Preventing political violence in Britain: an evaluation of over forty years of undercover policing of political groups involved in protest

Abstract

This paper offers a first academic evaluation of the Special Demonstration Squad and the National Public Order Intelligence Unit, two British undercover police units working for the Metropolitan Police Service at different times between 1968 and 2011. It provides a historical overview of their infiltration of political groups involved in protest for the purpose of gathering criminal and political intelligence aimed at preventing violence, public disorder and subversion. It discusses the controversies surrounding these units, and the related institutional responses, and offers an attempt at understanding their operations within the remit of intelligence-led policing and against a political culture that prioritizes action over inaction in reducing risks and threats to the State and society.

Keywords: undercover policing; intelligence; surveillance; political violence; protest.

1. Introduction

Much has been written in the media about the infiltration of political groups involved in protest by British police units since 1968. Since March 2010, when The Observer ran the first full story of a former undercover police officer ('Officer A', later identified as Peter Francis) working for the Special Demonstration Squad (SDS) in March 2010, The Guardian has led an exposé of both the SDS and the National Public Order Intelligence Unit (NPOIU) and has unveiled the extent to which these two undercover units gathered pre-emptive intelligence ranging from the clear prevention of political violence to the collection of information on more peaceful and less disorderly political groups. A series of official investigations on, and reviews about, these two units have been carried out and are discussed in this article. The main aim of this paper is to provide a first, exploratory academic study of the SDS and the NPOIU and to serve as a background study for future research on these two units and on the remits and limits of undercover policing within democratic societies. The first part will set the historical context and present an evaluation of the best currently available information on the activities of these two units. The second part will offer a more analytical understanding of the British undercover policing experience by exploring intelligence-led policing, both as a concept and as a practice, in relation to the SDS and the
NPOIU. Lastly, the paper will reflect on the political culture that may have informed many of the ideas behind the infiltration of violent and less or non-violent political groups.

2. A brief history of the Special Demonstration Squad (1968-2008) and the National Public Order Intelligence Unit (1999-2011)

The Special Operations Squad (SOS) was born in 1968 as an undercover unit within Metropolitan Police Special Branch (MPSB) with support and funding from the Home Office. A letter dated 16 December 1968 contains the original authorization for the deployment of SDS undercover officers by the Home Office. Up until 1989, the Home Office maintained authority over, provided direct annual funding and authorization for, and received an annual summary of the unit’s operations, while Special Branch Commander Operations was authorizing individual deployments and receiving an annual report. In 1989 the Assistant Commissioner Specialist Operations (ACSO) was transferred the responsibility of the annual authorization of the unit’s operations while Special Branch Commander Operations maintained its role to sign and authorize individual deployments. After the direct annual funding and authorization stopped in 1989, investigations found no evidence that the Home Office had knowledge of, or influence on, the SDS operational activities. However, a file for which there exists a consistent file reference (Queens Peace Series, that is a series of files on public order maintenance) but went missing due to either human error or purposeful concealment might have revealed more about the Home Office’s knowledge of, and links with, the SDS beyond 1989.

The unit was formed in the delicate sociopolitical context of the late 1960s, when the State was facing an increasing threat of public disorder and political violence, a threat grown in a decade of ‘anti-Americanism, anti-imperialism, anti-sexism, anti-capitalism and anti-“oldism”’ among hardline radicals embracing a counterculture of ‘a new and more aggressive “hippiedom” born of disillusion and marginality’ and characterized by anarchist tendencies. Notably, it was a threat that would escalate in the 1970s when Great Britain and, especially, London would be

Plagued by what appeared to be a breakdown in law and order, especially in immigrant areas and during strikes, a direct assault on the government and its agencies by groups such as the Angry Brigade and Tartan Army and the sustained mainland bombing by the IRA. Equally concerning was the growing interconnection between terrorist groups and foreign “rogue” nations who
seemed to sponsor and direct terrorist cells within London, in undeclared war against foreign diplomats and embassies. Inter-racial strife seemed symptomatic of a growing helplessness in the face of organized anarchy.14 Notably, the SDS emerged out of Special Branch Chief Inspector Conrad Dixon’s plan, possibly as part of a broader MPSB’s enlarged ‘C’ Squad and informant coverage and certainly supported by then Labour Prime Minister Harold Wilson,15 to respond to the violent protests of anti-Vietnam War demonstrators who targeted the United States Embassy in Grosvenor Square in London on 18 March 1968. Within this context, the unit ‘was to be maintained with the strictest secrecy, so as not to compromise the Government or its sensitive operations.’16 A London-based unit, albeit with a national MPSB remit too, it soon aimed at gathering intelligence beyond the anti-Vietnam war demonstrators and infiltrated a range of political, activist and protest groups across the ideological spectrum (from the far-right to the far-left) which were deemed to pose a security threat. Towards the end of 1972, the unit was renamed Special Demonstration Squad (SDS) and, later in 1997, Special Duties Section when the unit’s targets widened and the geographical remit extended. The SDS continued gathering intelligence and infiltrating groups until 2008, when it was officially disbanded. In its forty years of operations, it is estimated that a total of about 150 undercover police officers served in this undercover unit,17 which was known by officers within MPSB but worked in partial isolation from Metropolitan Police Service (MPS).18

The unit was placed within Special Branch (SO12) due to historical and procedural reasons. Special Irish Branch had been gathering intelligence since as far back as 1883, when it was set up to tackle bomb attacks by Irish republicans in London.19 In 1888 it was renamed Special Branch and expanded its mandate to include other threats to the State,20 especially anarchists within foreign immigrant groups, with a particular interest in the surveillance and infiltration of those on the left side of the political spectrum21 and ‘no comparable interest in the activities of British fascists until the [Second World] War.’22 For more than one hundred years Special Branch, ‘a separate, specifically political, unit within the police in Britain,’23 collected intelligence on terrorists and subversives in the United Kingdom who were posing a threat to the wellbeing of the State and were attempting to overthrow parliamentary democracy through political, industrial and/or violent means. 24 Special Branch was terminated and subsumed, along with the Anti-Terrorist Branch (SO13), into Counter Terrorism Command (CTC / SO15) in 2006,25 although already in the 1990s some of its responsibilities (notably, intelligence gathering on Irish republicans) had been taken over by
the Security Service which, after 9/11 and 7/7, expanded ‘its national intelligence management role, and policing, Special Branch included, became more focused on investigation and operational support activity.’

As required by Home Office guidelines, core Special Branch’s functions included the acquisition, assessment and interpretation of intelligence, also with a focus on maintaining the ‘Queen’s Peace’, that is public order, and with an increasing interest in animal rights extremists between the mid-1980s and mid-1990s, and a key duty to support the Security Service in its work on espionage, subversion and sabotage aimed at protecting national security. The SDS worked within MPSB’s remit and carried out a prime function of both collecting pre-emptive intelligence on political violence, public disorder and the threat of subversion predominantly, albeit not only, at demonstrations and supporting the work of the Security Service. Intelligence was sanitized, by removing reference to the SDS and/or the operative, and sent as ‘Secret and Reliable Source’ to the relevant Special Branch desks within the ‘C’ Squad (Desk for Animal Rights and Environmental Extremism and Desk for Extreme Left Wing and Extreme Right Wing) on a weekly basis. SDS officers also held regular meetings with the Security Service to pass on intelligence on groups of interest at least from 1974. A small number of Home Office officials were also made aware of some specific groups that were targeted and the type of intelligence that was gathered through infiltration at least between 1968 and 1989 and possibly also afterwards, given that the SDS could have reasonably remained part of the Home Office’s interest in all aspects of MPSB’s work.

