyone involved in the selection or training of UCO's poses a potential risk of identifying a UCO and/or exposing methods and tactics. The identification of assessors, other candidates, trainers or speakers involved with the selection and/or training of UCOs could lead to harm for an individual. Exposing the process of evaluation, exercises or interview could undermine its effectiveness for future selection and also provide information to assist in the identification of a UCO.

### C. Undercover policing

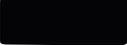
26. Undercover policing is an effective tool in the armouries of LEAs because it enables evidence and intelligence of criminality to be gathered that could otherwise not be



gathered. At its most basic it involves police officers pretending not to be police officers in order that they may gather evidence or information by being present when criminal conduct is being planned by those engaged in such criminality.

27. Undercover policing involves the use of a wide range of covert tactics, which can include, by way of example:

27.1. A UCO undertaking 'test purchase' operations with low level drug dealers on the street – 

27.2. A UCO infiltrating an OCG to gain intelligence and evidence of its activities, its organisation and leadership through a long term deployment - which will require  planning  and support; and

27.3. A UCO infiltrating a terrorist group - which is a deployment that is extremely sensitive and demanding on both the UCO and those providing the support network for that UCO.

28. The tactic of undercover policing only works if the UCO is not known or suspected to be a UCO. Thus, the true identity of the UCO, and the methods used by UCOs, cannot be revealed to those under investigation. The moment the UCO is revealed to be a police officer the evidence or intelligence gathering process ends and the effectiveness of the undercover tactic is compromised. There may be a number of other immediate consequences:

28.1. The particular criminal investigation may be so adversely compromised that it is abandoned or criminals take the enterprise to a third party and law enforcement lose any form of dynamic control of the criminality.

28.2. The criminal enterprise or act of terrorism being planned may succeed;

28.3. The UCO may be put at personal risk of harm;

28.4. Those connected to the UCO, or any Covert Human Intelligence Source (CHIS), may be at personal risk of harm;

[REDACTED]

28.5. The ability of the relevant LEA to continue to use equipment ([example redacted]) as covert assets during the course of the relevant operation may be curtailed;

28.6. Particular types of technology may be revealed into the public domain, rendering future use problematic; and

28.7. Methods of infiltration or other covert tactics may become compromised.

29. It is generally in the public interest that properly authorised and managed covert policing operations, designed to prevent and detect crime, are not compromised. Those engaged in criminal activity have a strong motive to frustrate and expose individual UCOs and covert policing generally.

30. Regrettably, it is not only those engaged in criminal activity that are actively engaged in trying to expose individual UCOs. I understand that the Inquiry is familiar with the activities of the Undercover Research Group, described in the Cairo statement and the Mosaic Report, and there may be others who are less inclined to publicly share their intentions.

31. In order to maintain a UCO's covert identity a variety of methods and techniques are used, supplemented by the use of specialist equipment and technology. [REDACTED]

[REDACTED]. The tactics used by UCOs are constantly at risk of exposure (whether by OCGs, the media, those who oppose covert activity as a matter of principle, or, on occasion former UCOs). It is essential that these tactics are protected to ensure that the undercover tactic can continue to be used effectively by law enforcement.

32. Once tactics and methods become known their value to undercover policing necessarily diminishes as those engaged in criminal activity will take steps to protect themselves against the use of that tactic, for example:

32.1. *GIST: In a case in the North West of England, a covert tactic was used during a murder investigation. At that time another high profile murder trial was proceeding in the Courts. It featured very heavily in the local news. There was evidence of the covert tactic used given in the trial proceeding through the courts. It became apparent in the murder investigation that the suspects were aware of the tactic and were moderating their behaviour accordingly.*

[REDACTED]

[REDACTED]

32.2. Another example is set out within the second Rule 9 statement submitted by Bedfordshire, dated 24<sup>th</sup> February 2016.

*GIST: The example concerns a test purchase operation in which the targets were aware of the tactics in use. A number of UCOs involved in the operation were challenged. One UCO who was challenged had to explain his way out of the situation and managed to escape; that UCO had to be withdrawn.*

32.3. A further example, set out in the Rule 9 statement submitted by Gloucestershire, dated 26<sup>th</sup> February 2016, *GIST: example given of an operation in which the subjects discovered deployed surveillance equipment* This demonstrates that given sufficient suspicion, or, perhaps, official confirmation, those involved in criminality will go to great lengths to reveal a UCO.

33. Disclosure of a particular tactic presents risks, even if it has previously been disclosed. For example, it may be relatively common knowledge that LEA's have the potential to [REDACTED] but every time actual use of the tactic is disclosed the criminal fraternity is reminded of it. *GIST: In the example at paragraph 32.1 above, the suspects concerned moderated their behaviour having been recently reminded of the covert tactic.*

34. Similarly, there is a difference between information being released into the public domain and official confirmation of that information. One newspaper report of a particular tactic being used may swiftly disappear from the public consciousness because it may or may not be true and accurate. Official confirmation of information can be more significant, as explained in the statement of Paddy McGuinness with reference to the Neither Confirm Nor Deny (NCND) policy. This is very clearly evidenced on the website of the Undercover Research Group. On a page headed 'How we work investigating suspicions' the website explains:

*"At all times we are hampered by the police's position of neither confirm nor deny (NCND). In a fair amount of the cases we have been able to establish conclusive evidence that the investigated individual was indeed a police officer. But there are and will be more undercovers under investigation for whom this*



*'smoking gun', so to speak, is not there. In fact that final bit of doubt is keeping us from publishing further cases."*

35. Publication by this Inquiry of information will leave no room for doubt. OCGs, journalists or others intent on exposing UCOs will be left in no doubt that the information published by the Inquiry will be accurate and I return to this issue later in this statement.

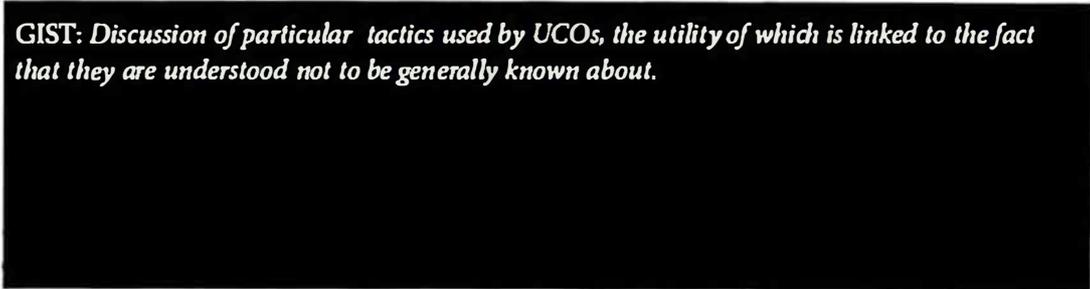
**D. Legend building and backstopping**

36. 'Legend building' is the process of visiting or frequenting locations to develop and maintain a covert identity. 'Backstopping' is the process of establishing and maintaining documentation and facilities that support covert identities. Both are fraught with practical difficulties. Secrecy is necessary during the process of legend building and backstopping if they are to be successful.

37. The use of legends and related assets is of particular importance to the National Crime Agency (NCA) and all LEAs conducting counter-terrorism and OCG investigations, due to the level of criminality that is under investigation. 

  
 Serious criminals and terrorists will nearly always require verification of a UCO's identity, skills and assets. Commonly these legends are propped up by   
  


38. *GIST: Discussion of particular tactics used by UCOs, the utility of which is linked to the fact that they are understood not to be generally known about.*



39. A false identity and a false history are very difficult to create and secrecy is required to ensure that they are successfully created. Focused and sustained scrutiny by those that UCOs infiltrate creates a very real risk that even the most carefully constructed



covert identity could be exposed as being fictitious. A 'legend' can be built by a UCO, but huge effort is required and success is not always guaranteed.

40. Legend building is extremely sensitive and it is not widely known that   
*GIST: particular aspect of legend building discussed; assertion made that disclosure of this information would be damaging.*

41. *GIST: Discussion of a particular aspect of legend building, which, it is said, is insufficient alone to ensure that a UCO's legend can withstand scrutiny.*

42. *GIST: Examples given of why techniques used by undercover officers in relation to legend building are sensitive.*

43. *GIST: Example given of a particular sensitive tactic which is not publicly known. The tactic only works because it is not publicly known.*

44. The best legends require secrecy, time, expense and significant maintenance,   
  
*GIST: further example of tactics used in legend building.*

45. There are OCGs that are aware that LEAs may utilise covert legends and related assets. These OCGs present a particular risk to a UCO as they will take steps to drill down past the veneer of a legend to satisfy themselves that the UCO is a real person,

[REDACTED]

[REDACTED] and lives a real life. **GIST: However, criminals are not always aware of the full range of backstopping tactics available to UCOs.**

[REDACTED] This is why they should be kept secret.

46. Revealing the methods and related assets that are available to UCOs to create [REDACTED] legends, but which have not been officially confirmed, would arm the OCGs with the tools they need to determine if any individual was an UCO. This would severely limit the effectiveness of the undercover capability and cause irreparable damage to law enforcement's ability to fight serious and organised crime. I shall address some of the key elements of legend building and backstopping, to explain in more detail why this information should not be made public.

**1. Creation of a false identity**

47. In order to create a successful covert identity a UCO needs identity documents. Precisely what documents are required may vary from deployment to deployment, but many UCOs will require basic identity documents.

[REDACTED]

48. **GIST: Description of techniques used in creation of false identities.**

[REDACTED]

[REDACTED]. It is essential that I EAs keep this information confidential (and I understand that statements have been submitted on this particular issue **GIST: by a number of public bodies including the MPS and the NCA.**

[REDACTED] **GIST: Publicly revealing the techniques described above could lead to the identification of UCOS.**

48.1. **GIST: further explanation of why revelation of the techniques described above would assist criminals to identify UCOs.**

[REDACTED]

The prospects of successfully uncovering a UCO are increased if a criminal is focusing efforts in the correct direction.

[REDACTED]

48.2. *GIST: further explanation of why revelation of the techniques described above would assist criminals to identify UCOs*

[REDACTED]

48.3. [REDACTED]  
[REDACTED] Anyone suspected of being a UCO that could not produce an identity document [REDACTED] would be marked as a potential UCO. This could lead to a UCO being identified, but it could also lead to others being wrongly identified as a UCO because an innocent third party may be unable to produce such a document for other reasons. Therefore there is a risk not only to the UCO and associates but other, possibly completely innocent, third parties.

49. *GIST: Cf. paragraph 57 of the witness statement of Cairo dated 20 July 2017 [also redacted].*

[REDACTED]

50. [REDACTED]

The situation is compounded with the instant availability of open-source information to individuals who may not be considered part of an OCG but who are technically savvy and aware of the available databases.

51. *GIST: Further detail given of particular technique described above.*

[REDACTED]

[REDACTED]

[REDACTED]

52. *GIST: Description of further consequence of public revelation of technique described above.*

[REDACTED]

52.1. *GIST: Examples are given to demonstrate how the technique would be undermined if it were disclosed.*

[REDACTED]

52.2.

[REDACTED]

53. The exposure of UCOs through corrupt officials is a real risk and examples of corrupt officials being exploited for information include:

53.1. A [REDACTED] case involving an OCG successfully utilising officials

[REDACTED] to access [REDACTED] data that revealed the locations where a UCO was [REDACTED]. The Force conducted an urgent risk assessment to prevent the UCO's identity being compromised. The [REDACTED] officials were later arrested, but not charged.

53.2. *GIST: Example given of a corrupt police officer who provided information to known criminals.*

[REDACTED]

53.3. A corrupt CPS official, Mark Herbert, who provided information to the Adams criminal gang. This example, referred to at paragraph 36 of the Cairo

[REDACTED]

statement and the attached press clipping, involved the accessing of sensitive covert files, which included informant details [REDACTED]  
The corrupt CPS official was convicted of accessing the information; and

53.4. A corrupt police officer leaking information to criminals, described at paragraph 36(b) of the Cairo statement.

54. [REDACTED]

55. *GIST [54-61]: Despite the description in the Herne report, and the 'Undercover' book by Rob Evans and Paul Lewis, of the process of using birth certificates to apply for identity documents, it is essential that there should be no public confirmation of how identity documents are or may be obtained because to do so would risk causing harm. Examples of the types of harm that may be caused by revelation are provided.*

56. [REDACTED]

57. [REDACTED]

58. [REDACTED]

[REDACTED]

59.

[REDACTED]

60.

[REDACTED]

60.1.

[REDACTED]

60.2.

[REDACTED]

61.

[REDACTED]

**2. Legend support: covert assets**

62. To give a false identity credibility [REDACTED] techniques and resources can be deployed. A range of [REDACTED] assets can be used and disclosure of the type of assets and techniques used is likely to assist criminals in directing their counter-surveillance measures in a more focused and effective manner.



63. I propose to address a number of common examples of covert assets used to support a UCO, the public revelation of which would harm the ability of undercover policing to prevent and detect crime.

i. 

64. Undercover identities and operations may need to be supported by 

*GIST: examples of particular covert assets along with explanation of how they are utilised.*

65. While criminals may be able to speculate that  are used to support an identity, confirmation of the methods used to obtain and deploy them could be used to discover the true provenance of  they suspect is being used for this purpose. Evidence that a particular method was used in a particular operation in the past may assist in exposing the true identity of an officer's involvement in that operation and any others.

66. *GIST: Further example of how exposure of this type of covert asset could endanger operatives, operations, and third parties unconnected to policing.*

ii. 

67. 

68. 



**GIST [67-69]:** *Description of a covert assert which, if revealed, would be valuable to criminals seeking to investigate whether a person's claimed identity is true. Reference made to statements said to have been submitted to the Inquiry by a number of public bodies including the MPS and the NCA.*

69.

**iii. Premises**

70. Premises used in covert policing require protection to ensure the safety of those who use them.

71. The location of the undercover unit itself must be kept confidential. **GIST: A**

*Particular tactic relating to premises is discussed.*

The location of the undercover unit will not be widely known, even within the police service. Were the location of an undercover unit to become public knowledge there would be risks:

- 71.1. To individual UCOs working out of that unit;
- 71.2. To non-UCO staff in the unit;
- 71.3. To others working in the building unconnected to the unit; and
- 71.4. To all operations being run by that unit.

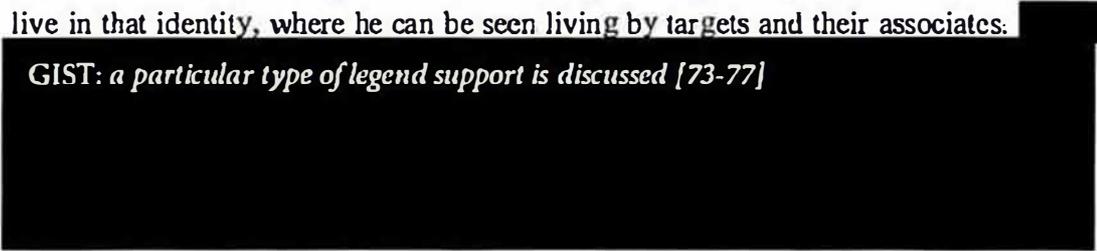
72.

This too would need to be kept confidential to avoid the risks identified above.

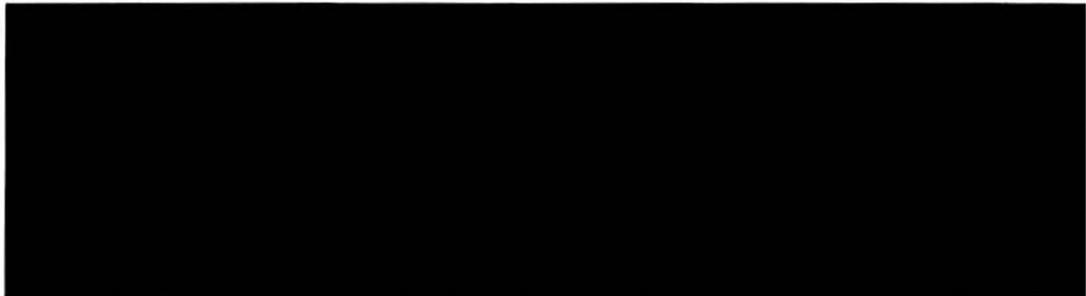


73. An individual UCO living under a false identity is likely to require accommodation to live in that identity, where he can be seen living by targets and their associates.

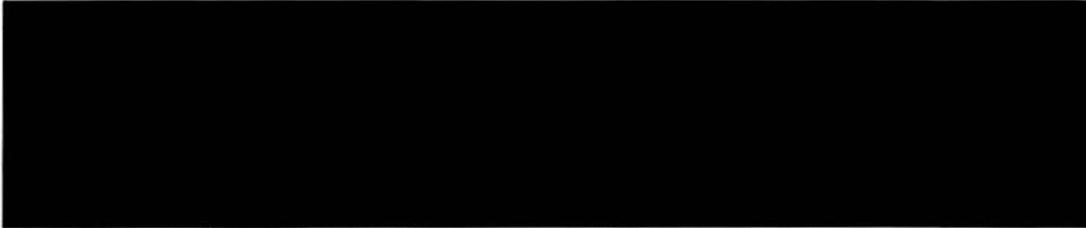
*GIST: a particular type of legend support is discussed [73-77]*



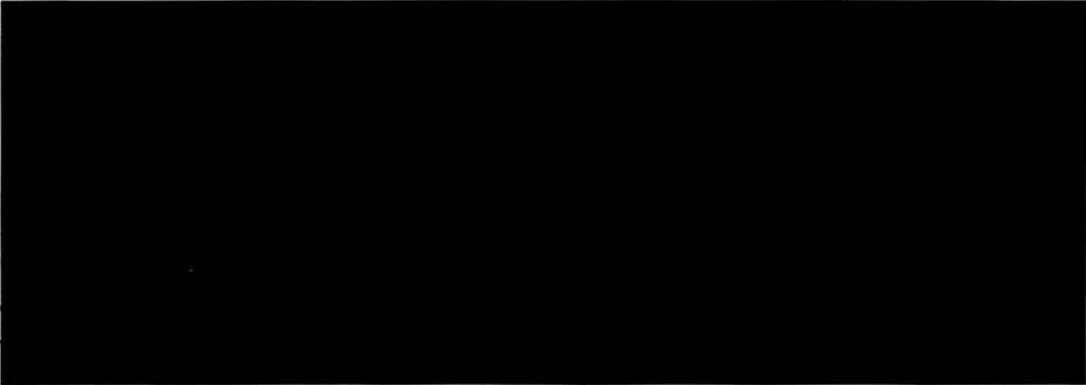
74.



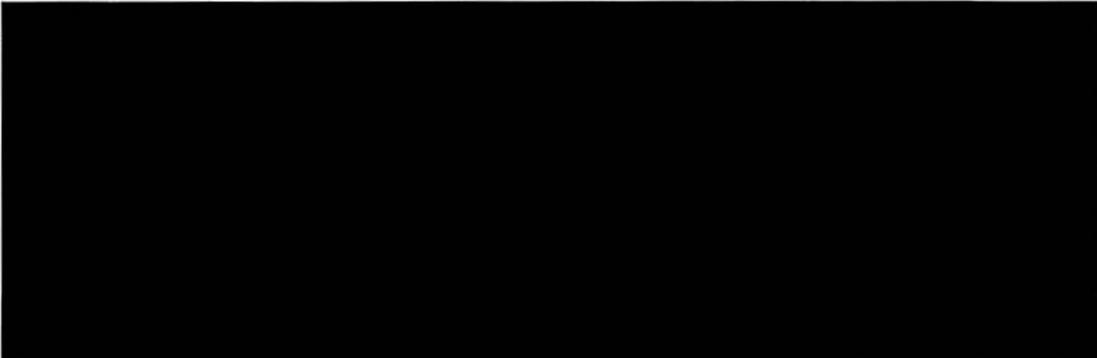
75.



76.



77.



[REDACTED]

[REDACTED]

3.

[REDACTED]

78.

*GIST: Examples of specific techniques, how undercover officers use those techniques, and the risks associated with their disclosure are discussed [78-83].*

[REDACTED]

79.

[REDACTED]

80.

[REDACTED]

[REDACTED]

81. [REDACTED]

82. [REDACTED]

83. [REDACTED]

***4. Specialist skills***

84. Some officers have specialist skills unrelated to their routine work, for example [REDACTED]. Such skills can be a valuable part of the "legend" that is created for an undercover identity.

85. *GIST: Types of UCO specialist skills are discussed.*

[REDACTED]

5. [REDACTED]

86. [REDACTED]

[REDACTED]

[REDACTED]

87. UCOs within the police service generally may also have particular expertise in these areas.

88. [REDACTED]

89. [REDACTED]

90. [REDACTED]

91. Establishing credible and 'checkable' legends in these niche areas requires high level investment.

[REDACTED] Therefore, a long-term view and investment is vital.

[REDACTED]

92. *GIST: offer of provision of further evidence if required.*

### **E. Operational Tactics**

93. I have a general concern about the tactics and methods of undercover policing being revealed by the Inquiry, even if such details have previously been released into the public domain, inadvertently or otherwise. Previous details released by the press or by operatives may fade from memory. Every new release provides an opportunity for minds to be refreshed. Previous details released may be taken with a pinch of salt and may not be believed if reproduced in a newspaper or a book. However, details released by this Inquiry will provide authenticity to that fact and will:

[REDACTED]

- 93.1. Be accepted as true and accurate by the public;
- 93.2. Attract the attention of the criminal fraternity;
- 93.3. Act as a resource for research; and
- 93.4. Stand the test of time.

***1. Commencement of operation***

94. It is very difficult to gain access to groups or individuals involved in serious criminality. There are [REDACTED] methods of starting an undercover operation: [REDACTED]

[REDACTED]

[REDACTED] I shall explain each of these.

[REDACTED]

[REDACTED]

[REDACTED]

**[REDACTED] Infiltrations**

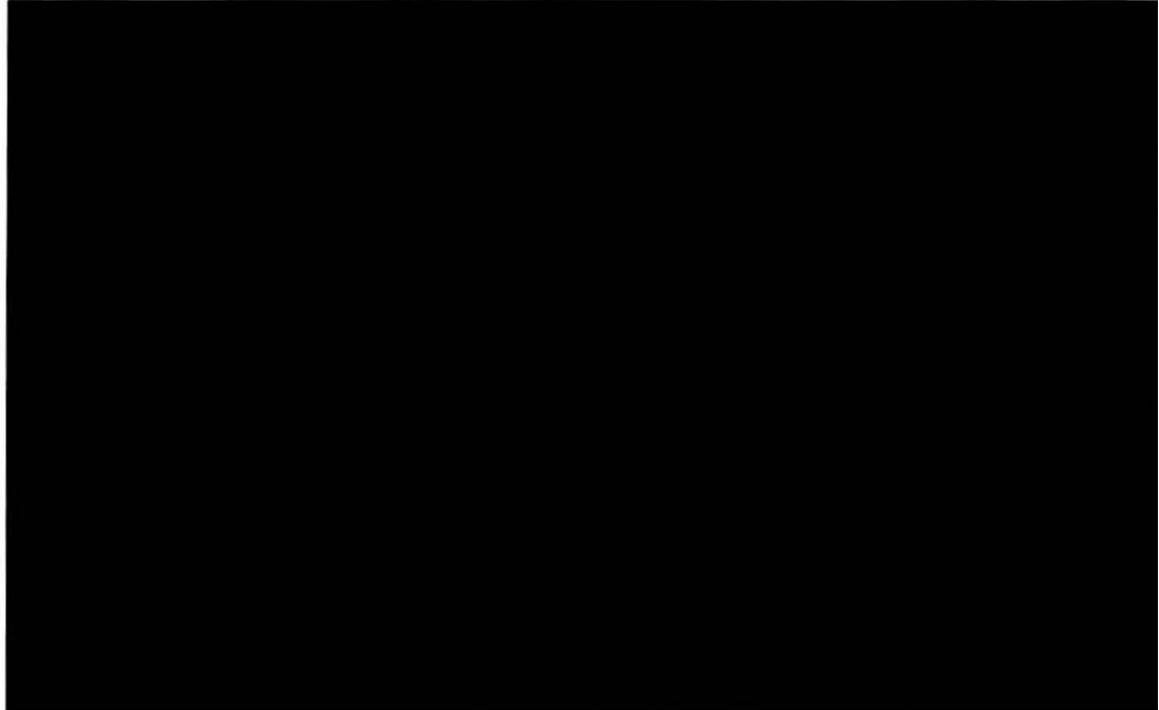
101. In order to successfully infiltrate a criminal organisation a UCO needs credibility. This is obtained by the legend building and backstopping already described and to a large extent UCO's will be responsible for building their own legends, with the support of covert assets and identity documents. Infiltrations often require long and intense deployments of UCOs.

102. [REDACTED]  
[REDACTED]

103. [REDACTED]  
[REDACTED]

104. For all the reasons already given the methods of legend building and backstopping should be protected in order to maintain the legitimate tactic of infiltrating criminal organisations.

[REDACTED]



**2. Technical Equipment**

109. UCOs can no longer rely exclusively upon recollection and pocket notebooks to provide credible evidence to a court. Evidence corroboration is vital. As awareness of techniques used in covert operations increases and methods to evade detection become more ingenious capturing undisputable evidence is a greater challenge.

110. [REDACTED]  
[REDACTED] Increasing the awareness of the details of the equipment used, [REDACTED] will also endanger individuals. Revealing these details will endanger individuals and will undermine present and future undercover tactics and operations.

111. Criminals aware of traditional methods engage with UCOs in a secretive manner and physical covert observation posts, mobile surveillance and [REDACTED] will provide evidence to a degree. [REDACTED]

[REDACTED]

112.

*GIST: Example given of a sensitive and expensive tactic rendered defunct through exposure.*

113. When such a tactic is revealed it also immediately places at risk all UCOs who may have used, or may still be using, such a tactic.

114. Advanced operations are generally aimed at targets relevant to more serious crime or threats to the public [REDACTED]

[REDACTED] but the detriment to the public interest in revealing the detail will be more serious.

115. Criminals are aware that audio or visual recordings are good evidence and accordingly it is becoming more common for UCOs to be searched for technical equipment. [REDACTED]

*GIST: An example is given of a UCO who infiltrated a criminal gang with links to firearms. The UCO was challenged as being a police officer and in particular in relation to a particular covert asset that he was suspected of using; this example is said to demonstrate the awareness of the covert tactic that was being used.*

116. Other types of technical equipment used in undercover operations are tracking devices and live monitoring equipment. The existence of tracking devices is well-known, [REDACTED]. Similarly, the ability to live monitor conversations may be commonly known, [REDACTED]. If the technology and methodology is revealed those engaged in criminal activities will

[REDACTED]

know what to be alive to when trying to avoid detection [REDACTED]

[REDACTED] Giving certainty to OCGs and terrorists is dangerous for those seeking to prevent their activities.

117. [REDACTED]

### 3. Covert activity online

118. The internet is now regularly used to further the criminality of some individuals.

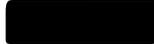
119. Online operatives are described in the APP as being either foundation or advanced *“who are deployed to establish and maintain relationships with an individual, network or organisation through the use of the internet with the covert purpose of obtaining intelligence, information or evidence as part of an authorised operation.”* (paragraph 2.3.3)

120. UCOs engaged in online operations use a range of tactics and techniques to avoid being detected by criminals and paedophiles.

121. How undercover officers overcome these challenges is very sensitive and if disclosed would significantly reduce the effectiveness of this tactic and in some cases render it obsolete leading to more children being placed at risk. This is a highly sensitive area involving the worldwide activities of OCGs, terrorists and paedophiles. Disclosing the tactics of online covert policing would not only damage the tactic within the UK but across the world.

122. GIST: Details of other areas of law enforcement which could be adversely affected by the disclosure of undercover techniques are given.

[REDACTED]



**4. Internal procedures**

123. Details of internal policies and procedures for individual undercover units should not be made public. In many instances they will be irrelevant in any event, but some simple details, although apparently innocuous, could prove problematic. For example, a procedural requirement for a UCO to meet with their handler [REDACTED] should not be made public because it may be another part of the jigsaw of information that helps to identify a UCO: [REDACTED]  
[REDACTED]

**5. The end of an operation**

124. A UCO needs an exit strategy and although this may be obvious (and 'common sense'), the methods used have not been officially confirmed. Exit strategies are extremely sensitive and the details employed in previous operations should not be disclosed. [REDACTED]

*GIST: Examples given of exit strategies which if officially confirmed would assist those who seek to uncover UCOs.*

125. [REDACTED]  
*GIST: Explanation given of how revealing exit strategies risks causing harm more widely.*

126. The third 'metric' used by the Undercover research group is an examination of the 'exit strategy', as they make clear on their website under the heading "*How we work investigating suspicions*":

*"What was the exit-strategy for the undercover? In particular, has their disappearance from the activist' scene been pretty much total and they are no longer in touch with anyone?"*

127. Accordingly, details of exit strategies should not be disclosed.

**E. Material already in the public domain and common sense deductions**



128. In this part of the statement I will explain why official confirmation of tactics by the Inquiry risks causing serious harm (to individuals and to the public interest) even though the same or similar material is in the public domain, but not officially confirmed. I also explain why official confirmation of tactics which might appear to be matters of 'common sense' gives rise to a risk of the same harm.

129. Public domain material includes books and articles published anywhere in the world, or available on the internet, which are or purport to be by former police or intelligence officers, and which purport to reveal undercover policing tactics (or any other covert tactic). I also refer to material which enters the public domain through being officially confirmed in a different context, for example a report of court proceedings in which the use of an undercover officer is disclosed and some details of his or her deployment.

130. It is certainly the case that material that is in the public domain about undercover policing may itself give rise to a real risk of harm. I have already referred to the investigation in the

*GIST: North West of England (see paragraph 32.1). This example shows that criminals may alter their conduct in*

response to information about covert police tactics that are currently being reported but as the prominence of that reporting diminishes (in this case local TV reports) the damage done to the tactic will also diminish.

131. It therefore follows that whilst publications around the world on undercover policing tactics may lead criminals and terrorists to alter their behaviour, and this could include books of fiction or TV programmes, information in the public domain will not retain its original prominence. In addition, not only may its prominence and (in the case of online information) search-ability alter over time, it may in any event not be trusted or may be contradicted by other information that is also available.

132. The publication by the Inquiry of information concerning current undercover tactics is in a different category all together. In my opinion it is fair to describe documents disclosed by the Inquiry as establishing a permanent official database,



compiled in one place, available to be accessed by anyone for any reason through the Inquiry's website, and with the official endorsement of the Inquiry. In short, it has authenticity and credibility.

133. This gives rise to the following potential consequences:

133.1. Firstly, relevant documents will be easily accessible by anyone who wants to know about undercover policing for criminal, as well as for legitimate, purposes;

133.2. Secondly, the provenance of the documents means that there can be no dispute that they accurately set out tactics used by UK law enforcement;

133.3. Thirdly, the documents will be permanently available on the internet in one place and readily accessible by searching under "UCPI";

133.4. Fourthly, because undercover policing tactics are (a) in truth limited and (b) universal, such a database risks exposing the tactic as it is used not only by UK law enforcement, but by all other national and overseas bodies that use the tactic. I am aware of concern expressed by overseas partners of the extent to which the UK will be publicly and officially confirming the tactics on which they rely;

133.5. Fifthly, because, as I explain below, UCOs in the field need to think quickly on their feet and exploit ambiguity, an official and readily accessible database of confirmed tactics, restrictions or protocols could be used to confront and 'try' a suspected UCO; and

133.6. Sixthly, because undercover police tactics share many features in common with other covert but vital operations, [REDACTED] an official database of undercover tactics risks diminishing *GIST: their utility.*  
[REDACTED]

134. I am aware that Mark Kennedy was the subject of a confrontation or 'trial' by activists who suspected him of being an undercover officer. I am also aware that an operative referred to as N118 was subject to what he described as a 'star chamber'. It is not unknown for persons suspected of being undercover officers or CHISs to be confronted by a group of individuals who will test their identity and bona fides. It is

[REDACTED]

essential in these circumstances that officers who are confronted by indications of their true status are able to exploit any ambiguity or uncertainty. A readily available official checklist will make that very difficult. [REDACTED]

135. The same point arises in respect of tactics that are likely to be used as a matter of "Common sense". The fact that the behaviour of an individual shares some features that would, as a matter of common sense, be used by UCOs may not be problematic.

*GIST: Specific tactics, and the importance of these tactics being protected from disclosure, was discussed.*

136. Moreover, what is "common sense" is debatable, open to interpretation or argument. [REDACTED]

[REDACTED] UCOs are frequently challenged about their bona fides, particularly where some incriminating information has already been identified (for example, N118). [REDACTED]

[REDACTED] If a UCO is challenged they need to be able to exploit the ambiguity that currently remains in relation to UCO tactics. If there is no ambiguity, the UC would lose that precious 'wriggle room'. Again this facility is lost if a permanent official database of undercover tactics is created.

#### G. Grounds for restrictions

[REDACTED]

137. The open and closed grounds set out a number of categories for use in support of applications for restriction orders. During the process of preparing this statement a large number of examples have been found to support the individual headings on the schedule of grounds. These examples support the need for restriction orders in relation to the various grounds set out in the current generic open and closed grounds for restriction orders. I propose to briefly explain each heading and set out some relevant factual examples to support the heading.

**1. Harm to individuals:**

**a. Physical, psychological, emotional**

138. The potential for harm to be caused to individuals following the disclosure of information about UCO's is obvious: the UCO concerned, colleagues, family and friends may all be at serious risk of harm, depending upon the facts in any particular case.

139. In serious cases serious injury or death could be the result of a UCO being identified. This could be the UCO or a person connected to that officer, or a person with knowledge about the undercover officer (such as a cover officer).

140. Injuries may be both physical and psychological. Where officers have been deployed on the understanding that their activities will be kept secret, the release of information connected to their activities could result in significant psychological pressure and disruption, if the UCO (and family) is required to alter their deployment or change location, or identity, in a sudden and unplanned manner.

141. The impact on UCOs and their families of the unintended disclosure of information about them should not be underestimated. The provision of fresh identities or relocating UCO's and their families is invasive, disruptive and expensive.

142. Paragraphs 5.1 to 5.3 of the open Mosaic report detail the physical risks posed to former UCOs of exposure or potential exposure of their identities to groups espousing violent ideologies, which may take retributive action against UCOs who are identified. The report states that the risk of exposure and possible physical attack has resulted in two UCOs deployed in such groups having to be relocated after associates from their respective groups were identified. The report includes examples of physical attacks on UCOs and their relatives, and psychological problems suffered in

[REDACTED]

connection with the fear of accidental or deliberate compromise, which can last long after a particular deployment.

***Evidenced Examples***

143. I am aware of several examples where undercover officers have been caused harm when their true identity has been revealed. On one occasion two officers that had been deployed covertly were shot and on many others officers have been seriously assaulted. [REDACTED]

144. One example of a UCO being challenged and assaulted occurred in 2012 and involved an undercover drugs operation conducted in Essex. Two UCO's were deployed [REDACTED] purchasing small street deal quantities of class A controlled drugs. The evidence obtained by the first UCO was used to conduct an initial arrest and as a consequence his evidence [REDACTED] was disclosed to suspects during the ensuing prosecution. The second UCO, 'Deano', continued in his deployment, purporting to be a user of heroin and crack cocaine and forming a relationship with members of 'The Bush Boys' OCG. After the initial arrest drug dealers directed 'Deano' to a house and whilst there 'Deano' was questioned and challenged about his identity. He was asked whether he was 'old bill' [REDACTED]. 'Deano' was restrained and searched, [REDACTED] 'Deano' was violently assaulted. One of the drug dealers left the property to retrieve a knife and 'Deano' took the opportunity to jump from a first floor window, suffering multiple injuries.

145. This one example demonstrates a number of points:

145.1. UCO's whose identity is revealed will face the immediate risk of serious harm;

145.2. How drug dealers are aware of covert tactics and [REDACTED]

145.3. The extent to which criminals will search for evidence of **GIST: covert tactics**

[REDACTED]

145.4. How the media take an interest in such stories, creating further compromise and exposure; and

145.5. In this case 'Deano' was never again deployed as a UCO due to the psychological impact of these events.

146. [REDACTED]  
[REDACTED]  
[REDACTED]

146.1. [REDACTED]  
*GIST: A detailed example is given of the harm that was caused and the steps that were taken when an identity was feared to have been obtained by members of the criminal fraternity. One affected person was shot; a police investigation concluded that the shooting was connected to the disclosure of the identity. Evidence of interest in material that can help identify UCOs/CHISs.*

146.2. [REDACTED]  
[REDACTED]

146.3. [REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

146.4.

[REDACTED]

[REDACTED]

146.5.

[REDACTED]

[REDACTED]

146.6.

[REDACTED]

[REDACTED]

147. Another example, this time in Merseyside, occurred during Operation [REDACTED]. In this instance a UCO was challenged by the subject of a previous covert operation in the same area some years before. The officer was confronted by the subject, who accused them of being an undercover officer and then assaulted them. This example described in the second Rule 9 response provided by Merseyside Police.

148. Paragraph 43 of the Cairo statement describes an example of threats being made to the life of a UCO and those threats continuing for years.

149. The Mosaic report also provides another example of what can happen to someone involved in an undercover role: *"An example of someone who has undertaken an undercover role being attacked for doing so is former undercover reporter Donal MacIntyre. In 1999 he infiltrated the Chelsea Head Hunters to expose football hooliganism and he filmed them planning an attack on rival fans which subsequently resulted in the conviction and imprisonment of five men. In June 2009, MacIntyre was enjoying a quiet evening out with his wife when he was recognised by associates of the group he had infiltrated ten years earlier and he was verbally abused and then he*



*and his wife were assaulted; he was knocked unconscious and his wife received bruising to her arms.” (page 11)*

150. I am aware that numerous other examples of the potential for physical, psychological or emotional harm to individuals have been indicated to the Inquiry in the Rule 9 submissions made by Avon & Somerset, Bedfordshire, Cambridgeshire, Cheshire, Devon & Cornwall, Essex, Hampshire, Humberside, Kent, Leicestershire, Merseyside, Nottinghamshire and South Yorkshire although I have not researched these further.

**1. Harm to individuals:**

**b. Legitimate expectation of privacy**

151. The risks associated with being a UCO impact on officers' private lives, and those of their families, during and after their deployments. The risk of exposing those officers' identities adds greatly to the already significant risks associated with performing the role and maintaining the confidentiality of deployments.

152. Officers working a number of covert roles, for example CHIS handlers, witness protection and technical operations are all expected to be discrete with family, friends and acquaintances about their work. They have an equivalent expectation from their employer and the police service generally.

153. Disclosure in court proceedings, where necessary, is accepted as part of the job, but officers involved in covert law enforcement are not 'public-facing' figures. If their names are released as part of the Inquiry there are associated risks to their privacy and potentially to their safety and the safety of their families.

154.

*GIST: Speculation, inaccurate or otherwise, that an individual is or has been a UCO is likely to lead to attempts to verify this through research or more intrusive tactics, which carry significant risks.*

**1. Harm to individuals:**

**c. Legitimate expectation of confidentiality**



155. When a UCO volunteers to take on their role they understand that every effort will be taken to ensure that their identity and personal information will be kept private and confidential. This expectation, rooted in an obvious need for undercover deployments to be kept confidential if they are to be successful, has gained legitimacy from a variety of sources in a number of different arenas:

155.1. Informants have a legitimate expectation of confidentiality and the identities of informants are routinely protected (cases of WV and CPS [2011] EWHC 2480 (Admin) and AG v Briant (1846) 15 M&W 168;

155.2. The CHIS Terms and Conditions (exhibited by Cairo, para 20), which confirm that identity will be protected;

155.3. The CHIS COP (exhibited by Cairo, para 21), which confirms that the identity of a CHIS should be kept confidential;

155.4. The APP (exhibited by Cairo, para 22), which confirms that UCO identities will be protected during their deployment and afterwards;

155.5. There are many examples of UCO's being harmed when their role has been discovered or suspected during operations and I have already detailed some of these;

155.6. UCO's are expected to maintain confidentiality and sign the Code of Conduct acknowledging that they will not disclose their role to others. The current Code is set out in the APP and includes the following:

*"16. Undercover operatives must not reveal the fact of an undercover role or the detail of any undercover deployments without the express permission of their undercover covert operations manager.*

...

*20. Undercover operatives are bound by the Official Secrets Act and have a duty not to disclose for publication by any means whatsoever, details of any operation or investigation. This includes any information as to methodology or infrastructure of undercover units."*

155.7. Officers have been the subject of internal misconduct proceedings for disclosing their role as a UCO (see, for example, the second Rule 9 submission from South Yorkshire Police dated 26<sup>th</sup> February 2016);

[REDACTED]

155.8. Anonymity orders may be made, pursuant to section 88 of the Coroners and Justice Act 2009; and

155.9. Whilst UCO's are fully aware that they may be expected to give evidence at court, they have always been informed that during any court proceedings their true identity would be protected and special measures taken to protect them when giving evidence.