A similar unit, the National Public Order Intelligence Unit (NPOIU), was set up within MPS in 1999 and funded by the Home Office. The NPOIU absorbed the Northern Intelligence Unit (NIU) and the Southern Intelligence Unit (SIU) and replaced the Animal Rights National Index (ARNI), which had all been set up in 1986. Through its Confidential Intelligence Unit (CIU) the NPOIU gathered and co-ordinated intelligence as part of police’s ‘response to campaigns and public protest which generate[d] violence and disruption (particularly those focused on animal rights, some environmental issues and extreme political activism).’ The NPOIU operated nationally, whereas the SDS was mostly London based, despite still maintaining a national MPSB’s remit. There is evidence of a small number of staff and managers working for both the SDS and the NPOIU for the purposes of ‘training, providing guidance, recruiting staff and authorising undercover operations.’ In 2006, the NPOIU was placed within, and was overseen by, the Association of Chief Police Officers (ACPO) although it was still run by MPS. In 2011 it moved back to MPS (within CTC) when, together with the National Extremism Tactical Co-ordination
Unit (NETCU)\textsuperscript{43} and the National Domestic Extremism Team (NDET),\textsuperscript{44} it was incorporated into the National Domestic Extremism Unit (NDEU).\textsuperscript{45}

The groups\textsuperscript{46} that were infiltrated by the SDS and the NPOIU vary in political and ideological connotations, ranging from the far-right to the far-left. Some groups were involved in politically motivated violent actions towards persons and properties and/or engaged in serious public and social disorder with a capacity to lead to subversion. These are groups\textsuperscript{47} that could have been considered, in more orthodox terms, to have posed a threat to national security\textsuperscript{48} and include, for example: Animal Liberation Front,\textsuperscript{49} Angry Brigade, Free Wales Army,\textsuperscript{50} Combat 18, Red Action, Troops Out Movement, Socialist Workers Party, Revolutionary Communist Party, Class War, National Front and British National Party. Other groups did not necessarily engage in serious violence and/or plan to subvert the existing order; its activists\textsuperscript{51} took the streets to protest and demonstrate posing a threat of less serious and/or less sustained public disorder.\textsuperscript{52} These ranged from hard-left Marxist and anarchist groups to soft-left socialist groups expounding a series of intertwined sociopolitical causes such as environmentalism (for example: London Greenpeace,\textsuperscript{53} Rising Tide, Earth First, Climate Camp and Common Place), animal rights (for example: South London Animal Movement), anti-racism (for example: Youth Against Racism in Europe\textsuperscript{54} and Anti-Nazi League\textsuperscript{55}), anti-war (for example: Clandestine Insurgent Rebel Clown Army and Stop the War Coalition), anti-globalization (for example: Globalise Resistance and Reclaim the Streets) and anti-capitalism/anarchism (for example: Cardiff Anarchist Network, Militant Tendency, Direct Action Movement, International Marxist Group and White Overalls Movement Building Libertarian Effective Struggles). According to some former undercover officers, the police’s rationale for infiltrating some of these groups was that they could act as fronts for, or offer tacit support to, violent and subversive groups and/or were useful as platforms to establish credibility and gain access to clandestine violent and/or subversive groups.\textsuperscript{56} The overarching feature defining several of these more peaceful and less disorderly groups appears to be a tendency to share anti-capitalist ideologies, which is not surprising given that much infiltration happened during the Cold War\textsuperscript{57} and that anti-capitalism has also characterized modern protest groups, which are sustained by ‘a whole package of values, some anarchist, some libertarian, but just as often a rather old fashioned Trotskyist socialism’ and which expound a plurality of causes including ‘anti-Americanism, […] anti-airport expansionism and anti-fat-cat-ism.’\textsuperscript{58} The targeting of anti-capitalist groups also links to the findings of a study conducted by Eveline Lubbers showing the existence of collaborations between corporations and police in monitoring groups and people considered to pose a threat
to business profit and capitalist ideology. The risk that peaceful and legitimate protest and dissent remain trapped within Special Branch’s potentially political characterizations of subversive activities and governments’ vague goals of protecting the security of the State was already noted by scholars in the late 1970s and early 1980s. But to counterbalance this view, it is true that not all groups that claim to be peaceful are necessarily law abiding. This is the case of ‘peace activists’ who would routinely commit criminal damage and seek to defend it on the basis that it was symbolic and/or morally justified.

To impersonate political activists, undercover police officers developed personal stories (‘legends’) that helped to bolster their credibility. They adopted new identities taken from the birth certificates of deceased children of a suitable age had they lived, they changed their appearance to resemble that of their targets, they became well versed in politics, they lived with the infiltrated groups for five or six days a week for several years (often to the detriment of their psychological wellbeing) and they committed minor crimes. The fact that undercover police officers were tasked with ‘deep cover’ assignments for such protracted periods of time (several years) was a departure from standard MPS’s practice of setting a specific, time-limited (several months) infiltration of a criminal group, gather evidence and pass such evidence on to investigators. From a tactical point of view, the deployment of undercover police officers infiltrating organized crime groups is naturally shorter due to its narrow aim to get in, get the result, facilitate an arrest and get out. The cardinal reasons for extending infiltration to a much longer period of time rest on the structured nature of activist groups (or, in unstructured groups, the need to embrace a lifestyle, for example squatting), the closed environments within which criminality associated to protest is planned and the related necessity to build trust over time, and a longer timespan required to prove one’s commitment to a political cause.

The series of revelations concerning these secret police units and made public by *The Observer* in March 2010 and, subsequently, by *The Guardian* have offered a good amount of information (some of which still needs to be properly assessed) on over forty years of police infiltration of political groups involved in protest. At the same time, they have spurred much public debate, eventually leading to a number of investigations over several unethical and possibly illegal practices carried out by police officers in the course of their duties. The next Section will explore such investigations.
3. Institutional investigations into the SDS and the NPOIU

The outing of a number of SDS and NPOIU undercover police officers and the ongoing allegations that they had engaged in misconduct and possibly illegal activities has led to a number of reviews and investigations into the practices of the two units. After revelations made in 2010 about the activities of former NPOIU officer Mark Kennedy, who would later prompt the collapse of a trial against six environmental activists who had planned to shut down a power station in Ratcliffe-on-Soar (Nottinghamshire) in 2009,71 Her Majesty’s Inspectorate for Constabulary launched a review72 of the NPOIU, and to a much lesser extent of the SDS, with particular reference to the authorization and the control of undercover police officers tasked with preventing crime associated to domestic extremism and public disorder. In October 2011, a review of the SDS called ‘Operation Soisson’ was also launched and placed under the direction of Deputy Assistant Commissioner Mark Simmons. Following new allegations, ‘Operation Soisson’ was renamed ‘Operation Herne’ in August 2012, when Deputy Assistant Commissioner Patricia Gallan from the Association of Chief Police Officers (ACPO) took the lead. After new media allegations over the use of dead children’s identities by SDS officers sparked new public outrage, Chief Constable Mick Creedon QPM from Derbyshire Constabulary was handed responsibility and oversight of ‘Operation Herne’, for it to be an independent review, by the Commissioner of Police of the Metropolis, Sir Bernard Hogan-Howe.73 At the same time, the Home Secretary Theresa May commissioned Mark Ellison QC to conduct a review on corruption associated with the initial investigation on the murder of Stephen Lawrence and on any corruption that the Metropolitan Police Service (not the SDS) had had evidence of and had failed to disclose to the Macpherson Inquiry. With specific reference to undercover policing, Ellison was also tasked to investigate Peter Francis’ allegations that he had been deployed as an SDS undercover police officer to find evidence that could be used to smear the family of Stephen Lawrence.74 Following the Ellison Review, the Home Secretary Theresa May commissioned Stephen Taylor, a former Director at the Audit Commission,75 to conduct an investigation into the links between the Home Office and the SDS and announced a statutory inquiry to be led by Lord Justice Pitchford.76 Further investigations are still being conducted by the ‘Operation Herne’ team and by the Independent Police Complains Commission (IPCC).