156. These considerations will undoubtedly have been taken into account by officers when weighing up the risks associated with undercover work. Any deviation from this principle will undoubtedly reduce the number of officers volunteering for such a role.

157. Paragraphs 13 to 15 of the open Cairo statement deal with the importance of the expectation of confidentiality to undercover officers and I agree with their contents. It has long been the expectation of UCOs that their identity will be protected, during and after their deployment.

#### *Evidenced Examples*

158. Following the terrorist bombings in London in July 2005 a UCO, 'Dawood', infiltrated the circle of the terrorist organiser Mohammed Hamid for six months. Fifteen suspects were arrested and nine convicted of offences including solicitation to murder and the provision of training for the purposes of terrorism. After the arrests it became apparent that one of the suspects had a residence in close proximity to an address to which the UCO was connected. As an interim measure the UCO had to be placed in secure accommodation. Due to the high risk of compromise and potential of significant harm, no effective strategy could be implemented to reduce the risk to an acceptable level. The UCO was therefore placed on the Criminal Justice Protection Unit scheme to manage the rehousing and security issues associated with the UCO (This example is described within the statement of Commander Martin submitted by the Metropolitan Police Service in their second Rule 9 response).

159. This illustrates how the private life of a UCO and their family can be adversely affected. The connections and networks within criminal groups are wide, far reaching and sometimes unknown. The impact upon an undercover officer utilising a false identity for operational purposes can be significant and easily exposed when



compromised in the vicinity of either their home or other addresses they associate with.

160.

*GIST: An example is provided concerning a 2010 undercover operation in South Yorkshire which concluded with the arrest of a large number of individuals due to the evidence of "Dave", a UCO. The UCO had undertaken a long-term infiltration, successfully infiltrating the criminal community, and purchased 27 stolen prestige motor vehicles, cocaine and Benzocaine cutting agent. The involvement of the UCO was subsequently disclosed and thereafter intelligence was received that members of the criminal community were trying to obtain information to identify and locate the UCO. There was an uncorroborated suggestion that the intention was to kill the UCO.*

161. This example provides evidence of the methods used by determined criminals to attempt, trace and locate a UCO. Protection of the covert methodology and tactics prevented the officer from being located, but

162.

*GIST: In another example, a UCO's identity was revealed during a chance encounter with the suspect many months after the conclusion of an operation. The UCO was subject to emergency relocation. The subsequent costs of managing the UCO's safety were borne by the home force's Police Authority.*

[REDACTED]

163. Another example, from a Devon & Cornwall Police operation, is included in their second Rule 9 statement dated 26<sup>th</sup> February 2016. A UCO was working abroad on a covert operation. *GIST: It was deemed necessary to pull the officer in question from the operation for his own safety as a result of operation compromise.*

[REDACTED]

Following this the officer advised he feared for his safety and was concerned his identity was also known [REDACTED]

[REDACTED] As a result of this the force took action to protect the officer and his family which included the offer of full witness protection *GIST: and compensation* [REDACTED] *[statement removed due to inaccuracy]*

164. A further example of the lengths taken to identify and locate undercover operatives was contained in the book 'Undercover'. The book references efforts made by Helen Steel to trace the man she knew as 'John Barker', when it states she contacted the British consulate in South Africa, telephoned hostels in Johannesburg and hired a private investigator. She is then said to have searched for and found the birth certificate for John Barker and to have visited Barker's family home. Eighteen months after she is said to have found John Barker's death certificate. In evidence to the Home Affairs Select Committee for the Undercover Policing: Interim Report (5th February 2013) a person giving evidence under the name 'Clare' stated she had found the death certificate for John Barker's identity and that she had visited the house of the child.

**2. Damage to the ability of law enforcement agencies to prevent and detect crime as a result of disclosure which,**

**a. Reduces the effectiveness of covert techniques by increasing public knowledge about them;**

165. It is the role of the police service to prevent and detect crime and other organisations, for example the National Crime Agency and HM Customs and Excise, are also charged with preventing and detecting crime.

166. As set out in section D of this statement, these organisations have [REDACTED] a range of covert techniques available to them that have been developed and perfected to aid in the prevention and detection of crime. UCO's have been trained in the



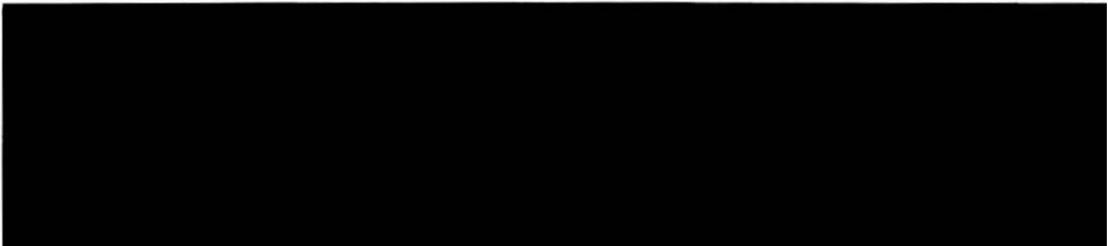
techniques and the prospects of any particular covert technique being used successfully are likely to be diminished if the technique has been made public.

167. If a particular technique is in the public domain it is more likely that a subject intent on committing a crime and evading detection will be guarding against the use of that particular technique. The more serious the crime under investigation the more likely it is that the subject will be looking for UCO's and particular covert tactics.

*Evidenced Examples*

168. I am aware of a number of examples of undercover operations undertaken by the NCA or the organisations that preceded it, where criminals engaged in significant international criminality have gone to great lengths to test the legend and backstopping of the UCO's concerned. The following are examples of cases where OCGs have tried to interrogate a legend for the purpose of determining if the identity was genuine. If OCGs had been aware of methodology relating to legend-building and covert assets, attempts like these may not have been thwarted.

*GIST: Six examples are given of steps taken by members of crime groups to attempt to scrutinise the legends of undercover officers and the associated compromise risks.*



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

169. Many other examples may be found in the Rule 9 submissions made by Bedfordshire, Cambridgeshire, Derbyshire, Devon & Cornwall, Essex, Gloucestershire, Hampshire, Hertfordshire, Humberside, Leicestershire, Merseyside,

[REDACTED]

North Yorkshire, Nottinghamshire, South Yorkshire and Suffolk. I have not researched these further.

- 2. Damage to the ability of law enforcement agencies to prevent and detect crime as a result of disclosure which,**
- b. Adversely affects the ability of law enforcement to recruit and retain staff or members of the public to engage in or assist in covert law enforcement;**

170. UCO's are volunteers and their expectation is that their role as a UCO will remain confidential for the reasons already given above and set out below. Undertaking work as a UCO does not increase the prospects of promotion, has no positive impact on income and involves an extraordinary amount of disruption and restriction to an officer's professional and private life. A UCO is unable to tell colleagues, family and friends about their work and severely limits the scope of an officer's social life. There are also risks to the officer's safety.

171. If the reasonable expectation of confidentiality were no longer to be the correct position it seems very likely that the flow of volunteers would diminish. Certainly this is the view of the expert witness Cairo (Cairo statement, paragraph 70). Officers tend to volunteer to become a UCO because of their desire to perform a public service and if these roles were at risk of public exposure it is likely that the role of a UCO will become significantly less attractive and as a result there will be less volunteers for this essential public service. The fact that this position has been maintained to date means that there is limited evidence to prove that the ability to recruit and retain has or would be adversely affected, although I note the reference at paragraph 65 of the Cairo statement that the HMIC did identify concerns about the declining ability of the police service to attract officers to the role of UCO.

172. If the pool of officers willing to conduct undercover work ~~shrinks~~ the tactic will be adversely affected. Further, if the pool reduces **GIST: another adverse impact is cited.**

[REDACTED]

173. I have spoken to retired and current UCO's and they have clearly expressed to me that they would never have undertaken the work that they did if they had had the slightest doubt that every effort would not have been taken to protect their real identities. Indeed they have told me that they would not have volunteered to become UCOs in the first place had they had any doubts about the position.



174. I am also acutely aware from speaking to a both UCOs who are currently in the field and now retired that there is very great concern about what tactics may be revealed by the Inquiry. Whilst I am unable to state what the effect will be if undercover tactics are officially confirmed by the Inquiry, which is hypothetical at this stage, my assessment is that the following consequences are at least possible. Firstly, in my view it is possible that current UCOs will decide to bring their current term of deployment to an end. UCOs are volunteers and police forces and law enforcement are unable to insist that individuals, however well trained, should remain in the field against their will. Secondly it is possible that officers will be less willing to train as UCOs in future. The knock-on effects of any drop in the ability to recruit and retain UCOs are very severe. Undercover policing may be the only tactic that is available to obtain intelligence on security conscious Organised Criminal Groups or terrorist cells. Loss of intelligence coverage gives rise to real risks to the public at large by undermining the ability of law enforcement to detect prevent and prosecute serious crimes. Thirdly, individual forces may be less willing to use the undercover tactic, with all the potential risks that it gives rise to, with the effect that official confirmation has a chilling effect on future undercover deployments.

175. I am unable to speak about the possibilities of lost recruitment and retention in other agencies, or in other parts of the world,   


176. For completeness, I recognise that there is a general unease in the UCO community about the work of the Inquiry generally. There is also concern amongst current UCOs about UCOs being tarred with the same brush as some of the SDS and NPOIU officers who conduct may have fallen below the expected standards. For the avoidance of any doubt, the risk I have referred to in the preceding paragraphs has nothing to do with these concerns. It is to do with official confirmation of current tactics that are used by current officers in the field.

177. Paragraphs 65 and 66 of the open Cairo statement explain the impact on retention and recruitment of any actual or perceived increase in the risk of exposure of the identities of undercover officers and I agree with their contents. Increased risks of exposure are likely to impact negatively on the ability of the police service to recruit and retain UCOs. The HMIC report "An inspection of undercover policing in England and Wales 2014" noted a decline in applicants, commenting at paragraph 8.27 "*here may be several explanations for this decline. Undoubtedly, the recent poor publicity and controversy have played a part.*"

[REDACTED]

178. I believe that fewer officers will volunteer to become a UCO if the risks of being exposed as a UCO increase. If fewer officers are available, the use of UCO's as a tactic in the fight against crime will be restricted.

179. In addition to the UCOs themselves the assistance of support staff is required to facilitate undercover operations. If the risks of exposure increase for a UCO they must also increase for the support staff standing behind the UCO and in such circumstances it may also become increasingly difficult to properly staff undercover operations.

180. Members of the public regularly provide information to LEAs on the basis that their identities will remain confidential. Members of the public also regularly assist the law enforcement agencies engage in covert activities, [REDACTED] [REDACTED] Such assistance, for the purpose of preventing or detecting crime, is provided on the basis that it will be kept confidential. If such assistance were to be disclosed not only would there be the risk of harm to those concerned, it seems very likely that it would discourage others from offering similar assistance in the future.

*Evidenced Examples*

181. There remain a number of public spirited individuals or organisations that knowingly provide support to day to day covert policing. [REDACTED]

*GIST: Specific undercover tactics and the importance of protecting those tactics are discussed.*

There could be significant reputational issues, damage to commercial interest and threat to staff if this assistance was revealed.

182. [REDACTED]

[REDACTED]

[REDACTED]

Businesses and their staff should not be exposed to the risk of criminals trying to get information from premises or personnel.

183.

[REDACTED]

184. Other forms of covert policing are also complimented by the support of other organisations.

[REDACTED]

**2. Damage to the ability of law enforcement agencies to prevent and detect crime as a result of disclosure which,**

**c. Discloses information about ongoing investigations;**

185. Any disclosure in relation to an ongoing investigation risks exposing any UCO involved in the investigation to real and immediate harm.

186. Such disclosure could also prejudice the investigation itself and/or any criminal proceedings before they even commence.

187. I believe this will be a case by case requirement dependent upon the information that the UCPI seeks to disclose.

**2. Damage to the ability of law enforcement agencies to prevent and detect crime as a result of disclosure which,**



**d. Discloses information which prejudices ongoing prosecutions;**

188. Prejudice to any ongoing criminal prosecutions could be caused if information about a UCO or any particular covert techniques were made public.

189. I believe this will be a case by case requirement dependent upon the information that the UCPI seeks to disclose.

**2. Damage to the ability of law enforcement agencies to prevent and detect crime as a result of disclosure which,**

**e. Adversely affects the future flow of confidential information from members of the public, or domestic or overseas organisations;**

190. The support provided to undercover police officers and their operations may come not only from other members of the police service, but also third parties, including individuals or organisations



The ability to conduct undercover operations could be seriously compromised or prevented if such support was unavailable or reduced.

191.

192. There is a structure of scrutiny and oversight of undercover and covert operations involving external third party individuals and organisations. There are circumstances in which their work may be inhibited by disclosure of information.

193. Such people and organisations are likely to be deterred from providing such support if they perceive that their association with undercover officers and operations is not kept out of the public domain. They are likely to fear that were such an association to become known they and their own associates would be at risk of harm. Should they see that the involvement of similar personnel or organisations in such activities was at risk of being made known publicly they would fear being exposed to

[REDACTED]

the risk of being targeted by criminal interests seeking information enabling them to defend themselves against police intrusion. Therefore there is a risk of compromising the ability to conduct operations and to ensure their effectiveness if information about the type of support of this nature is allowed into the public domain. This risk can be created by the disclosure of the identity of the third party person or organisation, the nature of the service they provide, or the location at or from which they provide it.

194. The statement of Christopher Farrimond, Deputy Director for Intelligence Collection within the NCA Intelligence and Operations Directorate sets out his concerns [REDACTED]

**2. Damage to the ability of law enforcement agencies to prevent and detect crime as a result of disclosure which,**

**f. Exposes assets (including but not limited to physical locations, databases and IT systems) to risk of compromise which could prejudice operational effectiveness;**

195. Any asset identified as being used during the course of undercover operations that has been identified as a police or law enforcement asset is compromised and can no longer be used. [REDACTED]

196. Once these assets have been exposed as belonging to or used by law enforcement agencies they can no longer be used. In some instances such exposure may simply be inconvenient and expensive, but in other instances the exposure of an asset could lead to the identification of a UCO who has previously used that asset. It could also lead to the identification of anyone who was involved in the provision of that asset. It can also significantly undermine the time, expense and effort that was required to construct a credible 'legend' that enabled the asset to be realised. Exposing one asset can, in some circumstances, have a domino effect on a number of linked assets, individuals or operations, or impact upon legends [REDACTED]

### *Evidenced Examples*

197. I understand that the Inquiry is aware of *operation name* and *operation name* in *location* which concerned a situation where a UCO disclosed to a third party information regarding his/her personal undercover history, *GIST: and covert assets that were associated with his/her role. The disclosure put at risk covert assets*

[REDACTED]

*and individuals. Suitable mitigation of the risk was not considered possible, and the cost of managing it is estimated at £250,000.*

198.

[REDACTED] OCGs are now able to make use of open source databases to conduct investigations on people, which weren't even imaginable a few years ago, the need for rigorous legend and credible backstopping is even more relevant and necessary.

199.

*GIST: Specific risks to undercover policing are identified.*

[REDACTED]

**2. Damage to the ability of law enforcement agencies to prevent and detect crime as a result of disclosure which,**  
**g. Discloses information about undercover operatives involved in current undercover operations.**

200. This is a very specific ground and will be case specific dependant upon what information the Inquiry is intending to disclose.

**3. Damage to national security.**

[REDACTED]

201. I am not in a position to provide assistance on this topic, but I understand that the Inquiry has already or is likely to receive submissions from **GIST: a number of public bodies including the Ministry of Defence and the NCA.**

202. [REDACTED]

203. However, it is certainly the position that police UCO's will on occasion become involved in counter-terrorism operations, in which all the methods and tactics already described may well be used.

#### 4. Damage to international relations.

204. Again, I am not in a position to provide assistance on this topic, but I understand that the Inquiry is likely to receive, or has already received, submissions from **GIST: a number of public bodies including the NCA**

205. The statement of Christopher Farrimond, Deputy Director for Intelligence Collection within the NCA Intelligence and Operations Directorate sets out his concerns about [REDACTED]

206. **GIST: explanation of concerns regarding damage to international relations.**

#### 5. Damage to commercial interests.

207. As already mentioned various commercial organisations will on occasion provide assistance to undercover units. **GIST: A specific example is referred to.**

[REDACTED] Were the details of that company's involvement in undercover policing to become widely known, that company may well suffer a detrimental impact and if that were to be the position future cooperation with LEAs may be withdrawn.



**6. Ongoing (i) civil or (ii) employment tribunal proceedings where a reporting restriction is in place in those proceedings.**

208. This is a very specific ground and will be case specific dependant upon what information the Inquiry is intending to disclose.

**7. Not relevant to the terms of the Inquiry.**

209. This is a very specific ground and will be case specific dependant upon what information the Inquiry is intending to disclose.

**8. Other reason.**

210. This is a very specific ground and will be case specific dependant upon what information the Inquiry is intending to disclose.

**Conclusion**

211. It is imperative that the covert tactics and methodology referred to in this statement are protected from disclosure into the public domain during the course of this Inquiry. Such disclosure will give rise to the serious risks I have identified, both to individuals and to the tactics and methods described. I am extremely concerned that disclose of information by this Inquiry will lead to:

- 211.1. UCOs and their families being put at risk of physical harm;
- 211.2. UCOs and their families having to be relocated;
- 211.3. **GIST: A particular asset** no longer being made available to UCOs;
- 211.4. **GIST: Loss of a particular type of resource to undercover policing** and
- 211.5. Tactics and methods being rendered obsolete.



212. The result would be that LEAs would be unable to effectively infiltrate OCGs and terrorist organisations and would not be able to protect the public from such organisations as effectively as they are currently able.

213. The exposure of undercover policing techniques, tactics and methods will pose a real risk to UCOs and those connected to UCOs. It is often thought that in a worst case scenario any such exposure can be mitigated by protection. However, the reality is that complete protection can never be guaranteed and arranging protection is an onerous undertaking:

213.1. Even with full relocation packages people may still be found;

213.2. Corrupt officials can lead to those subject to relocation and protection being found and caused harm;

213.3. Relocation is an invasive and onerous experience for those involved;

213.4. Relocation requires the full cooperation of the family concerned, which is far from straightforward if friends, family and familiar locations have to be abandoned; and

213.5. The financial and resource implications on the state can be immense.

214. The difficulty of arranging protection and the potential for real harm means that in the majority of cases the best approach is to reduce the risk of exposure to the smallest possible level.

#### **END OF PREVIOUS STATEMENT**

215. In this new statement I intend to provide further evidence about particular areas of undercover policing that were not addressed, or were not sufficiently addressed, in my previous statement. Where possible I shall cross-refer to the paragraphs in my previous statement that are relevant to topics I seek to cover in this statement.

216. It is not my intention to cover all aspects of undercover policing in this second



statement, rather to focus on key areas upon which the Inquiry have particularly asked for evidence. I shall deal with other outstanding matters in subsequent statements.

217. Since preparing my previous statement I have been shown a copy of the table of 'closed categories' headings that are to be used for the redaction process and for case I shall set out my evidence with reference to those headings.

#### **A. Names**

218. I addressed the issue of names and revealing the true identities of UCO's in my previous statement at paragraphs 138-164.

##### ***"1.Harm to individuals:***

##### ***a. Physical, psychological, emotional***

*138. The potential for harm to be caused to individuals following the disclosure of information about UCO's is obvious: the UCO concerned, colleagues, family and friends may all be at serious risk of harm, depending upon the facts in any particular case.*

*139. In serious cases serious injury or death could be the result of a UCO being identified. This could be the UCO or a person connected to that officer, or a person with knowledge about the undercover officer (such as a cover officer).*

*140. Injuries may be both physical and psychological. Where officers have been deployed on the understanding that their activities will be kept secret, the release of information connected to their activities could result in significant psychological pressure and disruption, if the UCO (and family) is required to alter their deployment or change location, or identity, in a sudden and unplanned manner.*

*141. The impact on UCOs and their families of the unintended disclosure of information about them should not be underestimated. The provision of fresh identities or relocating UCO's and their families is invasive, disruptive and expensive.*



142. Paragraphs 5.1 to 5.3 of the open Mosaic report detail the physical risks posed to former UCOs of exposure or potential exposure of their identities to groups espousing violent ideologies, which may take retributive action against UCOs who are identified. The report states that the risk of exposure and possible physical attack has resulted in two UCOs deployed in such groups having to be relocated after associates from their respective groups were identified. The report includes examples of physical attacks on UCOs and their relatives, and psychological problems suffered in connection with the fear of accidental or deliberate compromise, which can last long after a particular deployment.