Published findings from the various investigations and reviews have so far confirmed that undercover officers used deceased children’s identities, fostered sexual relationships with unsuspecting female activists (also fathering a child in at least one occasion), were involved
in minor criminal activities, appeared in court under false names and recorded information on at least eighteen justice campaigns. While the investigation conducted by Stephen Taylor could not find evidence, through documentary sources and interviews with senior civil servants (but no former MPSB officer) working between 1975 and 1989, that the Home Office was ever aware or authorized such practices, due to a lack of documents and lapse of time it cannot be ruled out that the Home Office had such knowledge. Allegations made by jailed Animal Liberation Front activist Geoff Sheppard and brought forward by Caroline Lucas MP that an SDS police officer planted a firebomb causing £340,000 worth of damage to a Debenhams factory in Harrow (London) in 1987 was denied by the accused Bob Lambert and are still being investigated. The Ellison Review found no evidence on the smearing of Stephen Lawrence’s family but could not entirely reject Peter Francis’ claims due to a lack of written records from the era and the fact that ‘if there had been such tasking, it would most likely have been oral.’ ‘Operation Herne’ also found no evidence that the SDS was tasked against and to smear the Stephen Lawrence family. Such lack of evidence led the IPCC to feel unable to conduct an investigation into this matter. Yet, the Ellison Review noted that SDS police officers had been deployed within groups that were attempting to influence the Lawrence family and that one such officer gathered personal information on the family and obtained tactical intelligence on the Macpherson Inquiry (further investigations on this matter are being conducted by the IPCC). But ‘Operation Herne’ argued that a high-profile incident might be reported on if there is a violent protest group attached to it and that such a group, rather than the incident or the family, would be targeted and infiltrated. In this sense, ‘Operation Herne’ maintains that ‘the fact that an undercover deployment made a reference to the Stephen Lawrence family does not [necessarily] mean there was undercover deployment against the Stephen Lawrence family.’

Following a High Court ruling in mid-2014, for the first time MPS was forced to reveal the names of two undercover police officers (Jim Boyling and Bob Lambert) who had had sexual relationships with female activists under assumed identities. At the same time, a woman who had a child with one such police officer won a £425,000 out-of-court settlement from MPS. In what are very contested and unclear procedures, it is believed that the police never enforced any rule over sexual relationships and that agents were free to choose how to conduct themselves. Ongoing investigations have so far found no evidence that the practice was ever authorized or explicitly used as a tactic to aid infiltration. Nevertheless, it may not be unreasonable to expect that developing an intimate relationship with a member of an infiltrated political group (out of passion, genuine love or operational
necessity) positively helped to strengthen the officer’s credibility and, as Gordon Turnbull argues, reduced the risk of being detected, harmed and possibly killed, especially in a climate of opposition to, and violence against, the police at demonstrations (for example the Poll Tax Riots in 1990) and during far-right / far-left clashes (for example, the Welling riot in 1993). Fostering intimate relations with members of target groups has not just characterized British undercover police units but finds evidence in the American experience too, when it either was used as a tactic or naturally resulted from protracted involvement in tight-knit, ideologically committed and socially progressive groups often encouraging promiscuous tendencies among its members. Federal Bureau of Investigation (FBI) agents infiltrating the radical left-wing organization Weather Underground and Los Angeles Police Department (LAPD) agents infiltrating Maoist political groups developed intimate relationships with female members who helped to collect information on, and garner credibility within, the groups. Notably, the late Daryl Gates, former Chief of Los Angeles Police Department (LAPD), is attributed to have enthusiastically endorsed sexual relationships with targets and to have mentored undercover police officers tasked with sleeping with women in order to gather political information. While many American federal agencies in the 1980s could dismiss agents who had become sexually involved with targets to avoid compromising the agent himself/herself and/or tainting the evidence, different police units had different rules and guidelines, demonstrating the morass of moral and institutional ambiguities surrounding undercover policing across different jurisdictions. More broadly, intimate relationships are indicative of the changing loyalties and altered attitudes and beliefs that might affect undercover officers who ‘can feel torn between actual camaraderie that develops between them and their targets, and the larger purpose for which they have been assigned.’

Many of the controversial activities carried out by the SDS fell within what had always been low levels of regulation of police surveillance throughout British history. The Regulation of Investigatory Powers Act 2000 (RIPA) took a step towards regulating undercover policing and mandated that undercover police officers be dealt with by laws for Covert Human Intelligence Sources (CHIS). Nowadays, authorizations to deploy officers under RIPA need to consider the risks involved against the CHIS, with responsibilities for the authorizing officer to protect the CHIS extending beyond the end of his/her duties. They also need to set clear goals for the deployments and specify the appropriate intelligence to be collected. In this sense, specific objectives and ‘use and conduct’ guidelines set out in RIPA would have ensured that, in the case of the recording of information on justice campaigns,
undercover officers ‘would not themselves filter the information that they had become aware of. […] Instead, they] would gather and report all of the detail relevant to the groups that they infiltrated.’

On this same issue, police managers failed to properly apply the Management of Police Information (MOPI), ‘which would have [otherwise] led to a proper assessment of relevance and the weeding of unnecessarily retained irrelevant personal information.’ The fact that SDS officers did not undergo the national undercover training, the absence of RIPA throughout much of the SDS history and, when RIPA was introduced, the apparent failure of management and authorizing officers to comply with the law created a fertile ground for collateral intrusion and for the gathering of sensitive information.

However, the introduction of RIPA alone has not acted as a panacea. It is true that it provides a legal framework compliant with the European Convention of Human Rights (although some experts disagree) for special investigation techniques, such as interception of communications, covert surveillance, use of informants and undercover officers, and bugging. However, it is debatable whether its principle of using human intelligence in proportion to what it aims to achieve and to minimize any loss in public confidence was upheld at all times in the later years of the SDS and throughout the NPOIU existence. In this sense, it did not prevent NPOIU officers from engaging in contested activities, such as sexual relationships with targets, which prompted the House of Commons to call for a fundamental review of the existing legislative and regulatory framework.

Today there are numbers of further safeguards in place and there are several protocols requiring to produce identities and documentation which vastly differ from the times when the SDS operated and from the initial years of the NPOIU. These safeguards and protocols include:


[2] A national training course for UCOs [Undercover Officers].

[3] Authority levels of UCO deployments being at the Assistant Chief Constable level – although the RIPA legislation places this at superintendent level.

[4] The need for detailed reviews and renewal of any such authorised deployments, always considering necessity and proportionality.

[5] Clear “use and conduct” being stipulated in any such deployment which
definitively articulate in any activity that a UCO may engage.\textsuperscript{111}

Despite these efforts, there remains evidence that these safeguards and protocols are yet to be fully and effectively implemented. Following recommendations set out in its 2012 review of the NPOIU and SDS and a request that further inspection be conducted to examine all undercover policing in England and Wales,\textsuperscript{112} in June 2013 the Home Secretary Theresa May commissioned Her Majesty’s Inspectorate for Constabulary to carry out such work. The findings are set out in a review of the broader practice of undercover policing across 43 police forces and law enforcement agencies (for example: the National Crime Agency) deploying undercover officers in England and Wales.\textsuperscript{113} The report found ongoing deficiencies in undercover policing procedures. Such deficiencies include lack of expertise among senior leaders and procedural inconsistencies across police forces (for example: selection, training and day-to-day work) also attributable to little coordinated direction by the National Undercover Working Group.\textsuperscript{114} The report further highlighted a great level of variation in the quality of written authorizations for deployment by assistant chief constables.\textsuperscript{115} It blamed the Authorized Professional Practice Covert Undercover Operations document for providing inadequate guidance to undercover police officers. Notably, the report blamed the ‘culture of secrecy amongst the undercover community’\textsuperscript{116} for acting as a barrier to scrutiny, in particular failing to share such document to lawyers of the Crown Prosecution Service (CPS) and to psychologists responsible for the welfare of undercover police officers. In October 2014, the National Policing Lead for Undercover Policing, Deputy Chief Constable Jon Boutcher, released a statement arguing that changes had been made and that undercover operations are currently rigorously overseen and subject to scrupulous authorizations.\textsuperscript{117} Overall, that undercover policing ‘be necessary and proportionate to the intelligence dividend that it seeks to achieve and […] be fully compliant with the European Convention on Human Rights’\textsuperscript{118} is a goal that institutional reviews seem to suggest will be achieved only through strong oversight over, and clear procedures regulating, undercover policing activities. In this sense, the National Undercover Scrutiny Panel set up by the College of Policing in March 2015 could be a further step to both improve best policing practices and standards and provide additional scrutiny on undercover policing arrangements.\textsuperscript{119} But beyond oversight and regulation, there remains to understand how the SDS and the NPOIU fit within the wider remits and limits of intelligence gathering. The next Section will attempt to give an answer to it.
4. SDS, NPOIU and the remits and limits of intelligence gathering

Enshrined in the rationale driving the establishment of the SDS and the NPOIU resided the principle of gathering pre-emptive intelligence to intercept criminal plans (political violence and public disorder) and to stop them before they are executed. In many ways the collection of this type of information would later be conceptualized as an intelligence-led model of policing. Originally articulated by the Audit Commission in 1993 and by the Home Office in 1997, first operationalized by the Chief Constable of Kent Police David Phillips\textsuperscript{120} and more recently encapsulated in the National Intelligence Model,\textsuperscript{121} the concept of intelligence-led policing remains elusive.\textsuperscript{122} Tentative definitions have proliferated. On the one hand, there is convergence in recognizing that collecting and analyzing information plays a pivotal role in producing ‘an intelligence end product designed to inform law enforcement decision making at both the tactical and strategic levels.’\textsuperscript{123} According to this way of thinking, intelligence-led policing ‘manage[s] information about threats and risks to strategically manage the policing mission.’\textsuperscript{124} In this approach, which is becoming more and more centered on the tools offered by new technologies, ‘information work’ represents the most important aspect of policing.\textsuperscript{125} Information inflow originates from either visible or invisible methods of policing. The latter is central to traditional intelligence and rests on a modus operandi that removes the information gathering process from the eyes of the public\textsuperscript{126} by utilizing surveillance, informants, and internal and external databases.\textsuperscript{127} A form of social control strategy founded on the operational and symbolic power of information, intelligence can therefore be considered ‘a mode of information […] that has been interpreted and analysed in order to inform future actions of social control against an identified target.’\textsuperscript{128} On the other hand, there remain large areas of uncertainty as to the real, rather than ideal, remits of intelligence-led policing activities. It is true that there exists a clear focus on crime reduction and prevention,\textsuperscript{129} particularly through ‘both strategic management and effective enforcement strategies that target prolific and serious offenders.’\textsuperscript{130} It is within the context of targeting prolific offenders and their loose networks that the Audit Commission originally suggested the police use more proactive policing tactics centered around intelligence gathering.\textsuperscript{131} In other words, it is believed that greater use of surveillance and human intelligence sources underlines a model of policing which places intelligence at the center of the decision making process\textsuperscript{132} to specifically target prolific and serious criminals and triage out most crimes from further investigation (also reducing duplication).\textsuperscript{133} Procedural inconsistencies in some of the operations of the SDS and the NPOIU, and in particular the targeting of some groups which
did not pose an obvious criminal threat, make it problematic to justify their full mandate under an intelligence-led policing approach.

In part this situation can be explained by the fact that the conceptual and practical articulations of intelligence-led policing were made only towards the later stages of the SDS, and that the NPOIU may have followed on from its ‘tried and tested’ methods. Importantly, it also springs from the peculiar approach that the two units took in collecting a blend of criminal intelligence and political intelligence (the latter potentially informing the former). The collection of intelligence springing from politically active groups involved in protest, unlike the gathering of evidence typical of undercover police units infiltrating criminal gangs, is focused on future-oriented risk reduction. In other words, while undercover units infiltrating criminal gangs collect evidence to bring about immediate prosecutions, undercover units infiltrating political groups collect information that assist in the prevention of violence and public disorder potentially happening at various times in the future. Cardinal to such preventative work are the uncertainties as to whether some groups will or will not resort to political violence, public disorder and/or other crimes in pursuance of their objectives. There is no doubt that the SDS and the NPOIU gathered criminal intelligence on groups posing a threat to national security (see Section 3), if such intelligence is to be understood as ‘information compiled, analyzed, and/or disseminated in an effort to anticipate, prevent, or monitor criminal activity.’ However, the two units also gathered political intelligence on less or non-violent groups (see Section 3) which might or might not have subsequently informed criminal intelligence. While it cannot so obviously be ruled out that the State, working through the Metropolitan Police Service, sought to neutralize political opposition, a more cautious explanation for the collection of political intelligence is underpinned by an understanding of how politically active groups work: even when remaining within the boundaries of legally protected activity, they work through the intangibles of politics (alliances, plans, discussions, speeches, et cetera). It is often hard to implement a binary system of assessment (‘risk of serious crime’/‘no risk of serious crime’) of such intangibles, and the actual (rather than perceived) risk of violence, public disorder and subversion cannot always be gauged with infallible accuracy. Further confusion and complexity emerge when peaceful and well-meaning activists consciously or unconsciously mingle with violent and dangerous ones. This is particularly problematic when groups that claim to be peaceful provide safe havens for activists prepared to carry out more serious acts of criminal damage.
There also exists an element of competition across and within police forces in a battle for financial resources and operational priorities. While at the moment there is no sufficient information to state whether the SDS and the NPOIU operated within such a framework, it is nevertheless worth mentioning the ongoing trend in ‘specialist units focusing on individual crime phenomena […] which continue] to advertise (often limited) success in a continued battle for scarce resources.’ 135 Besides exploring the legitimacy of preventing strictly political (rather than strictly criminal) threats to society and the established order, future research should also consider whether some of the more peaceful and less disorderly groups were deemed to merit deep and sustained infiltration within the confines of ‘strategic intelligence analysis’ in order to identify ‘new types of criminality’ so as to prioritize ‘the allocation of scarce resources.’ 136 This issue will be particularly important for scholars of policing and organizational studies. Proactive methods of policing, such as intelligence gathering and the disruption of criminal syndicates, have historically been the domain of specialist teams and squads within the police, for example Criminal Investigation Departments (CIDs) and Regional Crime Squads (RCSs). 137 There is a crucial question as to whether plainclothes officers of CIDs, RCSs and Special Branch, responsible for crime investigation and prevention, could develop distinct occupational cultures to uniformed policemen and could also compete for scarce resources and funding, being in a constant search for targets to gather intelligence on in order to justify their existence.

Beyond these more speculative suggestions, there exist the realities of the impact that undercover policing work has on broader society, notably unintended and dire consequences and ‘damage [spreading] like a virus – contaminating all it touches [and] lead[ing] to a deep pile of hurt.’ 138 Moreover, gathering intelligence for the prevention of serious crime and disorder, as opposed to gathering evidence to be used in court, tends to disincentivize police officers from following correct procedures and from ensuring that undercover activities are necessary and proportionate to the threat posed by the targeted groups. 139 When coupled with the high level of intrusion in the lives of activists, particularly those of a more peaceful and less disorderly nature, and the potential disregard for civil liberties, the SDS and the NPOIU positioned themselves within a grey procedural area. Notably, the secrecy and deception that are axiomatic to undercover policing naturally threatened the Peelian philosophy of ‘policing by consent.’ Beyond raising questions about the criteria by which particular groups were to be targeted and infiltrated, especially with regard to the myriads of ways in which the threat of political violence and public disorder can manifest and be assessed, the operations of the two undercover police units speak to the heart of public expectations of what police are
mandated to do. Naturally, the removal of policing work from the scrutiny of the public can sustain perceptions that institutions operating in the name of the *res publica* are not fully accountable; it is well known that direct police communication can enhance trust and confidence in the police.\textsuperscript{140} The public outrage at some of the activities of the SDS and the NPOIU is all too problematic in a context in which the Stephen Lawrence Inquiry\textsuperscript{141} still hounds public confidence in the Metropolitan Police Service, even more so in recent times with the high profile deaths of Jean Charles de Menezes,\textsuperscript{142} Ian Tomlinson\textsuperscript{143} and Mark Duggan\textsuperscript{144} during or following police contact, and in which the British State has incurred severe criticism for deploying counter-terrorist legislation, policy and measures aimed at widespread intelligence gathering (rather than the surgical identification and apprehension of terrorists) with regard to both Northern Ireland-related terrorism since the mid-1970s\textsuperscript{145} and al-Qaeda-related terrorism since 2001.\textsuperscript{146}