### *Evidenced Examples*

143. I am aware of several examples where undercover officers have been caused harm when their true identity has been revealed. On one occasion two officers that had been deployed covertly were shot and on many others officers have been seriously assaulted.



144. One example of a UCO being challenged and assaulted occurred in 2012 and involved an undercover drugs operation conducted in Essex. Two UCOs were deployed [redacted] purchasing small street deal quantities of class A controlled drugs. The evidence obtained by the first UCO was used to conduct an initial arrest and as a consequence his evidence [redacted] was disclosed to suspects during the ensuing prosecution. The second UCO, 'Deano', continued in his deployment, purporting to be a user of heroin and crack cocaine and forming a relationship with members of 'The Bush Boys' OCG. After the initial arrest drug dealers directed 'Deano' to a house and whilst there 'Deano' was questioned and challenged about his identity. He was asked whether he was 'old bill' [redacted]

'Deano' was restrained and searched, [redacted] 'Deano' was violently assaulted. One of the drug dealers left the property to retrieve a knife and 'Deano' took the opportunity to jump from a first floor window, suffering multiple injuries.

145. This one example demonstrates a number of points:

[REDACTED]

*145.1 UCO's whose identity is revealed will face the immediate risk of serious harm;*

*145.2 How drug dealers are aware of covert tactics and [REDACTED]*

*145.3 The extent to which criminals will search for evidence of [REDACTED] tactics*

*145.4 How the media take an interest in such stories, creating further compromise and exposure; and*

*145.5 In this case 'Deano' was never again deployed as a UCO due to the psychological impact of these events.*

*146. [REDACTED]*

*146.1 [REDACTED] GIST: A detailed example is given of the harm that was caused and the steps that were taken when an identity was feared to have been obtained by members of the criminal fraternity. One affected party was shot; a police investigation concluded that the shooting was connected to the disclosure of the identity. Evidence of interest in material that can help identify UCOs/CHISs.*

*146.2 [REDACTED]*

[REDACTED]

[REDACTED]

146.3 [REDACTED]

146.4 [REDACTED]

146.5 [REDACTED]

146.6 [REDACTED]

147. Another example, this time in Merseyside, occurred during Operation [REDACTED] In this instance a UCO was challenged by the subject of a previous covert operation in the same area some years before. The officer was confronted

[REDACTED]

by the subject, who accused them of being an undercover officer and then assaulted them. This example described in the second Rule 9 response provided by Merseyside Police.

148. Paragraph 43 of the Cairo statement describes an example of threats being made to the life of a UCO and those threats continuing for years.

149. The Mosaic report also provides another example of what can happen to someone involved in an undercover role: "An example of someone who has undertaken an undercover role being attacked for doing so is former undercover reporter Donal MacIntyre. In 1999 he infiltrated the Chelsea Head Hunters to expose football hooliganism and he filmed them planning an attack on rival fans which subsequently resulted in the conviction and imprisonment of five men. In June 2009, MacIntyre was enjoying a quiet evening out with his wife when he was recognised by associates of the group he had infiltrated ten years earlier and he was verbally abused and then he and his wife were assaulted; he was knocked unconscious and his wife received bruising to her arms." (page 11)

150. I am aware that numerous other examples of the potential for physical, psychological or emotional harm to individuals have been indicated to the Inquiry in the Rule 9 submissions made by Avon & Somerset, Bedfordshire, Cambridgeshire, Cheshire, Devon & Cornwall, Essex, Hampshire, Humberside, Kent, Leicestershire, Merseyside, Nottinghamshire and South Yorkshire although I have not researched these further.

**1. Harm to individuals:**

**b. Legitimate expectation of privacy**

151. The risks associated with being a UCO impact on officers' private lives, and those of their families, during and after their deployments. The risk of exposing those officers' identities adds greatly to the already significant risks associated with performing the role and maintaining the confidentiality of deployments.

152. Officers working a number of covert roles, for example CIIS handlers, witness protection and technical operations are all expected to be discrete with family, friends and acquaintances about their work. They have an equivalent expectation from their employer and the police service generally.



153. Disclosure in court proceedings, where necessary, is accepted as part of the job, but officers involved in covert law enforcement are not 'public-facing' figures. If their names are released as part of the Inquiry there are associated risks to their privacy and potentially to their safety and the safety of their families.

154. GIST: Speculation, inaccurate or otherwise, that an individual is or has been a UCO is likely to lead to attempts to verify this through research or more intrusive tactics, which carry significant risks.

**1. Harm to individuals:**

**c. Legitimate expectation of confidentiality**

155. When a UCO volunteers to take on their role they understand that every effort will be taken to ensure that their identity and personal information will be kept private and confidential. This expectation, rooted in an obvious need for undercover deployments to be kept confidential if they are to be successful, has gained legitimacy from a variety of sources in a number of different arenas:

155.1 Informants have a legitimate expectation of confidentiality and the identities of informants are routinely protected (cases of WV and CPS [2011] EWHC 2480 (Admin) and AG v Briant (1846) 15 M&W 168;

155.2 The CHIS Terms and Conditions (exhibited by Cairo, para 20), which confirm that identity will be protected;

155.3 The CHIS COP (exhibited by Cairo, para 21), which confirms that the identity of a CHIS should be kept confidential;

155.4. The APP (exhibited by Cairo, para 22), which confirms that UCO identities will be protected during their deployment and afterwards;

155.5 There are many examples of UCO's being harmed when their role has been discovered or suspected during operations and I have already detailed some of these;



*155.6 UCO's are expected to maintain confidentiality and sign the Code of Conduct acknowledging that they will not disclose their role to others. The current Code is set out in the APP and includes the following:*

*"16. Undercover operatives must not reveal the fact of an undercover role or the detail of any undercover deployments without the express permission of their undercover covert operations manager.*

*\*\*\**

*Undercover operatives are bound by the Official Secrets Act and have a duty not to disclose for publication by any means whatsoever, details of any operation or investigation. This includes any information as to methodology or infrastructure of undercover units."*

*155.7 Officers have been the subject of internal misconduct proceedings for disclosing their role as a UCO (see, for example, the second Rule 9 submission from South Yorkshire Police dated 26<sup>th</sup> February 2016);*

*155.8 Anonymity orders may be made, pursuant to section 88 of the Coroners and Justice Act 2009; and*

*155.9 Whilst UCO's are fully aware that they may be expected to give evidence at court, they have always been informed that during any court proceedings their true identity would be protected and special measures taken to protect them when giving evidence.*

*156. These considerations will undoubtedly have been taken into account by officers when weighing up the risks associated with undercover work. Any deviation from this principle will undoubtedly reduce the number of officers volunteering for such a role.*

*157. Paragraphs 13 to 15 of the open Cairo statement deal with the importance of the expectation of confidentiality to undercover officers and I agree with their contents. It has long been the expectation of UCOs that their identity will be protected, during and after their deployment.*

*Evidenced Examples*



158. Following the terrorist bombings in London in July 2005 a UCO, 'Dawood', infiltrated the circle of the terrorist organiser Mohammed Hamid for six months. Fifteen suspects were arrested and nine convicted of offences including solicitation to murder and the provision of training for the purposes of terrorism. After the arrests it became apparent that one of the suspects had a residence in close proximity to an address to which the UCO was connected. As an interim measure the UCO had to be placed in secure accommodation. Due to the high risk of compromise and potential of significant harm, no effective strategy could be implemented to reduce the risk to an acceptable level. The UCO was therefore placed on the Criminal Justice Protection Unit scheme to manage the rehousing and security issues associated with the UCO (This example is described within the statement of Commander Martin submitted by the Metropolitan Police Service in their second Rule 9 response).

159. This illustrates how the private life of a UCO and their family can be adversely affected. The connections and networks within criminal groups are wide, far reaching and sometimes unknown. The impact upon an undercover officer utilising a false identity for operational purposes can be significant and easily exposed when compromised in the vicinity of either their home or other addresses they associate with.

160. GIST: An example is provided concerning a 2010 undercover operation in South Yorkshire which concluded with the arrest of a large number of individuals due to the evidence of "Dave", a UCO. The UCO had undertaken a long-term infiltration, successfully infiltrating the criminal community, and purchased 27 stolen prestige motor vehicles, cocaine and Benzocaine cutting agent. The involvement of the UCO was subsequently disclosed and thereafter intelligence was received that members of the criminal community were trying to obtain information to identify and locate the UCO. There was an uncorroborated suggestion that the intention was to kill the UCO.

[REDACTED]

corroborated. During one of the court appearances an individual was observed photographing officers as they exited the court building.

161. This example provides evidence of the methods used by determined criminals to attempt, trace and locate a UCO. Protection of the covert methodology and tactics prevented the officer from being located, but [REDACTED]

162. GIST: In another example, a UCO's identity was revealed during a chance encounter with the suspect many months after the conclusion of an operation. The UCO was subject to emergency relocation. The subsequent costs of managing the UCO's safety were borne by the home force's Police Authority.

163. Another example, from a Devon & Cornwall Police operation, is included in their second Rule 9 statement dated 26<sup>th</sup> February 2016. A UCO was working abroad on a covert operation. GIST: It was deemed necessary to pull the officer in question from the operation for his own safety as a result of operation compromise.

Following this the officer advised he feared for his safety and was concerned his identity was also known [REDACTED]. As a result of this the force took action to protect the officer and his family which included the offer of full witness protection. GIST: and compensation.

[Statement removed due to inaccuracy.]

164. A further example of the lengths taken to identify and locate undercover operatives was contained in the book 'Undercover'. The book references efforts made by Helen Steel to trace the man she knew as 'John Barker', when it states she contacted the British consulate in South Africa, telephoned hostels in Johannesburg and hired a private investigator. She is then said to have searched

[REDACTED]

*for and found the birth certificate for John Barker and to have visited Barker's family home. Eighteen months after she is said to have found John Barker's death certificate. In evidence to the Home Affairs Select Committee for the Undercover Policing: Interim Report (5th February 2013) a person giving evidence under the name 'Clare' stated she had found the death certificate for John Barker's identity and that she had visited the house of the child."*

219. Although I mentioned cover names in my previous statement I did not explain how UCO's choose their cover names and why, in some instances, cover names should be protected from public disclosure as well as real names.

220. *GIST: Explanation given of methods UCOs use to choose cover names and details associated with their legends, and the rationale for using those methods. [This section does not include reference to using the identity of a deceased child.]*

221. [REDACTED]

222. [REDACTED]

223. [REDACTED]

[REDACTED]

[REDACTED]

224.

[REDACTED]

225. One SDS officer, cover name Carlo Neri, was identified as a UCO partly because of the names of family members and children that he used as part of his legend, which were in fact the real names of his real family<sup>1</sup>.

226.

*GIST: Further example of how UCOs use cover names.*

[REDACTED]

227.

*GIST: If the methods set out above were revealed it would assist those intent on*

---

<sup>1</sup> Undercover Research Group: *"The surname was an unusual one so we were able to track down his family, and it started to emerge that this Carlo had family members with the same first names that Neri had used when talking about his family. There were some differences, but it soon became apparent that he had simply taken middle names instead, giving us confidence we were on the right track. We found that his sister ran a delicatessen in North London and other aspects fell into place as well. Added up, the stories matched, surprisingly so."* <http://undercoverresearch.net/2016/01/18/how-we-proved-carlo-neri-was-an-undercover-police-officer/>



*identifying UCOs, therefore these methods should not be made public.*

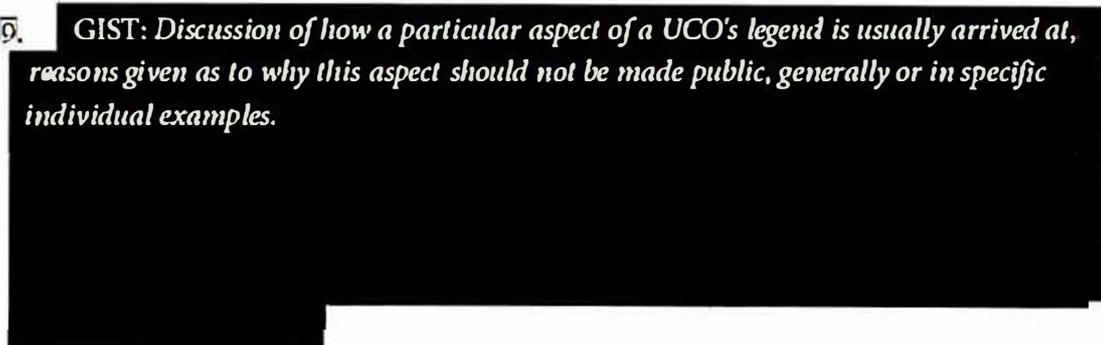
**This principle is even more important in the current context of what is now discoverable due to the extent of material available via open source searches.**

**B. Sufficient other details to identify a person**

228. The type of information that could lead to a person being identified is probably unlimited in nature. Obviously direct evidence of identity such as, name, photograph or physical description could lead to the identity of a UCO being revealed. There are other more subtle ways that could lead to identity being revealed, for example dates or locations of incidents where only a limited number of people were in attendance or where something particularly significant occurred. It seems to me that these will need to be addressed individually as they arise, but there are some general matters that I should address.



229. *GIST: Discussion of how a particular aspect of a UCO's legend is usually arrived at, reasons given as to why this aspect should not be made public, generally or in specific individual examples.*



230.



231.



[REDACTED]

[REDACTED]

232. *GIST: Related aspect of legend building discussed, and reason given why this related aspect should not be made public generally, or in specific individual examples.*

[REDACTED]

233. *GIST: Were the above aspects of legend building to become common knowledge it would assist those intent on identifying UCOs, therefore they should not be made public.*

[REDACTED]

[REDACTED]

234. *GIST: Further to paragraph 76, another aspect of UCO legend building is discussed. It is said that this method should not be made public generally or in individual examples because to do so could lead to the true identities of UCOs being discovered.*

[REDACTED]

235.

[REDACTED]



**(iii) Handwriting**

236. Handwriting can often be used as a means of identifying the author and care needs to be taken with UCO's to ensure that those intent on identifying UCO's are not able to cross-reference multiple examples of handwriting in order to reveal the true identity of a UCO.   


237. Documents containing the handwriting of UCO's should be transcribed or otherwise redacted to avoid examples of UCO handwriting being disclosed, to prevent UCO's being identified by their handwriting.

238. UCO signatures should not generally be disclosed because (a) A legible signature will reveal the name, which may lead to the identity of a UCO being disclosed; and (b) A signature is distinctive and personal and may reveal identity even if illegible.   


**C. Signature**

239. In addition to being a personal identifying feature I understand that signatures generally will also not be generally publicly disclosed by the Inquiry in order to prevent the potential risks of copying, forgery and fraud.

**D. Sensitive personal details of anyone**

240. I interpret 'sensitive personal details' as those details set out in the Data Protection Act, specifically information about: race, ethnicity, political opinion, religious or other similar beliefs, trade union membership, physical or mental health, sex life, commission of criminal offences and criminal proceedings.

241. I understand that other personal details, for example financial matters, contact details and images or photographs of individuals will also be treated by the Inquiry as sensitive and will be generally protected as confidential personal information.

242. I understand that medical information is likely to be routinely redacted from documents as being personal and sensitive information, unless there is a good reason



for not doing so and the results of drug or alcohol testing will fall within such a category and that the results of random or with cause drug tests would be redacted and kept private because they are confidential medical information.

243. *GIST: Detailed example given of particular personal details about UCOs which, if revealed, could contribute to the 'mosaic effect' leading to the identification of a UCO. Assertion made that accordingly such details ought not to be put into the public domain.*

a.



b.



244.



245.



**E. Recruitment and Training**

[REDACTED]

246. I dealt with the initial selection and training of UCO's in my first statement in Section B, paragraphs 17 to 25 and confirmed my view that specific details relating to training of UCO's should not be revealed in order to preserve the tactics being taught and the identities of those engaged in conducting the training.

*"17. The world of undercover policing has developed and changed over recent years. Officers are now carefully selected, properly trained and regularly monitored. It is not the purpose of this statement to describe the training provided to UCOs, but it may help the Inquiry if I provide a brief outline of the current training and selection methods.*

*18. In 2003 the Association of Chief Police Officers (ACPO) and the NUWG produced the 'Manual of Standards for Undercover Working', which addressed the structures and expectations for undercover policing (this document is already exhibited by Chief Constable Boutcher as his exhibit JB/13). In 2008 work began on rewriting the guidance and in 2012 the first Authorised Professional Practice was published.*

*19. Paragraph 2.7.1. of the draft Authorised Professional Practice (2016) (exhibited in my previous statement as AP/7) explains that there are seven stages to the selection process for undercover Foundation operatives (UCF):*

- 1. Advertising*
- 2. Regional open day*
- 3. Preview and questionnaire*
- 4. Application form and sifting*
- 5. Conduct and discipline checks*
- 6. Personality assessment*
- 7. Assessment through exercises*

*20. A similar process is undertaken to select Advanced undercover operatives (UCA), with national open days.*

*21. All UCOs are volunteers and it is commonplace for police officers interested in undertaking undercover work to begin their entry into this line of work by attending an open day.*



22. *Thereafter, candidates that successfully complete the initial assessment and training courses will become accredited Foundation undercover officers (UCF). The role of a UCF is described in the APP as: "UCF's carry out low-level infiltration that does not require the ability to withstand intense scrutiny" (paragraph 2.3.1). Foundation training is licensed by the College Of Policing and delivered by a small number of providers.*

23. *Advanced operatives are usually recruited from the pool of Foundation operatives. Advanced operatives are trained to undertake long-term infiltrations at a higher level and develop [REDACTED] legends supported by covert documentation to enable them to withstand greater scrutiny. Advanced undercover operatives are described in the APP as being: "trained to undertake deployments involving higher-level infiltrations in a leading role with the ability to withstand intense scrutiny." (paragraph 2.3.2)*

24. *Specific details relating to training, including locations, content and individuals concerned are sensitive and should be protected. Specific training content should not be revealed because it would disclose the methods and tactics dealt with later in this statement.*

25. *Public identification of anyone involved in the selection or training of UCO's poses a potential risk of identifying a UCO and/or exposing methods and tactics. The identification of assessors, other candidates, trainers or speakers involved with the selection and/or training of UCOs could lead to harm for an individual. Exposing the process of evaluation, exercises or interview could undermine its effectiveness for future selection and also provide information to assist in the identification of a UCO."*

247. The College of Policing is responsible for the recruitment and training of UCO's and I am aware that the College of Policing has submitted statements to assist the Inquiry with recruitment and training and no doubt that evidence will assist the Inquiry in understanding the recruitment and training procedures.

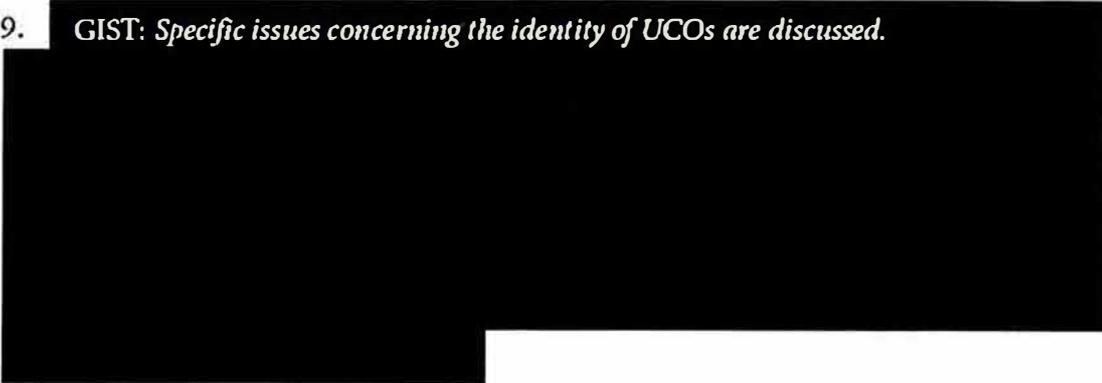
248. As I said in my previous statement the details of recruitment and training are sensitive and should not be publicly disclosed and I shall now address some further aspects of recruitment and training.