Undercover policing naturally encounters further hostility and criticisms insofar as it is ‘inherently different from normal policing because the safeguards that usually accompany overt justice processes are entirely absent.’\textsuperscript{147} It cannot be stressed enough that the pursuance of intelligence (especially that of a political, and not always criminal, nature) rather than evidence casts undercover police units as *quasi* extra-legal organizations, abiding to rules of pragmatism and necessity rather than procedure and ethics. It follows that:

Because such investigations may not be predicated on concrete suspicion of wrongdoing, they may cast a wider net, yielding information whose validity may never be tested in court […], may burden the exercise of freedom of speech, assembly, and religion and may compromise the privacy of confidential communications between members of targeted organizations.\textsuperscript{148}

This description fits squarely with the experience of the SDS and the NPOIU. Especially with regard to the former, investigations have uncovered that a culture of absolute secrecy\textsuperscript{149} was so deeply entrenched within the organization, valued by the Home Office,\textsuperscript{150} and unregulated by MPS, that it ‘operated as if it was exempt from the developing duty of proper disclosure required of the MPS in legal proceedings, and particularly in criminal prosecutions,’\textsuperscript{151} potentially leading to miscarriages of justice (these being currently investigated with regard to both the SDS and the NPOIU by Mark Ellison QC).\textsuperscript{152} But a cardinal issue that future studies on the British infiltration of political groups involved in protest will need to address is whether the failures emerging from the ongoing investigations and institutional reviews: (a) reflect a pathology of the SDS,\textsuperscript{153} the NPOIU, and/or MPS/ACPO more broadly: (b) are the
result of either rogue officers or institutional (ir)responsibility; (c) are a consequence of the very essence of undercover policing combined with a lack of proper legislative regulation, procedural clarity and supervisory effectiveness.

Lastly, it is important to remember that historically police spies, stool pigeons, agent provocateurs and informers ‘have been generally regarded with aversion and nauseous disdain.’¹⁵⁴ Fears and anxiety of police powers go far back in time, and the 1928’s newspaper story warning promenaders in Hyde Park of the dangers of plainclothes officers¹⁵⁵ is a telling example. Unlike the deception naturally part of conventional policing, undercover policing presents unique peculiarieties insofar as ‘suspects are unaware of both the purpose and the identity of the police.’¹⁵⁶ It is true that deploying undercover operatives maintains a prime function and operational necessity of collecting information on, for example, (a) clandestine, political groups that pose a serious security threat and that cannot be reached through means other than infiltration and (b) potentially risky groups which might not co-operate to more transparent, empowering, participatory and inclusionary methods of ‘soft policing.’¹⁵⁷ However, it is equally true that some police tasks, notably the monitoring of subversives by Special Branch and order maintenance at demonstrations, ‘are avowedly concerned with the control of behavior which is explicitly political in motivation and intended impact.’¹⁵⁸ Within this context, undercover policing, especially when dealing with both crimes and political dissent, becomes the hallmark of a State-centered ‘high-policing,’¹⁵⁹ in which secrecy, deceit and extra- legality spring naturally from its ‘ideological underpinnings of preserving the dominant political regime rather than protecting individual citizens.’¹⁶⁰ With expectations that the police, as opposed to the Security Services, are mandated to do visible work, it is not surprising that revelations on the SDS and the NPOIU have incurred public outrage. In the end, the two units have found themselves in a paradoxical situation: while winning over the confidence and the trust of the public is key to achieving legitimacy, the invisible work of undercover units, and especially the collection of political intelligence, has the potential for such serious threats to civil liberties to often meet a priori rejection from the same public which should give the democratic mandate to State and police action. The question of legitimacy therefore becomes a question of both the limits of State autonomy in fulfilling the social contract and the different interests that law enforcement agencies are expected to serve. Yet, it is within a political culture that rewards action over inaction and stability overt uncertainty that the next Section will argue that the experiences of SDS and the NPOIU should be contextualized.
5. The political climate surrounding undercover policing

The experiences of the SDS and the NPOIU are not a British exception but represent a historical continuum in Western political responses to real and perceived threats to the sociopolitical order. Although providing a full comparative historical account of State infiltration of political groups involved in protest is well beyond the scope of this paper, FBI’s COunter INTElligence PROgram (COINTELPRO) deserves to be mentioned as the prime example of Anglo-Saxon State-orchestrated monitoring and disruption of political groups posing a threat to the State. Running between 1956 and 1971, COINTELPRO targeted five perceived domestic threats through as many programs: (1) the ‘Communist Party, USA’ program (1956-1971); (2) the ‘Socialist Workers Party’ program (1961-1969); (3) the ‘White Hate Group’ program (1964-1971); (4) the ‘Black Nationalist Hate Group’ program (1967-1971); and (5) the ‘New Left’ program (1968-1971). With an expressed aim of using covert means to protect national security, prevent violence and maintain the existing social and political order, COINTELPRO went much farther than the SDS and the NPOIU. It did not refrain from engaging in snitch-jacketing, encouraging gang warfare, fabricating evidence, stealing membership lists and, more broadly, employing improper and illegal means. Staunch critics consider COINTELPRO to have been an utterly ineffective counterintelligence program. Although investigations and reviews of the SDS and the NPOIU in the past few years have started to unveil their rationale and operations, there are still gaps that need to be filled before we reach a full appraisal. Existing institutional reviews have offered mixed judgments of the SDS and the NPOIU. Despite openly criticizing many of their activities (see Section 3), there has also been recognition that the two police units served an important role in preventing and contrasting serious political violence and public disorder, rather than merely collecting political intelligence on peaceful groups. Her Majesty’s Inspectorate for Constabulary notes that:

The NPOIU was involved in the successful collection of intelligence on violent individuals […who] were not individuals engaging in peaceful protest, or even people who were found to be guilty of lesser public order offences […but] were individuals intent on perpetrating acts of a serious and violent nature against citizens going about their everyday lives’. Similarly, Derbyshire Constabulary’s independent investigation on the SDS speaks of undercover officers who ‘undertook difficult and dangerous work in challenging circumstances which undoubtedly included saving lives, protecting properties, disrupting
extremist groups and preventing disorder. Stephen Taylor also mentions ‘a valuable role played by the SDS and brave and committed officers who gathered intelligence which was used to the benefit of the Metropolitan Police and wider society for a long period.’ While there can be all sorts of interests hiding behind these statements, such positive assessments are certainly helpful in contrasting powerful media narratives geared towards the rejection of any police and State action that touches on civil liberties. More importantly, they hint at the complexities of the work carried out by the SDS and the NPOIU. While it is well established that undercover policing, whether involving political violence or organized crime, can prevent serious harm and that police officers can maintain high ethical and legal standards without necessarily losing sight of pragmatic and operational necessities, it is important that controversial units, such as the SDS and the NPOIU, receive a full, evidence-based appraisal which does not shy away from criticisms but, equally, recognizes successes.

There is no doubt that the SDS and the NPOIU are set to leave a mark in British policing history as an example of mass surveillance and State disruption of political dissent. Approached from a critical point of view, the SDS and the NPOIU will be remembered as the feared long hands of the political elite and the State to subvert and neutralize their opposition. The geographical mandate of these police units will also excite debates on the ‘creeping nationalisation’ of British policing, a trend that has intensified since 1967 and which threatens the tradition and principle of decentralized policing in England and Wales. The simultaneous surveillance of the leadership of the miners striking in 1984–85 by Special Branch undercover officers and by MI5 officers, linking ‘the control of industrial action […] to the new public order anti-terrorist roles that the police were increasingly required to fulfill,’ serves as a prime example of the coordinated action of the law enforcement’s wing of the State in nation-wide repression of political dissent.

But there exists a less conspiratorial and more politically aware side of the story. In an age characterized by growing concerns over the hollowing out of civil liberties, and their problematic relationship with certain forms surveillance, more recently the technological types as carried out by the National Security Agency (NSA) and the Government Communications Headquarters (GCHQ), the infiltration of political groups involved in protest by the British police fits squarely within a wider political climate that has historically turned to action and stability over inaction and uncertainty. In his analysis of Western, and particularly American, governmental response to the threat of terrorism, Michael Ignatieff alludes to a deeply entrenched ‘muscular’ political culture which tends to prioritize national security during those times in which assessing risks rests on fragile grounds. Although he
does not go as far as to justify historical overreactions to emergency threats, such as the Red Scare of 1919, Ignatieff recognizes that net-widening preventative approaches function as a political reassurance that suspects are apprehended and both real and perceived risks are minimized. Specifically, Ignatieff talks of:

>[…A] political system [which] rewards overreaction because any politicians wants to go to the country saying better safe than sorry. And so overreaction is rewarded rather than underreaction. No politician, regardless of party, would be able to survive a second attack and the charge that he hadn't done enough to protect the country. That's why everybody's bound to overreact.¹⁸⁰

This political thinking is all too prevalent with respect to terrorism and political violence, as they entail actions intent to destabilize the State and public perceptions of security. What distinguishes ordinary crime from terrorism and political violence is their social costs. With reference to undercover policing, such a difference is crucial to comprehend the different priorities of units which infiltrate criminal gangs as opposed to units which infiltrate political groups involved in protest. If the police fail to seize a drug shipment, the cost associated with media and public condemnation, and related growing social insecurities, will be minimal. However, if a single bomb goes off, not only will political violence and terrorism have scored a goal, but public confidence in the State and law enforcement agencies, and their capacity to protect the security of its citizens, will be undermined. This is otherwise known as the double-infinite risk of terrorism, insofar as it features both uncertainty and potential catastrophe; in turn, it promotes policies and measures that ‘seek to prevent situations from becoming catastrophic at some indefinite point in the future.’¹⁸¹ The political emergence of a penal State¹⁸² grounded on a pervasive culture of control¹⁸³ elevating crime to everyday fear, promoting ontological insecurity¹⁸⁴ and eroding social trust¹⁸⁵ is a well-established fact, especially within Anglo-Saxon circles of criminologists. Especially after 9/11, this has led more radically critical Western voices to talk about the juridical void of a “state of exception” […which] appears as a threshold of indeterminacy between democracy and absolutism’ and suspends legal determinations, for example by blurring the distinction between the public and the private spheres.¹⁸⁶ Equally, even scholars with a much more optimistic attitudes towards the State, who believe the latter to be an actor able to ‘civilize’ security, have noticed ‘a certain clawing back by the state of pluralized security authority in favour of a reassertion of the importance of “old” state agencies (the police, intelligence services, military).’¹⁸⁷
This paper contends that British experience of the SDS and the American experience of COINTELPRO are solid evidence that old State agencies have always held a strong ‘rowing’ function of delivering security, \(^{188}\) especially when confronting the real and perceived threat of violence, public disorder and subversion springing from political groups, and particularly in periods of geopolitical tension. While it is true that, as Eveline Lubbers’ study demonstrates, both the SDS and the NPOIU capitalized on increasing collaborations with corporations and extended their remit far and beyond obvious criminal threats, blaming capitalism or neo-liberalism for police shortcomings is rather hasty. In particular, it does not consider the historical continuum of State-driven ‘political policing’ and its legitimacy from the point of view of the State as a largely conservative entity and a realpolitik actor which ‘pursues self-interest [often] in violation of laws and norms [which it itself establish through its political institutions].’\(^{189}\) Notably, it fails to understand the activities of the SDS and the NPOIU as emanating from a cultural and political tradition which, as explained above, rewards action over inaction and stability over uncertainty in both preventing threats to the State and society and preserving the sociopolitical order. Lastly, it unhelpfully approaches the undercover policing of political groups in a Manichean form in which national security, surveillance and the limitation of freedoms are invariably bad, while political dissent, anti-authoritarianism and civil liberties are uniquely good. It is only through a more sophisticated approach, which this paper aims to have set out, that one can fully comprehend the historical and political forces operating behind the establishment and the activities of the SDS and the NPOIU and, by inference, any other similar undercover police unit.

6. Conclusions

Studying over forty years of British experience in policing political groups involved in protest presents several challenges. Firstly, the relatively recent exposé of the SDS and the NPOIU and the continuing investigations into their activities mean that much information is yet to become public. Given the sensitivity of the topic and the fact that the voices of former undercover police officers are constrained by the Official Secret Acts, it is likely that the full story will never be made public. While this should not refrain scholars from studying these two units, it certainly alerts them of the limitations of research into such a highly sensitive political topic.

Secondly, the policing of political groups lends itself to different angles of analysis. Whether the intersections between national security and civil liberties, the legal limits to
State action in preserving the existing order, the often difficult coexistence of procedures and pragmatism in undercover operations, the blurred boundaries between criminal intelligence and political intelligence or ethics vis-à-vis operational necessity, it is impossible to study this topic without prioritizing some elements over others. This paper has chosen to present a value-free, evidence-based account of the available information on the SDS and the NPOIU and a tentative analysis of the most crucial factors driving the operations of these two units, notably the aim to gather criminal and political intelligence as part of both a goal to minimize security risks to society and the State (this at times going as far as stifling legitimate political protest) and a natural outcome of a political culture that rewards action over inaction in preventing real and perceived security threats.

Thirdly and lastly, public discussions on these two police units have been monopolized by the media to the point that they own the social, political and moral market as the prime source on undercover policing in Britain. The lack of any dispassionate academic study on the SDS and the NPOIU creates obvious difficulties in approaching the topic in absence of scholarly literature. However, this void opens up possibilities for academics in terrorism studies, criminology and policing to conduct research on what is probably the most debated issue in recent British policing history. A primary aim of this paper is therefore to provide a first evaluation of the SDS and the NPOIU in the hope that it can spur healthy academic debate on the remits and limits of undercover policing within a democratic society and, importantly, offer some help to ensure that ‘an important tool in the fight against crime’ is utilized in a context in which ‘there is not repeat of [past] failings in the future.’

Authors’ Note

This article is limited to an evaluation of the evidence that was publicly disclosed up to 31 May 2015. Readers should be aware that yet to be disclosed findings of ongoing investigations and future revelations might change the scenario and affect some aspects of this evaluation.

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Notes


3 More recently, activists and investigative researchers have set up an online resource bringing together publicly available material on these two units. It is available for consultation at: http://undercoverresearch.net. [Accessed on 3 March 2015].


6 This was separate and secret funding provided by the Home Office to the Metropolitan Police Service (MPS) to cover for costs related to accommodation and transportation of undercover officers. The annual budget ranged between £3,000 in 1968 and £48,996 in 1988/1989. See: Stephen Taylor, Investigation into Links between Special Demonstration Squad and Home Office. (London: Home Office 2015).

7 Ibid.

8 Mick Creedon (2014b).

9 From 1990 the unit was funded by the MPS within overall budget allocation. See: Stephen Taylor (2015).

10 Ibid.

11 Outside of Britain, riots marked the famous Montreal Police strike in 1969. On 7 October that year, a union of taxi drivers gathered in Griffintown, around the Murray-Hill garage, where a violent protest took place against the monopoly of Murray-Hill to airport pickups. The rioters took advantage of the absence of police officers on streets and, joined in forces by students and left-wing separatists, brought the riots downtown targeting shops, restaurants and hotels. An emergency law forced the police to return to their duties and tame what are now known as ‘Murray-Hill riots’. The event ended with a police officer killed, 108 people arrested and 2 million dollars worth of damages. For a video source see: CBC Digital Archives, ‘1969: Montreal’s “Night of Terror”’, CBC Digital Archives. http://www.cbc.ca/archives/categories/politics/civil-unrest/general-27/montreals-night-of-terror.html. [Accessed on 10 February 2015]. In 1970 the United States also experienced serious political violence from left-wing groups which had moved from more peaceful protest (for example, against the Vietnam War) to ‘planting bombs as a symbolic protest or as actual assaults against the power structure’ and to property damage during street demonstrations (‘trashing’). See: Aaron Leonard and Conor Gallagher, Heavy Radicals: The FBI’s Secret War on America’s Maoists. (Åresford: Zero Books 2014) p.86.