(i)



249. *GIST: Specific issues concerning the identity of UCOs are discussed.*



250.



251. The generic non-specific characteristics of most UCO's (intelligence, charisma etc.) will be most unlikely to assist those intent on uncovering or identifying UCO's. However, there are a number of particular characteristics that those involved in the recruitment and training of UCO's look for when assessing UCO's. These '*Competences for Foundation and Advanced Undercover Operatives*' consist of the following:

- 251.1. Social Skills (Social Intelligence);
- 251.2. Communication Skills;
- 251.3. Commitment and Drive (Motivation);
- 251.4. Resilience and Confidence;
- 251.5. Self and Team Development;
- 251.6. Professionalism;



- 251.7. Undercover Credibility;
- 251.8. Creative Planning;
- 251.9. Dynamic Decision Making;
- 251.10. Effective Evidence and Administration; and
- 251.11. Knowledge, Research and Preparation.

252. Each of these key competences is assessed using particular positive and negative indicators and all of this information is particularly sensitive and should not be publicly disclosed for two reasons:

252.1. An understanding of the selection and training processes would provide an insight into the likely characteristics of a UCO, contributing to the mosaic effect and assisting those intent on uncovering or identifying UCO's; and

252.2. Prospective UCO's undergoing the selection and training process would be given a clear understanding what particular character traits were being sought and could alter their behaviour to enhance their prospects of successfully completing the recruitment or training process, leading to unsuitable individuals being recruited as UCO's.

**(ii) Nature of selection process or training (other than already officially confirmed)**

253. I understand that the College of Policing has four main concerns about details of the selection process for UCO's and training material for UCO training being publicly disclosed:

253.1. *Tactics and methodology* – There is a suite of  training products relevant to undercover policing which even by disclosure of course titles will



unnecessarily alert the wider public and more importantly those engaged in criminal activity to the key areas that are now being targeted in training. Revealing this detail will reveal the areas of criminality that undercover police officers are being trained to target. Disclosing course material, contents or simply the learning descriptors attached to each product will disclose police tactics and methodology in these highly sensitive areas. Such information will inform those involved in such types of criminality how law enforcement trains UCO's to combat such threats and will therefore allow them to change how they operate in order to avoid detection or compromise;

253.2. *Effectiveness of training* – From an internal training and standards perspective the disclosure of course material would frustrate the testing of attendees on the training courses because they would be aware of material and scenarios in advance. This could lead to unsuitable candidates being selected as UCO's. The undercover training courses are designed to train UCO's and ensure they reach a high level of expertise, but if training material and scenarios were made public new material and new scenarios would have to be designed. This would seriously delay a continuous national training programme that is now in full flow and potentially restrict national operational capabilities in this area of law enforcement;

253.3. *Commercial* – A significant number of individuals (particularly retired law enforcement operatives) have set up private training companies. Publishing College of Policing material would be damaging to the College's commercial interests and would restrict the current licensing of material to approved providers that the College currently operates.

253.4. *Copyright* – All the training material used on undercover training courses is the property of the College of Policing who hold the Intellectual Property Rights and Copyright over that material.

254. My key concern is that the training material teaches undercover policing tactics and revealing the training material will reveal the current tactics and priorities of undercover policing. The methodology and the scenarios that candidates are exposed to within the training environment reflects exactly how they will be expected to operate in the field. Therefore, all of the reasons I have set out in my previous statement and in this addendum statement explaining why tactics should not be



revealed will apply equally to the training documents and scenarios used to teach UCO's about the tactics of undercover policing. All such information would assist those engaged in serious criminality in identifying whether they are likely to be targeted, how they could be targeted and how to identify a UCO. This information would cause harm to the ability of law enforcement agencies to mount undercover operations and risks UCO's being identified.

255. In addition to the actual training material there are other elements of recruitment and training that should be protected from public disclosure.

[Redacted]  
[Redacted] the locations in which training takes place should all be protected from being publicly identified. *GIST: The importance of protecting those involved in training undercover officers is discussed.*

256. Revealing the current locations of training centres will make them vulnerable to intelligence gathering by criminals, either by surveillance or infiltration tactics. This would create a risk of harm to individuals and a risk that the techniques being taught will be compromised.

257. [Redacted]

258. Publicly disclosing this material will frustrate and undermine the use of the limited number of undercover policing tactics in the future and risks assisting criminals and others in identifying undercover operations and UCO's themselves.

**F. Backstopping/Legend Building**

259. I dealt generally with legend building in some detail at paragraphs 36-92 of my



previous statement ('Section D. Legend building and backstopping'):

**"D. Legend building and backstopping"**

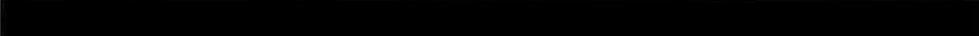
36. 'Legend building' is the process of visiting or frequenting locations to develop and maintain a covert identity. 'Backstopping' is the process of establishing and maintaining documentation and facilities that support covert identities. Both are fraught with practical difficulties. Secrecy is necessary during the process of legend building and backstopping if they are to be successful.

37. The use of legends and related assets is of particular importance to the National Crime Agency (NCA) and all LEAs conducting counter-terrorism and OCG investigations, due to the level of criminality that is under investigation.

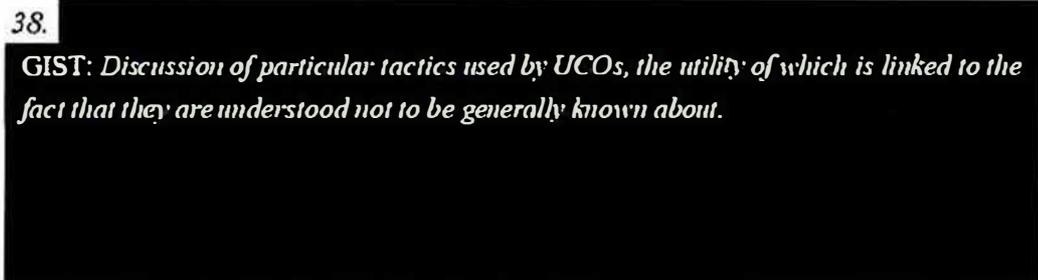


Serious criminals and terrorists will nearly always require verification of a UCO's identity, skills and assets. Commonly these legends are propped up by



38. 

GIST: Discussion of particular tactics used by UCOs, the utility of which is linked to the fact that they are understood not to be generally known about.



39. A false identity and a false history are very difficult to create and secrecy is required to ensure that they are successfully created. Focused and sustained scrutiny by those that UCOs infiltrate creates a very real risk that even the most carefully constructed covert identity could be exposed as being fictitious. A 'legend' can be built by a UCO, but huge effort is required and success is not always guaranteed.

40. Legend building is extremely sensitive and it is not widely known that 

GIST: particular aspect of legend building discussed; assertion made that disclosure of

[REDACTED]

*this information would be damaging.*

[REDACTED]

41.

*GIST: Discussion of a particular aspect of legend building which, it is said, is insufficient alone to ensure that a UCO's legend can withstand scrutiny.*

42.

*GIST: Examples given of why techniques used by undercover officers in relation to legend building are sensitive.*

43.

*GIST: Example given of a particular sensitive tactic which is not publicly known. The tactic only works because it is not publicly known.*

44. *The best legends require secrecy, time, expense and significant maintenance.*

*GIST: Further example of tactics used in legend building.*

45. *There are OCGs that are aware that LEAs may utilise covert legends and related assets. These OCGs present a particular risk to a UCO as they will take steps to drill down past the veneer of a legend to satisfy themselves that the UCO is a real person, [REDACTED] and lives a real life. GIST: However,*

[REDACTED]

*criminals are not always aware of the full range of backstopping tactics available to UCOs.*

*This is why they should be kept secret.*

*46. Revealing the methods and related assets that are available to UCOs to create [REDACTED] legends, but which have not been officially confirmed, would arm the OCGs with the tools they need to determine if any individual was an UCO. This would severely limit the effectiveness of the undercover capability and cause irreparable damage to law enforcement's ability to fight serious and organised crime. I shall address some of the key elements of legend building and backstopping, to explain in more detail why this information should not be made public.*

### *1. Creation of a false identity*

*47. In order to create a successful covert identity a UCO needs identity documents. Precisely what documents are required may vary from deployment to deployment, but many UCOs will require basic identity documents.*

[REDACTED]

*48] GIST: Description of techniques used in creation of false identities.*

[REDACTED]

*It is essential that LEAs keep this information confidential (and I understand that statements have been submitted on this particular issue* *GIST: By a number of public bodies including the MPS and the NCA.*

*GIST: Publicly revealing the techniques described above could lead to the identification of UCOs.*

*48] GIST: Further explanation of why revelation of the techniques described above would assist criminals to identify UCOs.*

[REDACTED]

*The prospects of successfully uncovering a UCO are increased if a criminal is focusing efforts in the correct direction.*

[REDACTED]

48.2 GIST: *Further explanation of why revelation of the techniques described above would assist criminals to identify UCOs.*

[REDACTED]

48.3 [REDACTED]

Anyone suspected of being a UCO that could not produce an identity document [REDACTED] would be marked as a potential UCO. This could lead to a UCO being identified, but it could also lead to others being wrongly identified as a UCO because an innocent third party may be unable to produce such a document for other reasons. Therefore there is a risk not only to the UCO and associates but other, possibly completely innocent, third parties.

49. GIST: *Cf. paragraph 57 of the witness statement of Cairo dated 20 July 2017 [also redacted].*

[REDACTED]

50. [REDACTED]

The situation is compounded with the instant availability of open-source information to individuals who may not be considered part of an OCG but who are technically savvy and aware of the available databases.

51. GIST: *Further detail given of particular technique described above.*

[REDACTED]

[REDACTED]

[REDACTED]

52. *GIST: Description of further consequence of public revelation of technique described above.*

[REDACTED]

52.1 *GIST: Examples are given to demonstrate how the technique would be undermined if it were disclosed.*

[REDACTED]

52.2

[REDACTED]

53. *The exposure of UCOs through corrupt officials is a real risk and examples of corrupt officials being exploited for information include:*

53.1 *GIST: A [REDACTED] case involving an OCG successfully utilising officials [REDACTED] to access [REDACTED] data that revealed the locations where a UCO was [REDACTED]. The Force conducted an urgent risk assessment to prevent the UCO's identity being compromised. The [REDACTED] officials were later arrested but not charged.*

*GIST: Example given of a corrupt police officer who provided information to known criminals.*

[REDACTED]

[REDACTED]

53.4 A corrupt CPS official, Mark Herbert, who provided information to the Adams criminal gang. This example, referred to at paragraph 36 of the Cairo statement and the attached press clipping, involved the accessing of sensitive covert files, which included informant details [REDACTED]. The corrupt CPS official was convicted of accessing the information; and

53.5 A corrupt police officer leaking information to criminals, described at paragraph 36(b) of the Cairo statement.

54. [REDACTED]

55. *GIST [54-61]: Despite the description in the Herne report, and the "Undercover" book by Rob Evans and Paul Lewis, of the process of using birth certificates to apply for identity documents, it is essential that there should be no public confirmation of how identity documents are or may be obtained because to do so would risk causing harm. Examples of the types of harm that may be caused by revelation are provided.*

56. [REDACTED]

57. [REDACTED]

[REDACTED]

58.

[REDACTED]

59.

[REDACTED]

60.

[REDACTED]

60.1

[REDACTED]

60.2

[REDACTED]

61.

[REDACTED]

[REDACTED]

*2. Legend support: covert assets*

*62. To give a false identity credibility [REDACTED] techniques and resources can be deployed. A range of [REDACTED] assets can be used and disclosure of the type of assets and techniques used is likely to assist criminals in directing their counter-surveillance measures in a more focused and effective manner.*

*63. I propose to address a number of common examples of covert assets used to support a UCO, the public revelation of which would harm the ability of undercover policing to prevent and detect crime.*

*i. [REDACTED]*

*64. Undercover identities and operations may need to be supported by [REDACTED]  
GIST: examples of particular covert assets along with explanation of how they are utilised.*

*65. While criminals may be able to speculate that [REDACTED] are used to support an identity, confirmation of the methods used to obtain and deploy them could be used to discover the true provenance of [REDACTED] they suspect is being used for this purpose. Evidence that a particular method was used in a particular operation in the past may assist in exposing the true identity of an officer's involvement in that operation and any others.*

*66. GIST: Further example of how exposure of this type of covert asset could endanger operatives, operations, and third parties unconnected to policing.*

[REDACTED]

ii. [REDACTED]

67. [REDACTED]

68. [REDACTED]  
*GIST [67-69]: Description of a covert asset which, if revealed, would be valuable to criminals seeking to investigate whether a person's claimed identity is true. Reference made to statements said to have been submitted to the Inquiry by a number of public bodies including the MPS and the NCA.*

69. [REDACTED]

**iii. Premises**

70. Premises used in covert policing require protection to ensure the safety of those who use them.

71. The location of the undercover unit itself must be kept confidential. **GIST: A particular tactic relating to premises is discussed.**

[REDACTED]  
The location of the undercover unit will not be widely known, even within the police service. Were the location of an undercover unit to become public knowledge there would be risks:

71.1 To individual UCOs working out of that unit;

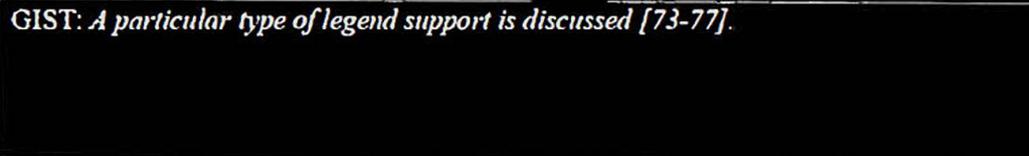
71.2 To non-UCO staff in the unit;

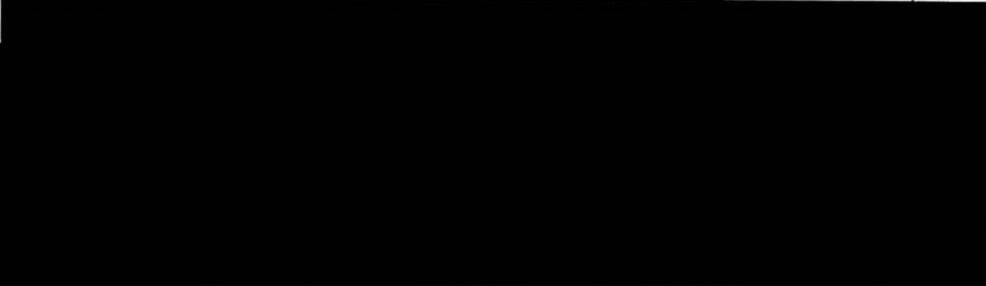


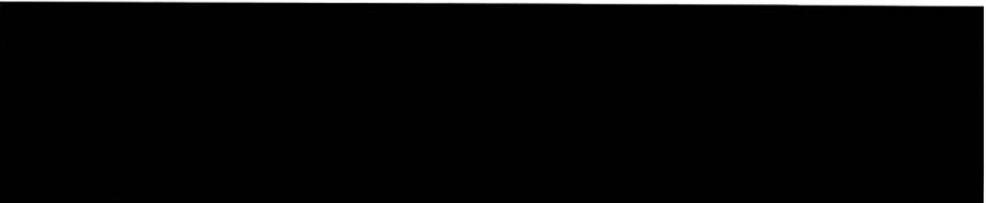
- 71.3 To others working in the building unconnected to the unit; and
- 71.4 To all operations being run by that unit.

72.   
 This too would need to be kept confidential to avoid the risks identified above.

73. An individual UCO living under a false identity is likely to require accommodation to live in that identity, where he can be seen living by targets and their associates. 

GIST: A particular type of legend support is discussed [73-77].  


74. 

75. 

76. 

[REDACTED]

77.

[REDACTED]

3.

[REDACTED]

78.

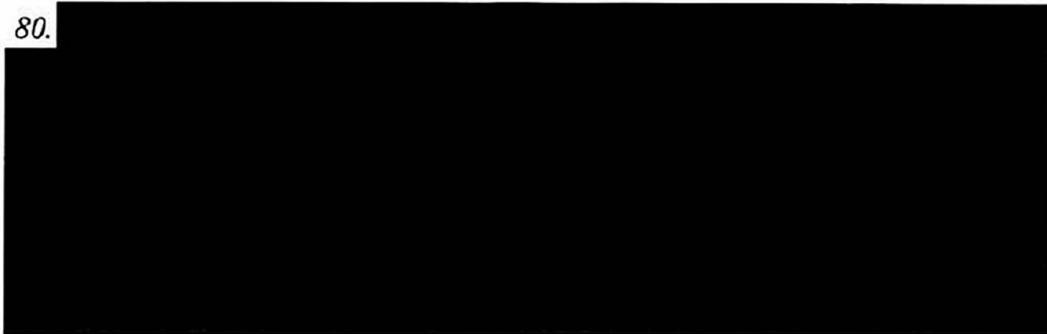
*GIST: Examples of specific techniques, how undercover officers use those techniques, and the risks associated with their disclosure are discussed [78-83].*

79.

[REDACTED]



80.



81.



82.



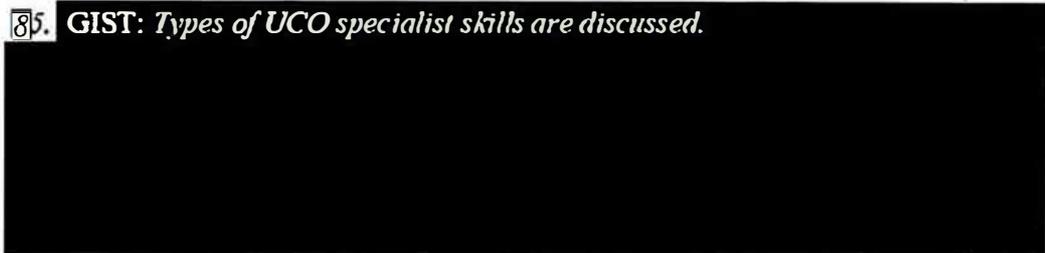
83.



#### ***4. Specialist skills***

*84. Some officers have specialist skills unrelated to their routine work, for example [redacted] Such skills can be a valuable part of the "legend" that is created for an undercover identity.*

**85. GIST:** *Types of UCO specialist skills are discussed.*



[REDACTED]

[REDACTED]

5. [REDACTED]

86. [REDACTED]

87. *UCOs within the police service generally may also have particular expertise in these areas.*

88. [REDACTED]

89. [REDACTED]

90. [REDACTED]

91. *Establishing credible and 'checkable' legends in these niche areas requires high level investment.* [REDACTED]

[REDACTED] *Therefore, a long-term view and investment is vital.* [REDACTED]

92. *GIST: Offer of provision of further evidence if required.* [REDACTED]



(i) Common features of a legend

260. I explained in my previous statement that [REDACTED] time and effort is involved in the creation and building of a successful legend. If a legend is to succeed it needs to replicate, so far as possible, all the elements that would exist in a real person's life. It needs to be credible, realistic and believable and this is not easy to achieve. *GIST: Timing of creation of a legend.*



261. *GIST: A common feature of legends is discussed [261-262]*

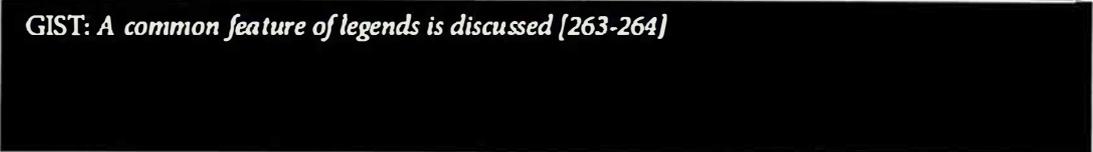


262. [REDACTED]



263. The fact that a UCO is leading a 'double life' must remain hidden from the target if suspicions are not to be aroused. [REDACTED]

*GIST: A common feature of legends is discussed [263-264]*



264. [REDACTED]



265. [REDACTED] absences may be needed for professional reasons, [REDACTED]

[REDACTED] and these will also need to be explained by a UCO if suspicions are not to be aroused.

[REDACTED]

266. The precise explanation given by the UCO is likely to be dependent upon the particular operation and the legend created by the UCO. [REDACTED]

[REDACTED]

267. *GIST: [266-268] Further discussion of ~~similar features~~ of legends. Assertion is made that revelation of this common feature may form another part of the 'mosaic effect' that could lead to the identification of a UCO and therefore it should not be publicly disclosed.*

268.