14 Ibid. p.376.

15 Paul Lewis and Rob Evans, Undercover: The True Story of Britain’s Secret Police. (London: Faber and Faber 2013).


24 Ibid.
27 According to the *1995 Guidelines on Special Branch Work in Great Britain*, work in the area of public order which was carried out by Special Branch involved: ‘accurate assessments of the public order implications of events such as marches and demonstrations. They need such an assessment in order to ensure: the physical safety of participants and the wider public; that the rights of the participants to participate and of members of the wider public to go about their lawful occasions are upheld; and that proportionate and cost-effective policing arrangements are made to deal with any likely disorder or violence.’ See: Statewatch, UK: Special Branch Guidelines 1995, *Statewatch* 4/6 (1994). http://www.statewatch.org/news/2004/mar/special-branch-1995.htm [Accessed on 12 April 2015] quoting Home Office and Scottish Office, *Guidelines on Special Branch Work in Great Britain*. (London 1994), paragraph 14.
28 Ibid.
29 Upon joining Special Branch police officers have to undergo a developed vetting clearance and abide by the restrictions of the Official Secrets Act, therefore these rules also applied to SDS officers, who were (often full career) officers drawn from MPSB.
31 For example, at meetings with the ‘C’ Squad SDS managers would bring images for identification. See: Mick Creedon (2014b).
33 Ibid. A former undercover police officer interviewed by Paul Lewis and Rob Evans (2013) described very good relationships between SDS officers and MI5 desk officers but also recounted existing conflicts, for example between an SDS officer impersonating a coarse anarchist and David Shayler (former MI5 officer) who was described by the former as a ‘desk wanker’. See also: Annie Machon, *Spies, Lies and Whistleblowers: MI5, MI6 and the Shayler Affair*. (Sussex: The Book Guild 2005).
35 Ibid.
36 According to activist Merrick Badger, the NIU was a non-MPS unit based in Wiltshire and running ‘a database of eco protesters, ravers, travellers and free party types.’ See: Merrick Badger, ‘Political Secret Police Units’, *Bristling Badger*. (5 February 2015). http://bristlingbadger.blogspot.co.uk/2015/02/political-secret-police-units.html. [Accessed on 5 March 2015].
37 According to activist Merrick Badger, the SIU was the Cumbria based sister unit of the NIU. See: Merrick Badger (2015).
38 ARNI developed from a unit set up within MPS in 1984 which subsequently, in 1986, ‘became an autonomous unit liaising with animal rights officers in every force outside of London.’ It was in charge of both maintaining an intelligence database on illegal activities related to animal rights and providing Special Branches across different police forces with assessments and information that could help protect potential targets. See: Rachel Monaghan, ‘Terrorism in the Name of Animal Rights’, in Max Taylor and John Horgan (eds), *The Future of Terrorism*. (Abingdon: Frank Cass Publishers 2000) pp.159–169 (p.165).
42 ACPO is a private company established in 1948 and due to be replaced by the National Police Chiefs’ Council (NPCC) in April 2015. It ‘provides operational coordination, national policing services and acts as the professional voice of the service.’ See: Nick Parker, *Independent Review of ACPO*. (London Association of Police and Crime Commissioners 2013) p.4.
43 NETCU was a police unit set up in 2004 and tasked to provide ‘tactical advice and guidance on policing single-issue domestic extremism’. It also supported ‘companies and other organisations that are the targets of domestic extremism campaigns […]and reported] through the National Coordinator for Domestic Extremism (NCDE) to the Association of Chief Police Officers Terrorism and Allied Matters – ACPO(TAM) committee.’ See: National Extremism Tactical Coordination Unit, *Policing Protest: Pocket Legislation Guide*. (London:
Association of Chief Police Officers 2007) p.2. In Wales this role was, and still is, taken up by the Welsh Extremism and Counter-Terrorism Unit (WECTU) which also deals with terrorism.

44 NDET was a police unit ‘formed in 2005 to co-ordinate investigations conducted by forces across the country’ and placed within ACPO. See: Paul Lewis and Rob Evans (2013) p.173.

45 Today known as the National Domestic Extremism and Disorder Intelligence Unit (NDEDIU), NDEU was a national police unit located within MPS and tasked to ‘support all police forces to help reduce the criminal threat from domestic extremism across the UK […]as well as to] promote a single and co-ordinated police response by providing tactical advice to the police service alongside information and guidance to industry and government.’ See: Association of Chief Police Officers, National Domestic Extremism and Disorder Intelligence Unit. Online source.


46 Evidence of these groups being infiltrated can be found in Paul Lewis and Rob Evans (2013) and in the numerous articles on British undercover policing stored in The Guardian’s news aggregator ‘Undercover Police and Policing’ and available at: http://www.theguardian.com/uk/undercover-police-and-policing. [Accessed on 10 February 2015].

47 The criminal threat posed by some of these groups is highlighted by former Special Branch and MI5 chiefs and operatives in the 2002 BBC documentary True Spies. See also: Clive Bloom (2010). Needless to say, the ‘threat’ and ‘risk’ posed by such groups is by definition problematic as different groups posed different threats in different ways and at different levels of seriousness.

48 Within a context characterized by changing notions and definitions about what constitutes ‘national security’ and ‘terrorism’, some of these groups could now be called terrorist groups. However, one should not be naïve to the fact that politics and political rhetoric about national security and terrorism would factor into the analysis and characterization of such groups. Whilst there exist several conceptualizations of both terms, Jackson and Sørensen provide a very compelling explanation of the contemporary meanings of ‘national security’ as a responsibility to provide security that was once provided by family, clans, warlords and other local bodies and that, with the emergence of the State system, has gradually been taken up by the State. In this sense, the authors define national security as ‘the policies employed and the actions undertaken by a state to counter real or potential internal and external threats and to ensure the safety of its citizens. This is one of the fundamental responsibilities of the state to its people, and the fundamental state responsibility according to the realist view of IR.’ See: Robert Jackson and Georg Sørensen, Introduction to International Relations: Theories and Approaches. 3rd Edition. (Oxford: Oxford University Press 2007) p.310 (emphasis in the original). Similarly, while an international legal consensus on what constitutes terrorism is yet to be reached, Schmid’s ‘revised academic consensus definition of terrorism’ is a very useful scholarly and conceptual reference. An extract of such definition explains terrorism as ‘[predominantly politically motivated,] calculated, demonstrative, direct violent action without legal or moral restraints, targeting mainly civilians and non-combatants, performed for its propagandistic and psychological effects on various audiences and conflict parties. […] Sources of terrorist violence can be individual perpetrators, small groups, diffuse transnational networks as well as state actors or state-sponsored clandestine agents (such as death squads and hit teams).’ See Alex Schmid, ‘The Definition of Terrorism’, in Alex Schmid (ed.), The Routledge Handbook of Terrorism Research. (London: Routledge 2011) pp.39–98 (pp.86–87).

49 In the only academic article published on this topic, former SDS officer Bob Lambert recounts how, throughout the 1980s and the 1990s, the Animal Liberation Front and other animal rights extremists engaged in violence, criminal damage and intimidation against a wide range of targets, including, politicians (for example: then Prime Minister Margaret Thatcher and then Home Secretary William Whitelaw), academics (for example: Professor Colin Blakemore), meat traders, vivisectionists, furriers, huntsmen and huntswomen. Moreover, the animal research industry, the hunting community, the meat trade and the fur trade often suffered damage, contamination or theft of property. See: Robert Lambert ‘Researching Counterterrorism: A Personal Perspective From a Former Undercover Police Officer’, Critical Studies on Terrorism 7/1 (2014) pp.165–181. For a broader overview of the anarchic goals and the violent means of the Animal Liberation Front, see: Kim Stallwood, ‘A Personal Overview of Direct Action’, in Anthony Nocella and Steven Best (eds), Terrorists or Freedom Fighters? Reflections on the Liberation of Animals. (Herndon, VA: Lantern Books 2004) pp.81–90. Professor Colin Blakemore discussed his experience as a victim of a violent and intimidating campaign by the Animal Liberation Front lasting over ten years in: Melanie Abbott, ‘The Report: Undercover Police’, BBC Radio 4. (11 July 2013) 17:40–19:13. http://www.bbc.co.uk/programmes/b036ky00. [Accessed 24 February 2015].