[REDACTED] This is another feature of undercover policing that, if disclosed, could contribute to the mosaic effect and lead to the identity of a UCO being revealed.

(ii) Creation/maintenance of a false life

269. In addition to the general matters I have already dealt with in relation to legend building and the creation of a false life set out at paragraphs 36-92 of my previous statement I now wish to address three specific areas.

*(a) Knowledge of target group area*

270. A UCO will usually need to have detailed knowledge of the proposed target individual or group as well as understanding the type of criminality being investigated. The UCO may also need specific knowledge of associated matters. These may be matters that are incidental to the criminality being investigated, but about which the UCO will need a detailed knowledge if they are to maintain their cover. [REDACTED]

[REDACTED]

[REDACTED]

271. [REDACTED]

272. [REDACTED]

273. [REDACTED]

274. [REDACTED]

**275. All of these aspects of legend building are important elements of undercover policing and should not be publicly revealed because to do so would adversely affect the ability of undercover officers to be properly trained and deployed. Revealing this information undermines current tactics and reduces the range of tactics available to UCO's in the future.**

*(b)* [REDACTED]

276. In my previous statement I dealt with UCO legend building and employment, but

[REDACTED]

[REDACTED]

277. *GIST: [276-280] A particular aspect of legend building is discussed, with examples. It is asserted that such information should not be routinely disclosed as to do so would undermine the tactics used and could expose the identities of UCOs.*

[REDACTED]

278.

[REDACTED]

279.

[REDACTED]

280.

[REDACTED]

(c)

[REDACTED]

281.

[REDACTED] At the time that the SDS was operating [REDACTED] a process of obtaining identity documents using birth certificates was developed. This meant that SDS officers needed to obtain a birth certificate in order to apply for fictitious documents. [REDACTED]

[REDACTED]

[REDACTED] and in order to avoid the danger of detection SDS officers developed the practice of using the real details of dead children, whose details did appear on the birth registry, as a means of obtaining a birth certificate and thereafter other documents of identity.

282. *GIST: [282-284] Consideration of factors relevant to current legend building tactics which, it is asserted, if revealed would undermine the tactic and place UCOs at risk.*

[REDACTED]

283.

[REDACTED]

284.

[REDACTED]

(iii) [REDACTED] GIST: further undercover policing tactic in current use

285. *GIST: [285-286] Discussion of further undercover policing tactic in current use. References an example. States that the use of the tactic is not widely known. There are many ways in which the tactic can be a productive tactic or a sensible precaution. Revealing the tactic would frustrate its use and put people at risk. Revealing it would undermine current tactics and reduce the range of tactics available to UCOs in future.*

[REDACTED]

[REDACTED]

a.

[REDACTED]

b.

[REDACTED]

c.

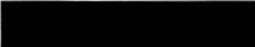
[REDACTED]

286.

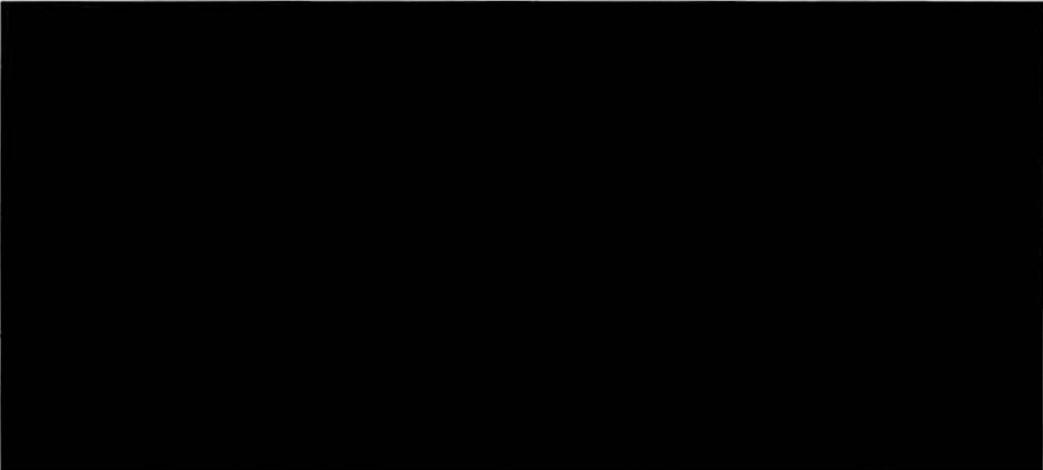
[REDACTED]

[REDACTED]



(iv)  GIST: *Further undercover policing tactic in current use*

287.  GIST: *[287-295] Discussion of further undercover policing tactic in current use. References an example and explains the harm that would be caused by disclosure. States that the tactic should not be disclosed otherwise use of this tactic will be frustrated and reduce the effectiveness of undercover policing techniques.*



[REDACTED]

[REDACTED]

[REDACTED]

288.

[REDACTED]

289.

[REDACTED]

290.

[REDACTED]

[REDACTED]

[REDACTED]

291.

[REDACTED]

292.

[REDACTED]

293.

[REDACTED]

294.

[REDACTED]

295. [REDACTED]

### G. Operational Tactics

#### (i) Targeting: who and how

296. The identities of those subject to undercover operations should not be publicly disclosed because to do so could frustrate policing operations and could lead to the identification of UCO's. Those suspected of criminality who are subject to an undercover infiltration may never learn that they were subject of such an operation. The operation may have been discontinued or suspended and the target may have faced criminal proceedings never knowing that they had been the subject of an undercover operation but they may nevertheless still be operating as criminals. Informing targets that they have been subject to an undercover policing operation will make them more cautious and lead to enhanced measures being taken to prevent future infiltration, this will frustrate law enforcement methods in the future. Alerting targets that they have been subject to an undercover operation is also likely to lead to targets taking steps to find out who the UCO was, to prevent future infiltrations and/or to seek retribution, putting the UCO and anyone associated with the UCO at potential risk of harm.

297. Accordingly, the details of those subject to undercover operations should not generally be revealed in order that future operations are not jeopardised and UCO's are not identified.

298. UCO operations are usually undertaken where significant criminality has been identified and the use of a UCO has also been identified as a potential solution. Such problems are usually identified by local police commanders who are responsible for implementing force policy and core priorities as well as responding to local policing demands. For example, if a local policing commander identifies an issue with a local criminal gang an operational plan may be submitted by a Senior Investigating Officer



for consideration and a meeting may take place with an undercover unit to decide whether a UCO could be used. If so, and if resources are available, potential targets will be identified and the undercover unit will assess whether or not a UCO could be usefully deployed to prevent or detect criminality and if so what tactics could best be used.

299. Tasking and coordination meetings will decide how resources would be prioritised, with senior police officers deciding how [redacted] undercover resources are best deployed. Such meetings may be internal to a particular force, may be regional, or (particularly in relation to counter-terrorism) may be national tasking and coordination meetings.

300. Advanced UCO operations will usually be authorised at a higher level, usually at the level of a Chief Constable and the Senior Investigating Officer, separate from the undercover unit, will be in charge of any operation and will be responsible for ensuring that UCO's are used appropriately.

301. The SDS may have been responsible in many respects for their own deployments. However, currently senior police officers are responsible for deciding what undercover operations should be pursued by their forces or forces in their region.

302. Precisely how targets are chosen and the internal procedures that are undertaken to suggest and then select targets should be protected because revealing such details will assist those engaged in criminality in taking steps to reduce their prospects of being selected as a target.

303. Accordingly, selection criteria and tasking processes should be protected from public disclosure in order to avoid providing assistance to those engaged in criminality who wish to avoid being subject to undercover policing operations. Providing such information would frustrate the legitimate aims of undercover policing generally.



**(ii) Length of deployment**

304. The dates of and length of UCO deployments should be protected from public disclosure because revealing the particular dates and lengths of deployment could lead to criminals discovering that they were subject to an undercover operation and could lead to particular UCO's being identified.

305. *GIST: Further reasons are given. Dates of operations need to be protected to avoid identifying operations or operatives. Exposing details about the lengths of deployment will lead to increased scrutiny from criminals.*

306. *GIST: Paragraph gives usual length of secondment to an undercover unit. Paragraph gives details of records which may reveal that an officer was seconded to an undercover unit and which it is therefore said should not be publicly disclosed as they may reveal this.*

**(iii) Starting a deployment**

307. I addressed the common ways in which an undercover operation may be commenced at paragraphs 94-108 of my previous statement.

***“1. Commencement of operation***

*94. It is very difficult to gain access to groups or individuals involved in serious criminality. There are [redacted] methods of starting an undercover operation: [redacted]*

[REDACTED]

[REDACTED] *I shall explain each of these.*

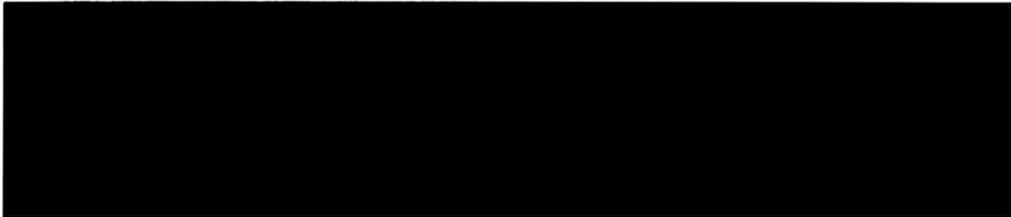
[REDACTED]

[REDACTED]

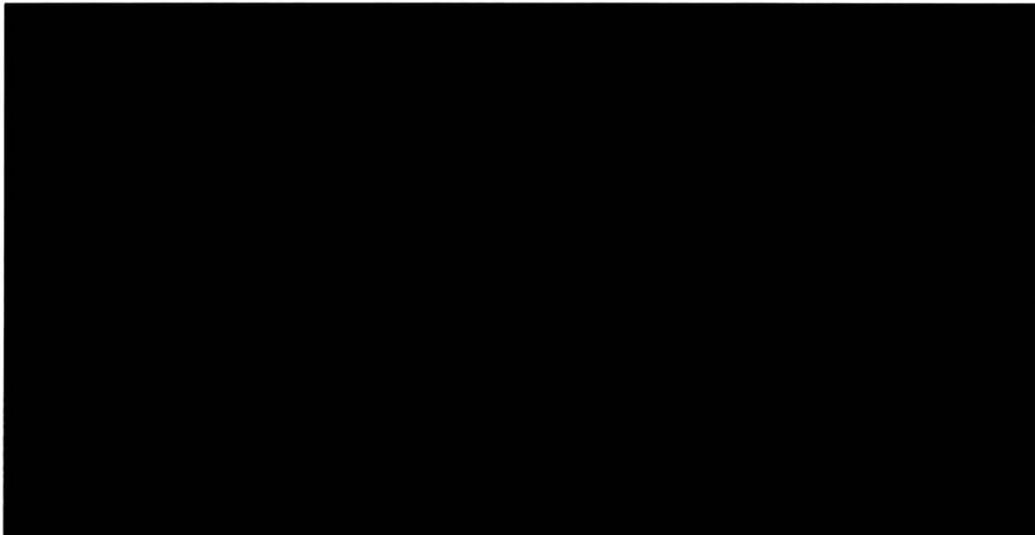


**Infiltrations**

*101. In order to successfully infiltrate a criminal organisation a UCO needs credibility. This is obtained by the legend building and backstopping already described and to a large extent UCO's will be responsible for building their own legends, with the support of covert assets and identity documents. Infiltrations often require long and intense deployments of UCOs.*



*104. For all the reasons already given the methods of legend building and backstopping should be protected in order to maintain the legitimate tactic of infiltrating criminal organisations.*



[Redacted]

[Redacted]

308.

*GIST: [308-312] Examples are given of how deployments are started.*

[Redacted]

309.

[Redacted]

310.

[Redacted]

311.

[Redacted]

[REDACTED]

[REDACTED]

312.

[REDACTED]

313. The tactics used in order to start an undercover operation are not widely known and should be protected in order that they may continue to be used as a UCO tactic. Revealing the methods used to commence undercover operations will frustrate future undercover operations, making it harder to infiltrate criminal enterprises and negatively impacting upon the prevention and detection of crime. Revealing the methods used to commence undercover operations may also lead to the identification of UCO's that have used such methods before, placing them at potential risk of harm.

**(iv) Format of code-names**

314. The format used to create code-names may often reveal locations and departments. Different organisations and different units will have different methods of creating code-names but the code-names themselves should generally be protected, for similar reasons to those I have given relating to operation names.

315. Some organisations, including the SDS and the NPOIU, gave UCO's code-names. These organisations will have had different methods for creating such code-names and the format and code-names should not be disclosed in order to protect the identities of the [REDACTED] UCO's concerned. Surveillance operations may also attribute code-names to the target of those surveillance operations [REDACTED]

[REDACTED]

[REDACTED]

**(v) Format of intelligence**

316. The format of intelligence, how it is reported and relayed to others, can reveal many important pieces of information in addition to the actual content of the intelligence. For example the reference number attached to intelligence when it is first received and documented:

[REDACTED]

317. Where the information is first recorded, for example in a cover officer's day book, or in an undercover unit's intelligence debrief documentation would reveal that the information came from a UCO.

318. Another example is the use of pink paper by some departments, including MPS Special Branch, to show that information stored within a document is particularly sensitive,

[REDACTED]

319. The particular format of forms may also identify individual police units or departments, or even locations and all such information could assist in identifying what the intelligence was about or who dealt with it.

320. The format of intelligence, how it was provided and to whom it was provided could all reveal that the information came from a UCO [REDACTED] and could expose that individual to harm and accordingly should not be publicly disclosed.

**(vi) Technical equipment used**



321. I dealt with technical equipment in my previous statement at paragraphs 109-117.

***"2. Technical Equipment***

*109. UCOs can no longer rely exclusively upon recollection and pocket notebooks to provide credible evidence to a court. Evidence corroboration is vital. As awareness of techniques used in covert operations increases and methods to evade detection become more ingenious capturing undisputable evidence is a greater challenge.*

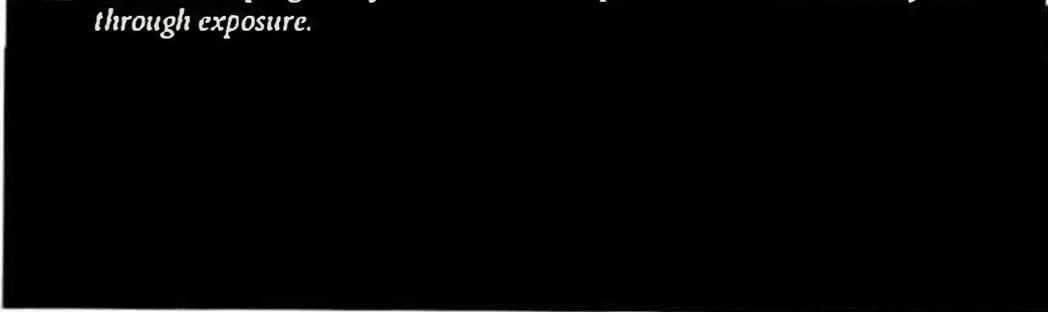


*Increasing the awareness of the details of the equipment used, [redacted] will also endanger individuals. Revealing these details will endanger individuals and will undermine present and future undercover tactics and operations.*

*111. Criminals aware of traditional methods engage with UCOs in a secretive manner and physical covert observation posts, mobile surveillance [redacted] will provide evidence to a degree. [redacted]*



*112. GIST: Example given of a sensitive and expensive tactic rendered defunct through exposure.*



*113. When such a tactic is revealed it also immediately places at risk all UCOs who may have used, or may still be using, such a tactic.*

[REDACTED]

114. *Advanced operations are generally aimed at targets relevant to more serious crime or threats to the public* [REDACTED]

[REDACTED] *but the detriment to the public interest in revealing the detail will be more serious.*

115. *Criminals are aware that audio or visual recordings are good evidence and accordingly it is becoming more common for UCOs to be searched for technical equipment.* [REDACTED]

GIST: *An example is provided of a UCO who infiltrated a criminal gang with links to firearms. The UCO was challenged as being a police officer and in particular in relation to a particular covert assert that he was suspected of using; this example is said to demonstrate the awareness of the covert tactic that was being used.*

116. *Other types of technical equipment used in undercover operations are tracking devices and live monitoring equipment. The existence of tracking devices is well-known, [REDACTED] similarly, the ability to live monitor conversations may be commonly known, [REDACTED]*

*[REDACTED] If the technology and methodology is revealed those engaged in criminal activities will know what to be alive to when trying to avoid detection*

[REDACTED] *Giving certainty to OCGs and terrorists is dangerous for those seeking to prevent their activities.*

[REDACTED]

[REDACTED]

322. Revealing details of particular technical equipment will cause harm to undercover policing, restrict the future use of such equipment and potentially put UCO's at risk of harm. [REDACTED]

[REDACTED]

[REDACTED]

323. *GIST: [323-327] A specific tactic related to undercover policing is discussed with examples given of its use. The assertion made is that the use of the tactic should not be publicly revealed because it would frustrate its future use and could put UCOs at risk of being identified.*

[REDACTED]

324.

[REDACTED]

325.

[REDACTED]

[REDACTED]

326.

[REDACTED]

327.

[REDACTED]

(viii) Handling of [REDACTED] (procurement, use, disposal etc.)

328. I addressed the issues in relation to [REDACTED] in my previous statement at paragraphs 64-69.

[REDACTED]

*64. Undercover identities and operations may need to be supported*

*GIST: examples of particular covert assets along with explanation of how they are utilised*

[REDACTED]

*65. While criminals may be able to speculate that [REDACTED] are used to support an identity, confirmation of the methods used to obtain and deploy them could be used to discover the true provenance of [REDACTED] they suspect is being used for this purpose. Evidence that a particular method*



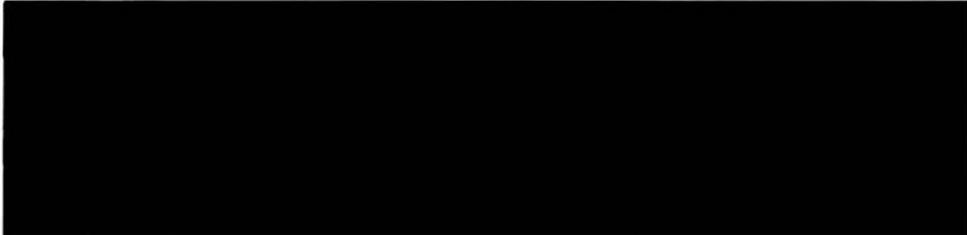
*was used in a particular operation in the past may assist in exposing the true identity of an officer's involvement in that operation and any others.*

*GIST: Further example of how exposure of this type of covert asset could endanger operatives, operations, and third parties unconnected to policing.*



68.

*GIST [67-69]: Description of a covert asset which, if revealed, would be valuable to criminals seeking to investigate whether a person's claimed identity is true. Reference made to statements said to have been submitted to the Inquiry by a number of public bodies including the MPS and the NCA.*



[REDACTED]

329. In my previous statement I focused on the provision to, and use of covert assets by UCO's. However, the need to maintain the security of [REDACTED] applies to all those involved in undercover operations, including cover officers and those involved in the administration support team, technical support officers and any other operational team that may be in contact with the undercover operation.

330 *GIST: a particular type of covert asset is discussed.*  
[REDACTED]

331 [REDACTED]

332 [REDACTED]

333. For these reasons the manner in which covert assets are obtained, used and disposed of by undercover units generally should not be publicly disclosed because it could lead to the compromise of UCO's or third parties, potentially place them at risk of harm and frustrate the future use of such arrangements.

(ix) Methods of surveillance

334 *GIST: Surveillance techniques are discussed.*  
[REDACTED]



335. Surveillance methods need to be generally protected because they are used outside the area of undercover policing and reducing the effectiveness of surveillance by disclosing details of this tactic will impact upon many other areas of policing.

336. The specific methods of surveillance are probably not matters that the Inquiry would wish me to deal with, but if needed I can address this in a supplementary statement.

**(x) Covert activity online**

337. I dealt with covert online activity in my previous statement at paragraphs 118-122. It is a highly specialised and technical field and I understand that the NCA intend to submit specific evidence to the Inquiry regarding the tactics used by UCO's operating online.

*3. Covert activity online*

*118. The internet is now regularly used to further the criminality of some individuals.*

*119. Online operatives are described in the APP as being either foundation or advanced "who are deployed to establish and maintain relationships with an individual, network or organisation through the use of the internet with the covert purpose of obtaining intelligence, information or evidence as part of an authorised operation." (paragraph 2.3.3)*

*120. UCOs engaged in online operations use a range of tactics and techniques to avoid being detected by criminals and paedophiles.*

*121. How undercover officers overcome these challenges is very sensitive and if disclosed would significantly reduce the effectiveness of this tactic and in some cases render it obsolete leading to more children being placed at risk. This is a highly sensitive area involving the worldwide activities of OCGs, terrorists and paedophiles. Disclosing the tactics of online covert policing would not only damage the tactic within the UK but across the world.*

122. 

[REDACTED]

*GIST: Details of other areas of law enforcement which could be adversely affected by the disclosure of undercover techniques are given.*

338. In my previous statement I mentioned the difficulties associated with UCO online social media profiles [REDACTED] I should make it clear that internet activity, in particular social media activity, provides UCO's with two distinct problems: pre-UCO history and [REDACTED]

339. Firstly, police officers are no different to other people in having an online social presence. They may be on Facebook, Twitter or Instagram. There may be photographs of themselves and their friends and relatives and they will usually be identifiable by name if not by occupation. The metadata of photographs may provide further information in the form of dates, times and locations. This online presence may extend back in time before they were police officers and it may be wide-ranging in that details and photographs may feature on the social profiles or web pages of others. [REDACTED]

[REDACTED] These issues create real problems when an officer undertakes a UCO role, indeed it could prevent an officer from undertaking such a role. This difficulty will often be relevant when considering the mosaic effect and how easy it may be to identify a UCO from a relatively small amount of information.

340. [REDACTED]

[REDACTED]

[REDACTED]

341. These difficulties [REDACTED] should therefore be taken into account by the Inquiry, but not be publicly disclosed because such disclosure would assist those intent on uncovering UCO operations or revealing the true identity of UCO's.

**(xi) Internal procedures, including generating and handling product**

342. I briefly mentioned internal procedures in paragraph 123 of my previous statement and I now wish to provide further information about support staff, internal procedures and generating and handling product.

343. I mentioned support staff in broad terms throughout my previous statement. However, I did not describe in detail the type of support staff or the potential risks to them, save for mentioning in paragraph 179 that increasing the risk of exposure of UCO's will increase the risks of exposing support staff and make it more difficult to recruit and retain such support staff.

344. The SDS did not have the degree of support that is now provided to UCO's and today's UCO's have a wide range of support staff at their disposal: cover officers assist with the deployment and provide emotional and psychological support, whilst technical, intelligence and administrative support staff offer an array of support and assistance to UCO's. [REDACTED]

345. [REDACTED]



346. The protection I seek here equally applies to those external individuals that have contact with undercover policing (e.g. Psychology, welfare and those undertaking governance of the tactic such as the Office of Surveillance Commissioners (OSC)).
347. This network of support staff and the wider individuals associated with undercover policing should all be protected from exposure. They all assist in the delivery of UCO work, prior to, during or after deployment and their identities and the nature of their work should not be made public because such information would risk exposing particular undercover operations or particular UCO's and their wider support staff.
348. Internal procedures generally, including Standard Operating Procedures (SOP's) should not be made public because they reveal how undercover units and UCO's conduct their day-to-day work. SOP's can expose investigative tactics and procedures used by law enforcement agencies generally and could have a negative impact upon all law enforcement activity. Such information would assist those intent on disrupting undercover operations or those intent on identifying UCO's.
349. How intelligence is gathered, recorded and used is extremely sensitive and this is protected by well-established systems and procedures for handling, sharing, dissemination and disclosure. This is the position across the whole sphere of policing, not just undercover policing. The content of intelligence will in most cases be self-evidently sensitive because in many cases it will come from a UCO or a CHIS and will contain information about criminality that could not be known to many. Disclosing such information, even in a sanitised form, can put the informant or UCO at risk if the subjects of the information know that only a few people knew the information.
350. Intelligence or information can also be gathered electronically or using technical means and revealing content, or how the content is stored, could betray the method used to obtain the intelligence. When a recording has been obtained it will need to be produced into an evidential format, copied, and typed into a transcript and prepared as an evidential exhibit. Care must be taken to ensure that the method by which the initial product was generated or recorded and how the recording was copied is protected.

[REDACTED]

351. *GIST: A specific example is given of steps taken to protect an undercover officer.*

[REDACTED]

352. How intelligence is obtained, analysed, processed and evaluated is a confidential process that should not be publicly revealed. This is very sensitive information that could even inadvertently reveal the presence of a UCO, CHIS or technical equipment in a criminal organisation. Internal procedures and SOP's should not be publicly disclosed because they will reveal tactics and procedures relating to all aspects of policing, not just undercover policing, and this will frustrate law enforcement activities intended to prevent and detect crime.

(xii) Ending a deployment

353. I mentioned exit strategies in my previous statement at paragraphs 124-127 (Section 5 'The end of an Operation'):

*"5. The end of an operation*

*124. A UCO needs an exit strategy and although this may be obvious (and 'common sense'), the methods used have not been officially confirmed. Exit strategies are extremely sensitive and the details employed in previous operations should not be disclosed. GIST: Examples given of exit strategies which if officially confirmed would assist those who seek to uncover UCOs.*

[REDACTED]

*GIST: explanation given of how revealing exit strategies risks causing harm more widely.*

[REDACTED]

*126. The third 'metric' used by the Undercover research group is an examination of the 'exit strategy', as they make clear on their website under the heading "How we work investigating suspicions":*

[REDACTED]

*"What was the exit-strategy for the undercover? In particular, has their disappearance from the activist' scene been pretty much total and they are no longer in touch with anyone?"*

*127. Accordingly, details of exit strategies should not be disclosed."*

354. **GIST: [354-363] Specific tactics relating to the end of deployment are discussed.**

[REDACTED]

355.

[REDACTED]

356.

[REDACTED]

357.

[REDACTED]

358.

[REDACTED]

[REDACTED]

359. [REDACTED] **Revealing**  
the types of exit strategies used by UCO's [REDACTED] may lead to the identification of particular UCO's in past or present undercover operations. Accordingly, the types of exit strategies generally available to UCO's should be protected and the specific exit strategy used in any particular undercover operation should not be publicly disclosed because it will reveal the presence, and possibly identity, of the UCO.

● (xiii) Succession and overlap

360. [REDACTED]

● 361. [REDACTED]

362. [REDACTED]

363. [REDACTED]

[REDACTED]

[REDACTED]

364. The tactics used in succession planning will be sensitive and should not be publicly revealed because harm would be caused to undercover policing and individual UCO's may be identified.

(xiv) Addressing/preventing compromise

365. I did not particularly address the issue of compromise in my previous statement, but steps are taken to prevent compromise in the first instance (in addition to [REDACTED] [REDACTED]) and contingency plans are put in place to deal with compromise should it occur. All tactics used to prevent or address compromise will be particularly sensitive and should not be publicly revealed.

366. Common steps taken to prevent compromise of a UCO will include:

366.1. [REDACTED]

366.2. [REDACTED]

366.3. [REDACTED]



366.4. [Redacted]

366.5. [Redacted]

366.6. [Redacted]

367. *GIST: A tactic is described relating to addressing/preventing compromise.*  
[Redacted]

368. Compromise is best avoided by [Redacted] using the techniques I have already described. If a UCO is compromised and extracted they will be provided with emotional and psychological support and they and their families may well be relocated and protected. This may continue indefinitely and the significant fiscal and emotional costs should not be underestimated. Any such compromise will, in most cases, mean that the whole operation is compromised and the criminal activity targeted will continue and the costs of setting up the operation, including all the backroom staff forming part of the undercover operation, will have been wasted. Great care is accordingly taken to prevent compromise.

369. *GIST: Further consequence of compromise.*  
[Redacted]

370. All tactics used to prevent compromise or to address compromises that have occurred are sensitive and should be protected. Publicly revealing such details

[REDACTED]

risks frustrating their future use and risks causing harm to UCO's.

371.

[REDACTED]

Disclosing details of the facts that are used can only assist those engaged in criminality and harm the efforts of law enforcement agencies who seek to prevent and detect crime.

[REDACTED]

[REDACTED] For these reasons this information should not be publicly disclosed.

#### H. Assets

372. I dealt with a variety of 'assets' used in undercover policing in my previous statement, [REDACTED] but I would now also like to address a number of other topics that may fall within the heading of 'assets'.

##### *(i) File References*

373. The file reference numbers used by law enforcement agencies will commonly be made up of significant letters and numbers. [REDACTED]

[REDACTED] In many instances these references, as they relate to undercover policing, should not be made public because they may lead to the identification of the individuals concerned or may lead to connections being made between individuals or operations.

374. *GIST: The meanings behind file references and the need to protect them are discussed.*

[REDACTED]

[REDACTED]

[REDACTED]

*(ii) Names of sensitive operations or departments*

375. The main concern in revealing UCO operation names is that the operation names themselves may have previously been disclosed to criminals during a criminal investigation or prosecution. The criminals concerned may not be aware that a UCO was involved in that particular operation and if that operation name were now to be confirmed as a UCO operation those that are already aware of the detail of an operation will learn that a UCO was involved. It is impossible now to know what operation names have been disclosed over the last 48 years and to whom those operation names have been disclosed.

376. [REDACTED]

If a UCO's involvement in named operations is disclosed this could lead to the UCO concerned being identified as a common denominator in those various operations. Different areas of policing may use different operation names for the same operation and revealing the various operation names may reveal the departments, organisations or specialities involved in those operations and may reveal the nature of the operation or who was involved.

377. Operation names may also be linked to a particular process, [REDACTED] and revealing the name, or even the existence, of such operations would impede their effectiveness or even render them completely redundant. Revealing the name of such sensitive policing operations risks identifying anyone linked to the named operation [REDACTED] and would place them at risk of potential harm.

378. In some instances a particular operation could still be on-going and revealing that the operation name is a UCO operation could endanger the UCO concerned.

[REDACTED]

379. The names of older operations may be sensitive because the name given to the operation was often determined by local officers and could refer directly to the type of operation being undertaken. [REDACTED]

[REDACTED]

380. Some police departments deal with particularly sensitive matters and even their existence is not widely known. The names and locations of these departments should not be made public because it could lead to the identification of the officers working in those departments.

381. It will be very difficult for anyone to know what operation names or department names are particularly sensitive without in many cases an inordinate amount of research being conducted into those operations, the UCO's involved [REDACTED] Accordingly, all operation names and department names should be treated as sensitive until otherwise determined.

*(iii) Sensitive physical asset and/or infrastructure*

382. In my previous statement I dealt with [REDACTED] but there are other assets used in undercover policing that I should also like to address. Technical equipment, [REDACTED] is constantly evolving and improving and what technology is available to the police should remain confidential if its use is not to be frustrated.

383. [REDACTED]



*(iv) Sensitive electronic asset and/or infrastructure*

384. There are a variety of electronic databases that are very sensitive, the content of which should remain completely confidential.

385.



*GIST: Specific databases, the nature of which is identified, are maintained which*  
are self-evidently confidential and sensitive and should be generally protected from disclosure.

386. The National Undercover Index is maintained by the Metropolitan Police and it contains the details of UCO's, providing each officer on the database with a unique identifying number. The contents of this database are self-evidently confidential and sensitive and should be generally protected from disclosure.

387.



388. Individual UC departments will have their own databases recording deployments, subjects and targets, which will all be sensitive and should be protected from disclosure.

389. Any information about the location of databases or servers, the information they contain, whether they are linked or standalone systems and how they are accessed



should all remain confidential. The first line of defence against hackers employed by criminals is to prevent the very existence of databases being revealed.

*(v) Locations of documents*

390. The location in which documents are stored is sensitive information and should not be disclosed. This is to prevent unauthorised access to those documents through criminal enterprise or police corruption. Those intent on discovering information about UC operations, or police operations generally, may be prepared to break into premises, or otherwise seek to breach security in order to obtain such information (for example the well publicised case involving a corrupt CPS employee, Mark Herbert, who accessed CPS computer systems in order to provide information about informants to the Adams family OCG<sup>2</sup>). Keeping the location of such material confidential will help frustrate such efforts.

391. **GIST: Information as to location of certain material.**



392. In some circumstances revealing the location of a particular document may also reveal details of the department that created it and therefore provide information about the likely content of the document or the source of the information contained within it.

**393. In all the circumstances, revealing file names, the names of operations or sensitive departments and the location of documents and computer systems should generally not be made public because of the risk that such information could lead to the compromise of information, the compromise of undercover operations and/or the identity of UCO's or CIIS's being revealed, potentially putting them at risk.**

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<sup>2</sup> Referred to in my previous statement at paragraph 53 and widely reported, for example, the report about the case in 'The Guardian', 13<sup>th</sup> July 1999, "Corrupt CPS officer sold reports to criminals" <https://www.theguardian.com/uk/1999/jul/13/nickhopkins>



**I. Capacities and priorities**

**(i) Details of capacity**

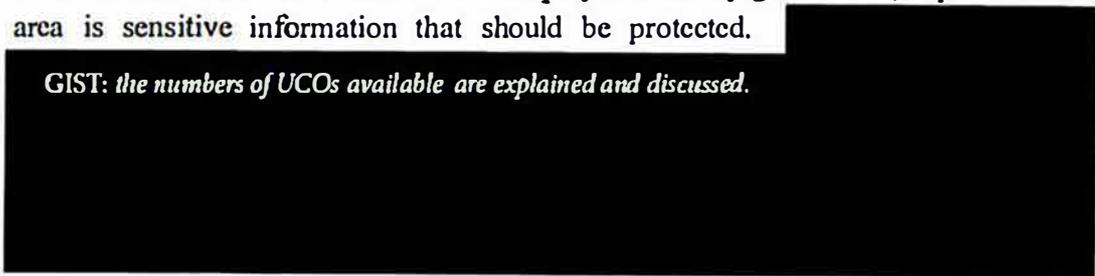
394. I did not specifically address the issue of capacity in my previous statement and this is an important area of information that should generally be protected. The HMIC Report "*An Inspection of Undercover Policing in England and Wales, 2014*" did broadly identify the number of UCO's, the number of UCO units and the number of UCO operations in England and Wales between 2009 and 2013, but it did not provide any further breakdowns by force, region or other category.

395. More detailed information about the numbers of UCO's available for deployment than that provided in the HMIC Report would assist those engaged in criminal activity, as I shall describe below, and the more detailed the information the more useful it would be. For this reason details about the number of UCO's available, UCO deployments in given areas and budget information connected to UCO's should all be protected from public disclosure.

***(a) Numbers of UCO's available for deployment***

396. The number of UCO's available for deployment in any given force, department or area is sensitive information that should be protected.

*GIST: the numbers of UCOs available are explained and discussed.*



397.



[REDACTED]

[REDACTED]

398. For the same reasons, [REDACTED] the numbers of UCO's available in any given division, district or department would be sensitive information that should not be publicly disclosed because the deterrent effect of UCO policing would be damaged. The more detailed or more geographically focused the information the more useful it would be and thus the more damaging its release would be.

***(b) Numbers of UCO's deployed***

399. The numbers of UCO's actually deployed in any given area or at any particular time is also sensitive information that should be protected. Any criminal wanting to try and establish whether they have been subject to a UCO operation or deployment would be greatly assisted to know how many UCO's were deployed at particular times or at particular locations. This information could lead to the identification of a UCO and/or the compromising of a UCO operation.

400. Past deployments revealing concentrations of UCO's or undercover operations could also assist a criminal with future planning, allowing them to focus their activities on those areas where historical data would tend to suggest that the chances of being subject to a UCO operation are less than in other areas.

***(c) Budgets and expenditure on UCO's***

401. Budget figures are also sensitive and should generally be protected because detailed figures would allow determined criminals to calculate the number of UCO's in a particular area or department. Whilst the budget for UCO policing across England and Wales generally may not be of much use to a criminal, the budget for a particular UCO team in a particular force, or budget arrangements for UCO operations in small geographical areas would be incredibly useful information and would potentially allow criminals to calculate the UCO resources available in any particular area.

[REDACTED]

402. Information about budgets and resources available would negatively impact upon the deterrent effect of UCO policing if criminals were able to use the information to help them plan their criminal activities. Such information would reveal the historical and current focus of resources and may demonstrate how policing priorities have changed and reveal what the current policing priorities are.

403. Payments and budgets may also provide information about the timing of particular undercover operations [REDACTED]. The more location or time specific the information the more helpful this information could be, demonstrating when information was being received and when operations were being conducted in particular areas. This could lead to the identification of UCO's [REDACTED]  
[REDACTED]

404. For all these reasons information about capacity, in particular numbers of UCO's, numbers of UCO departments and operations and budgets relating to the same should not be made public because it would assist those intent on criminality and reduce the effectiveness of undercover policing.

**(ii) Details of prioritisation of resources**

405. Much of what I have said about capacity and budgets applies equally to prioritisation of resources because revealing information about UCO deployments and expenditure on UCO operations will also reveal trends in policing and how [REDACTED] resources are being prioritised. In the same way that criminals may choose to physically move their operations in the light of information about UCO deployments they may also choose to change the focus of their operations, moving into areas that are perceived to be lower in the list of local policing priorities.

406. Disclosure of information about prioritisation of resources would enable criminals to assess more accurately the risks posed to them through the use of UCO's. If a criminal involved in a particular type of activity become aware that there is an increasing use of the undercover tactic to target that type of criminality, then they are likely to take greater precautions in response, which may undermine the effectiveness of the undercover tactic and police tactics more generally.

407. The same applies in relation to disclosing details of where undercover operations



have taken place or where resources have been focused in the past. Such information will be invaluable to criminals seeking to plan their future activities in the manner or location in which they are least likely to be detected.

**J. Harm to national security**

408. I dealt with this briefly at paragraphs 201-203 of my previous statement.

*3. Damage to national security.*

201. *I am not in a position to provide assistance on this topic, but I understand that the Inquiry has already or is likely to receive submissions from GIST: a number of public bodies including the Ministry of Defence and the NCA.*

202. [Redacted]

203. *However, it is certainly the position that police UCO's will on occasion become involved in counter-terrorism operations, in which all the methods and tactics already described may well be used.*

409. *GIST: [409-412] other agencies and departments are discussed.*

410. [Redacted]

411. [Redacted]

412. [Redacted]



**K. Harm to international relations**

413. I dealt with this briefly at paragraphs 204-206 of my previous statement.

*4. Damage to international relations.*

204. *Again, I am not in a position to provide assistance on this topic, but I understand that the Inquiry is likely to receive, or has already received, submissions from* **GIST: a number of public bodies including the NCA.**

205. *The statement of Christopher Farrimond, Deputy Director for Intelligence Collection within the NCA Intelligence and Operations Directorate sets out his concerns about* **[REDACTED]**

206. **GIST: explanation of concerns regarding damage to international relations.**

**L. Damage to commercial interests**

414. I dealt with this briefly at paragraphs 297.

**M. Harms ongoing investigation or prosecution, or where there are other legal proceedings**

415. I mentioned this briefly at paragraph 208 of my previous statement.

*6. Ongoing (i) civil or (ii) employment tribunal proceedings where a reporting restriction is in place in those proceedings.*

208. *This is a very specific ground and will be case specific dependant upon what information the Inquiry is intending to disclose.*



**N. Other Sensitive Information**

**(i) Warrant Numbers**

416. Police officer warrant numbers are allocated to a particular police officer and are a unique identifying number for individual officers. Revealing a warrant number can lead to the identity of an officer, which means that particular care should be taken with the warrant numbers of UCO's.

417. Warrant numbers are occasionally used on documentation or in court in order to protect an officer's identity, particularly in cases involving terrorism. Revealing an officer's name and warrant number together could be particularly damaging if that officer has previously given evidence using only their warrant number. Knowing that this is the case would require research in relation to the officer concerned and would be disproportionate to carry out. Accordingly the Inquiry should treat all warrant numbers as sensitive unless in any individual case it is satisfied that the warrant number is not sensitive.

418. As well as being unique to a particular officer the format of the warrant number can, depending upon the particular police force concerned also provide other identifying information that could lead to the identity of an officer.

419. *GIST: specific issues regarding warrant numbers are discussed.*

420.

421. For all these reasons, warrant numbers should not be routinely disclosed because of the risk that a UCO may be identified and put at risk of harm.



**(ii) Names/roles of departments unless known to be anodyne**

422. The names and roles of departments may not mean very much in isolation and the work involved in identifying all roles and departments throughout the police service in England and Wales over the last 40 years will be time consuming and disproportionate in most cases. Accordingly, such information should generally be protected from public disclosure in the first instance unless known to be anodyne.

**(iii) Nature of someone's historic work (where only their current work is relevant)**

423. Similarly, the nature and details of a police officer's historic work should generally be protected from public disclosure in the first instance because the research that would be required to investigate the sensitivities associated with that past work would in many cases be disproportionate.

Other Matters

424. I have given various examples of corruption by officials, including police officers, and I regret to say that police corruption is a very real issue<sup>3</sup>. For this reason information must be protected from internal disclosure as well as public disclosure and great care is always taken by the law enforcement agencies to ensure that undercover operations remain confidential within the agencies themselves. Regrettably police officers do on occasion pass information to criminals and much of

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<sup>3</sup> Another example is the case of PC [REDACTED] in Derbyshire who was arrested and imprisoned in 2006 for supplying confidential information from police computer systems to a well-known criminal, [REDACTED]. In essence PC [REDACTED] was passing information about one OCG to another OCG and had PC [REDACTED] known about any undercover activity he would almost certainly have shared it with the OCG to whom he was passing information.



the information set out in my statements is protected internally as well as externally. Those engaged in undercover policing do not wish information about tactics and procedures to be made public, but neither do they wish such information to be made known within the wider policing community.

425. I mentioned in my previous statement at paragraphs 177 and 178 that I was fearful of the potential impact on recruitment given a climate of nervousness about identities being revealed by the Inquiry:

*“177. Paragraphs 65 and 66 of the open Cairo statement explain the impact on retention and recruitment of any actual or perceived increase in the risk of exposure of the identities of undercover officers and I agree with their contents. Increased risks of exposure are likely to impact negatively on the ability of the police service to recruit and retain UCOs. The HMIC report “An inspection of undercover policing in England and Wales 2014” noted a decline in applicants, commenting at paragraph 8.27 “ here may be several explanations for this decline. Undoubtedly, the recent poor publicity and controversy have played a part.”*

*178. I believe that fewer officers will volunteer to become a UCO if the risks of being exposed as a UCO increase. If fewer officers are available, the use of UCO's as a tactic in the fight against crime will be restricted.”*

426. It appears as though there has already been a negative impact on the recruitment of UCO's and I understand that it is becoming increasingly difficult to recruit UCO's. Prior to the involvement of the College of Policing in 2015 the Metropolitan Police and Greater Manchester Police would run two advanced UCO courses a year between them, known as the National Undercover Training and Assessment Courses (NUTAC).

**GIST: Details of the number of successful and unsuccessful candidates on the last two NUTAC courses. Percentage success rates for candidates were 42% and 9%.**

427. The current advanced course conducted by the College of Policing only runs once a year and there have been significantly less candidates attending the course than in

[REDACTED]

comparison to the NUTAC course. *GIST: Details of the number of candidates on courses run in 2015, 2016 and 2017. Expressed as a percentage of the average number of candidates on the last two NUTAC courses (described in paragraph 426), the number of candidates on those courses were 61%, 70% and 61% respectively. The pass rates on the these three courses were 43%, 38% and 14% respectively.*

428. I understand that in the last selection process there was also a significant decrease in the number of potential applicants attending the initial open day, although I do not know the numbers involved.

#### **END OF PREVIOUS STATEMENT**

429. I have been asked to provide further evidence in relation to the following areas:

- 429.1. Assisting third parties;
- 429.2. The typical profile of a UCO;
- 429.3. Nature of selection process or training;
- 429.4. The common features of a legend;
- 429.5. [REDACTED]
- 429.6. The format of code names; and
- 429.7. The format of intelligence.

#### **A. Names**

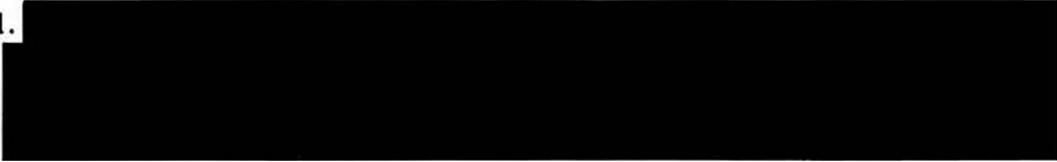
##### **(iv) Of an assisting third party**

430. *GIST: An example is given of a third party who assisted a UCO and was later approached by a journalist who was seeking information about the UCO.*

[REDACTED]

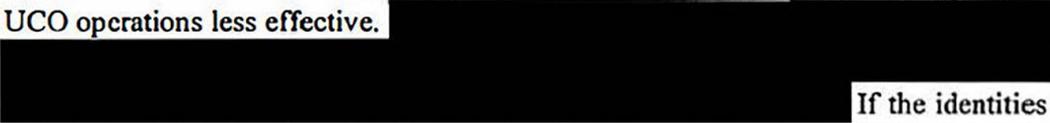


431.



432. In this example no harm was caused to the individual concerned, but it demonstrates how a third party who has in good faith assisted a LEA would be vulnerable to unwanted, potentially hostile, contact if their identity were revealed. Undercover policing relies upon the goodwill of individuals such as the gentleman in this example and if the identities of assisting third parties were revealed it would risk causing harm to the individuals concerned and any UCO or UCO operation that received assistance from the third party.

433. I suggest that revealing the identity of a third party would also reduce the likelihood of third parties volunteering assistance to LEAs in the future, thus making future UCO operations less effective.

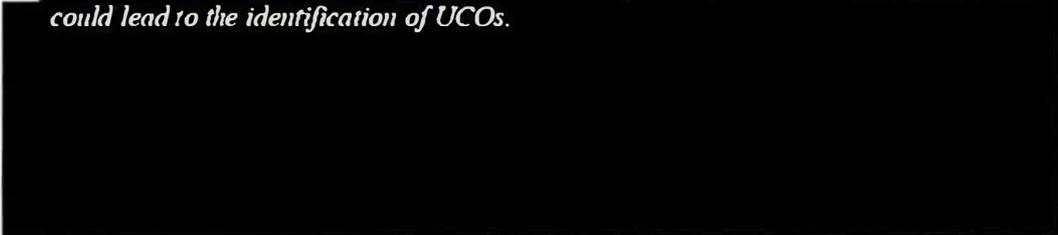


If the identities of such third parties were revealed, whether individuals or organisations, it would impact upon the ability of LEAs to mount successful UCO operations to prevent and detect criminal activity.

## **E. Recruitment and Training**

### **(i) Typical profile of a UCO**

434. *GIST: Examples given of an aspect of undercover policing which it is said, if revealed, could lead to the identification of UCOs.*

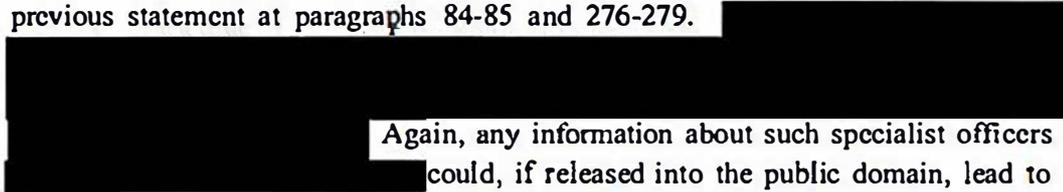




435.

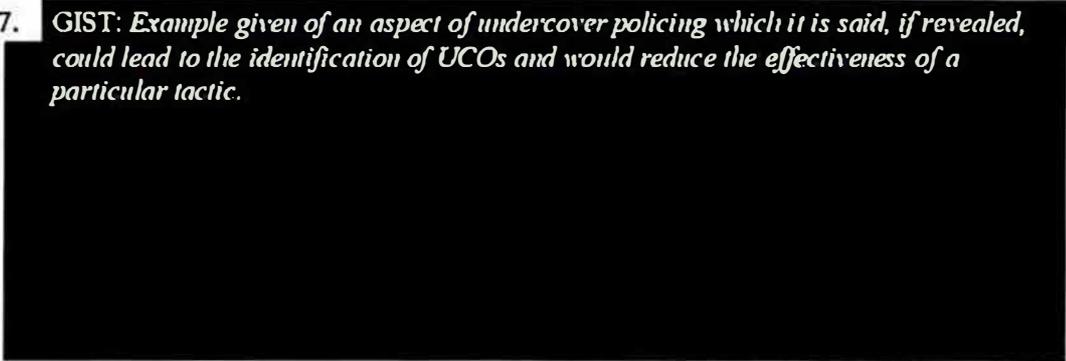


436. Another example concerns UCOs with specialist skills, as described in my previous statement at paragraphs 84-85 and 276-279.



Again, any information about such specialist officers could, if released into the public domain, lead to UCOs being identified or future undercover operations being jeopardised.

437. *GIST: Example given of an aspect of undercover policing which it is said, if revealed, could lead to the identification of UCOs and would reduce the effectiveness of a particular tactic.*



438. In my previous statement I also set out the 'key competencies' at paragraph 251, but I was not seeking to suggest that the headings themselves are sensitive, rather it is the content of the training itself that is sensitive and should be protected from public disclosure. If the content of UCO training material were made public it would assist in the identification of past, present or future UCOs because:



438.1. Specific tactics and techniques of undercover policing would be revealed, which could be used to identify a UCO who has used the tactics or techniques set out in the training material;

438.2. Knowledge of the training provided to UCOs, in particular how UCOs are trained to respond (or not respond) to any given scenario, could be used to analyse how a suspected UCO had responded [REDACTED]  
[REDACTED]

438.3. Knowledge of how UCOs are trained to respond (or not respond) to any given scenario could be used to test whether a person suspected of being a current UCO was in fact a UCO by staging a situation and observing how the suspected UCO reacted; and

438.4. Knowledge of what UCOs are specifically trained and instructed not to do could similarly be used to test whether a person suspected of being a UCO was in fact a UCO. [REDACTED]  
[REDACTED]

439. Revealing details of the particular tactics and techniques taught to UCOs, [REDACTED]  
[REDACTED] could lead to UCOs being identified and would frustrate future efforts to conduct UCO operations, which would have a damaging impact on the prevention and detection of crime.

**(ii) Nature of selection process or training**

440. I previously addressed training at paragraphs 17-25, 253-258 and 425-428, and I wish to emphasise that if training techniques and scenarios were revealed it would



cause harm to undercover policing, the prevention and detection of crime and could lead to the identification of UCOs. I have not seen the evidence submitted to the Inquiry by the College of Policing, but I am able to explain generally why material relating to the training and selection of UCOs should be treated with great caution.

441. Revealing the content of training and selection material would render that material useless in the future and would impact upon the quality of training and selection procedures. If such material were released into the public domain future candidates for undercover roles will know in advance what to do or not to do during selection or training processes and will know what assessors are looking for. This would make the training and selection of UCOs less effective.

442. Revealing how UCOs are taught [redacted] would assist those intent on revealing the identities of UCOs and would restrict and hamper the future training of UCOs. Such training material would add to the 'checklist' that I describe in more detail below. For example, UCOs may be taught various techniques and strategies [redacted] and revealing the training given to UCOs [redacted] could lead to the identification of UCOs who have used such strategies in the past.

443. Revealing any specific tactics taught to UCOs would undermine the use of that tactic in the future, could lead to UCOs being identified and could lead to OCGs changing their behaviour to avoid the tactics and techniques described in training material. This would limit the range of tactics available in the future, limit the effectiveness of undercover policing and damage the ability of LEAs to prevent and detect crime.

**F. Backstopping/Legend Building**

**(i) Common features of a legend**

444. At paragraphs 259 to 268 of my previous statement I set out a number of common

[REDACTED]

features of a legend in general terms, [REDACTED]  
[REDACTED] It may assist if I expand upon my reference to a 'checklist'  
by listing some of the common characteristics of UCOs. [REDACTED]  
[REDACTED]

i. *GIST: List of what are said to be common characteristics displayed by UCOs when undercover.*

ii. [REDACTED]

iii. [REDACTED]

iv. [REDACTED]

v. [REDACTED]

vi. [REDACTED]

vii. [REDACTED]

viii. [REDACTED]

ix. [REDACTED]

[Redacted]

x. [Redacted]

xi. [Redacted]

xii. [Redacted]

xiii. [Redacted]

xiv. [Redacted]

xv. [Redacted]

xvi. [Redacted]

xvii. [Redacted]

xviii. [Redacted]

xix. [Redacted]

xx. [Redacted]

xxi. [Redacted]



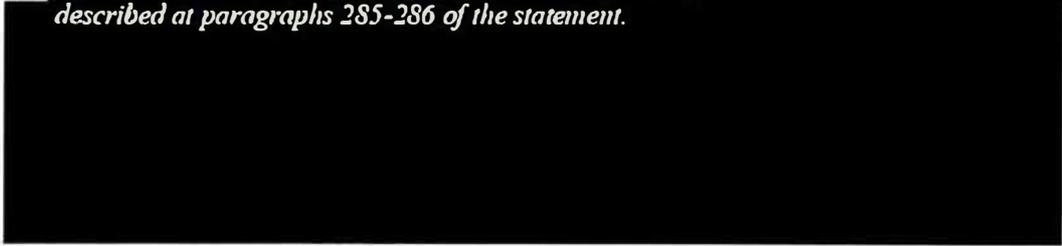
xxii. 

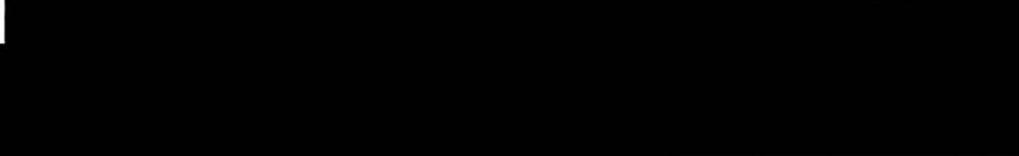
445. Public disclosure of these common features would contribute to the mosaic effect and could lead to the identification of past, present and future UCOs, with the resultant risk of harm and negative impact upon the ability of the police service to prevent and detect crime.

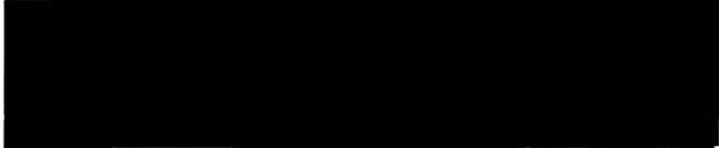
**F. Backstopping/Legend Building**

(iii) 

446. *GIST: Further example given of the undercover policing tactic in current use earlier described at paragraphs 285-286 of the statement.*



447. 

 Again, this is an important tactic within the  range of tactics available to undercover policing and revealing the tactic will adversely affect its future use and narrow the range of options available to LEAs in future undercover operations.

**G. Operational Tactics**

(iv) **Format of code-names**

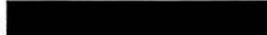


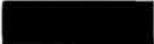
448. I provided some explanation of code names at paragraphs 314 to 315 of my previous statement, but I wish to emphasise that even if a UCO's name is revealed their code name should still be protected unless previously disclosed. There are several reasons for this, primarily relating to the protection of others:

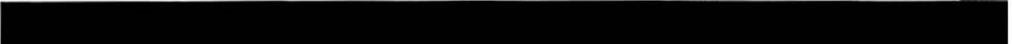
448.1. Code names are an internal tactic, used across law enforcement, in an effort to prevent corruption or the inadvertent disclosure of undercover activities. Were a code name to be revealed in such cases, those efforts would be significantly undermined.

448.2. A code name may not, of itself, reveal that it relates to a UCO or the presence of a UCO on a particular operation, but confirming that a particular code name relates to a UCO would then reveal the presence of a UCO on that operation and any other operation in which the code name was used.

448.3. Documents or other material may refer to a person meeting with a given 'code name'. If that code name has been identified as relating to a UCO it could compromise the person meeting them, 

448.4. Revealing the style of code name attributed to a UCO   
 would reveal the types of code word used for UCOs and could lead to the presence of other UCOs in other operations being identified because their code word is similar in style.

448.5. Code names may have a particular style or format depending upon the type of person or object or technology being referred to and revealing the style or format of particular types of code names could lead to the type of harm being caused that the use of a code name sought to protect   


448.6. Particular police forces or LEAs may use certain types of code words,   


[REDACTED]

[REDACTED]

Revealing such code words may reveal the identity of the particular police force or LEA involved in an operation simply by the style of the code word concerned, unintentionally revealing information. Essentially, some code words will contain 'metadata' that can reveal potentially sensitive information that should not be revealed even if a UCO's name has been revealed.

**(v) Format of intelligence**

449. I addressed the format of intelligence at paragraphs 316 to 320 of my previous statement, but I did not explain why the content of intelligence is also sensitive and should not generally be released into the public domain.

450. Intelligence is generally obtained or provided to LEAs to assist in the prevention and detection of crime. Such intelligence is sensitive and should not be revealed because:

450.1. The source of the intelligence should be protected. The intelligence will often reveal where the information came from, either because the informant is named or described, or because the information given was only known by certain people. Revealing the source of intelligence will put the source of the intelligence at risk of harm and inhibit the provision of further intelligence.

450.2. The content of intelligence also needs to be protected because it will often contain information about criminals or criminality that should not be released into the public domain because it would frustrate the efforts of LEAs to prevent and detect crime.

450.3. Intelligence may contain personal and sensitive information that should not be revealed pursuant to normal data protection considerations. Intelligence may contain information about other individuals, unconnected with an investigation or the associated criminality, which should not be disclosed into the public domain without strong justification.



450.4. Policing tactics need to be protected and the method by which intelligence was received, or how it was obtained, should not be revealed as doing so could compromise the tactics used to receive or obtain this intelligence. This could, in turn, compromise on-going or future operations where these tactics have or may be used.

450.5. On-going criminal investigations, prosecutions or operations should be protected and intelligence may contain specific information about targets, or others, who are involved in continuing illicit activities. The intelligence may remain useful for future operations involving the same targets and future operations would be compromised if intelligence were revealed.

#### **END OF PREVIOUS STATEMENT**

451. Since making my previous statements further information has come to light which requires me to clarify two matters, one relating to a tactic and one relating to the numbers of officers attending the National Undercover Training and Assessment Courses (NUTAC).

452. In paragraphs 112 to 116 of my first statement (replicated at paragraph 321 of my second statement) I explained that particular tactics should not be made public because once they are in the public domain their use has been compromised. I explained that the result could be that operatives using the equipment are put at risk and

*GIST: I gave an example at paragraph 112 of a sensitive and expensive tactic that had been rendered defunct as a result of exposure. Since making that statement it has come to my attention that what I said at paragraph 112 is to some extent erroneous.*

453. In paragraphs 426 and 427 of my second statement I provided information about the number of attendees that I understood had attended the National Undercover

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[REDACTED]

Training and Assessment Course in 2013 and the College of Policing Advanced Courses in 2015, 2016 and 2017. Since making that statement my attention has been drawn to paragraphs 97 and 178 of a statement made by Louise Meade at the College of Policing (Rule 5B statement dated 20<sup>th</sup> October 2017), which provides figures for attendance on the College of Policing courses in 2015, 2016 and 2017 that appear different from the figures I provided.

454. In the first instance I should make it clear that the figures I set out in my previous statement were obtained from the College of Policing and accordingly I will defer to the figures provided by the College of Policing. However, having made further enquiries it appears that the figures relate to different groups of candidates:

454.1. The numbers I quoted in my paragraph 426 related to the number of candidates that attended and subsequently passed the last NUTAC courses held in Manchester and London. (I am now informed that the courses actually took place in 2014, not 2013);

454.2. The numbers I quoted in my paragraph 427 related to the number of attendees that actually attended a College of Policing full course and the number of those candidates that were ultimately successful having attended a full course in 2015, 2016 and 2017; whereas

454.3. The numbers quoted in paragraphs 97 and 178 of Louise Meade's statement related to the number of applicants that applied to go on a pre-selection course and the number of those applicants that were successful in being recommended to attend a full course in 2015, 2016 and 2017 (not the number that successfully completed a full course).

455. Having made further enquiries with the College of Policing I understand the figures are not easy to extrapolate because of applicants deferring their attendance on the course, or withdrawing during the process. To avoid any further confusion I do not propose to set out in my statement the relevant figures, but respectively



recommend that the Inquiry obtain the definitive position from the College of Policing.

I believe that the facts stated in this witness statement are true.

Signed..



Dated the 14<sup>th</sup> February 2018

Alan Pughley QPM