50 The recent disclosure of confidential documents allegedly reveals that the Free Wales Army and the Movement for the Defence of Wales were deemed to pose a security threat to the investiture of Prince Charles in Caernarfon Castle in 1969. See: David Deans, ‘A Prime Minister’s Fear of Welsh Nationalist Attacks on Prince Charles Revealed’, Wales Online. (19 April 2015).

Wales in 1990 and in Scotland in 1989, turned into violent confrontation between demonstrators and the police coordinating many Anti-Poll Tax Unions and campaigning against the Poll Tax introduced in England and Wales in 1990 and in Scotland in 1989, turned into violent confrontation between demonstrators and the police and ended up with almost two thousand reported criminal acts and hundreds of injuries, arrests, cars set on fire.

comparable to the poll tax riots nine years earlier, when on 31 March 1990 a demonstration organized by the All Britain Anti-Poll Tax Federation, a national organization set up and controlled by Militant Tendency, coordinating many Anti-Poll Tax Unions and campaigning against the Poll Tax introduced in England and Wales in 1990 and in Scotland in 1989, turned into violent confrontation between demonstrators and the police and ended up with almost two thousand reported criminal acts and hundreds of injuries, arrests, cars set on fire, shops looted, and police vans and equipment vandalized.] See: Clive Bloom (2000) p.442.


The Anti-Nazi League was set up by, and operated as a front for, the Socialist Workers Party. See: David Boothroyd, The History of British Political Parties. (London: Politico’s Publishing 2001).

With the fall of the Berlin Wall in 1989 and the end of the Cold War in 1991 the threat posed by domestic communist parties acting in concert with the Soviet Union eclipsed as both the Soviet Union and worldwide communism crumbled. From then onwards, the Security Service would start focusing more specifically on countering Northern Ireland-related terrorism, leaving any remaining subversive groups to be dealt with by Special Branch. See: Peter Taylor (2002).

Improperly Withheld Crucial Evidence from Trials of Protesters’, The Guardian
60 Tony Bunyan (1977); Robert Reiner (1980).
62 Besides being a tactical and strategic necessity, a drastic change of appearance to blend within target groups is not only a British peculiarity but was routinely used by FBI agents infiltrating subsersive and violent extremist groups in the United States, such as the Weather Underground Organization. See: Cril Payne, Deep Cover: An FBI Agent Infiltrates the Radical Underground. (New York: Newsweek Books 1979).
64 For a comprehensive discussion of authorized criminality in the course of undercover policing duties (although with a particular emphasis on the American legal system) see: Elizabeth Joh (2009).
65 Her Majesty’s Inspectorate for Constabulary, A Review of National Police Units Which Provide Intelligence on Criminality Associated with Protest (2012).
66 Ibid.
67 While the existence of undercover police units infiltrating political groups involved in protest had already been made public in the 2002 BBC documentary True Spies, it took until January 2011 before the first undercover officer (Mark Kennedy, who had worked undercover as a NPOIU officer under the false name Mark Stone) was exposed.
68 Tony Thompson (2010).
70 The infiltration of less or non-violent groups engaged in less serious and/or less sustained public disorder has incurred the outrage of many activists. As for those groups engaged in violence and serious public disorder, a former SDS undercover police officer questions whether the lack of consistent responses to the policing of terrorism and political violence among commentators and politicians could depend on the political causes that such groups seek to promote. In other words, he argues that proactive policing targeting widely disliked violent political groups (for example, far-right street groups) could be more politically palatable than the targeting of violent groups supporting progressive (for example, environmental and animal rights) causes. See: Robert Lambert (2014).

74. Mark Ellison (2014).
77. Two former Permanent Secretaries, three former Deputy Under Secretaries, one former Assistant Under Secretary and one former Head of Division.
86. Jim Boyling worked undercover as Jim Sutton from the mid-1990s to the early 2000s, while Bob Lambert posed as Bob Robinson throughout the 1980s.
91. It is beyond the scope of this paper to offer any value judgment on the practice of fostering sexual relationships with targeted activists. Readers wishing to consult more critical considerations of this practice can refer to: Michael Loadenthal, ‘When Cops “Go Native”: Policing Revolution Through Sexual Infiltration and Panopticism’, Critical Studies on Terrorism 7/1 (2014) pp.24–42; Basia Spalek and Mary O’Rawe, ‘Researching Counterterrorism: A Critical Perspective From the Field in the Light of Allegations and Findings of Covert Activities by Undercover Police Officers’, Critical Studies on Terrorism 7/1 (2014) pp.150–164.
A serious discussion on these issues as they relate to the SDS and the NPOIU would deserve a separate article. Readers wishing to explore the moral ambiguities underpinning undercover policing can refer to: Gary T. Marx (1992); Julius Watchel, ‘From Morals to Practice: Dilemmas of Control in Undercover Policing’, *Crime, Law and Social Change* 18/1–2 (1992) pp.137–158. The personal accounts of former FBI agents Mike German and Cril Payne also provide an insight into the ambivalent feelings of infiltrating violent political groups. See: Mike German, *Thinking Like a Terrorist: Insights of a Former FBI Undercover Agent*. (Dulles, VI: Potomac Books 2007); Cril Payne (1979).


Mick Creedon (2013a).

Mick Creedon (2014a) p.5.

Ibid. p.5.

Ibid.


The word informant tends to be a misnomer as it includes various human intelligence sources. For example, the McDonald Commission on the Royal Canadian Mounted Police classified police sources as (1) volunteer sources, (2) underdeveloped sources, (3) developed casual sources, and (4) long-term deep cover operative. These are all people assisting law enforcement agencies to a different extent, for different periods of time and for different reasons. Long-term deep cover operatives can also include officers working for law enforcement agencies who take up a false identity and infiltrate a targeted group. See: McDonald Commission, *Second Report: Freedom and Security Under the Law. Volume I*. (Ottawa: Minister of Supply and Services 1981).


House of Commons (2013).

Mick Creedon (2013a) p.20.

Her Majesty’s Inspectorate for Constabulary (2012).


This is the body of senior leaders responsible for undercover policing’s policies and strategies.

The House of Commons further noted ‘an alarming degree of inconsistency in the views of Ministers and senior police officers about the limits of what may and may not be lawfully authorised.’ See: House of Commons (2013) p.5.


The National Intelligence Model (NIM) was ‘developed by the National Criminal Intelligence Service (NCIS) and endorsed by ACPO. […] NIM was adopted as ACPO policy and was later granted a statutory basis, under the Police Reform Act, with requirement for all forces to implement it by April 2004.’ See: Mick Creedon (2014a) p.24. It is divided in three areas: (1) local area policing; (2) regional issues; and (3) national and international threats. Essentially, it works as a business model to organize resources and knowledge and to ensure coordination at different levels of delivery (local, regional and national). Its forward-looking approach is directed at threats posed to community safety. See: National Crime Intelligence Service, *The National Intelligence Model*. (London: National Crime Intelligence Service 2000); Tim John and Mike Maguire, ‘Rolling Out the National Intelligence Model: Key Challenges’, in Karen Bullock and Nick Tilley (eds), *Crime


133 Ibid.


136 Ibid. p.204.


142 Jean Charles de Menezes was a Brazilian man shot dead by Metropolitan Police Service officers in London on 22 July 2005. The police mistakenly thought that he was one of the suspects who had carried out four failed bomb attacks on the public transport system in London on the previous day (two weeks after the 7 July terrorist attack). See: BBC News, ‘Timeline: Tube Shooting’, BBC News (19 August 2005). [Accessed on 28 March 2015].


144 Mark Duggan was shot dead by Metropolitan Police Service officers in Tottenham (London) on 4 August 2011 during an attempted arrest. His death unleashed riots and violence in various London areas and across major English cities, such as Birmingham, Bristol, Liverpool and Nottingham. In January 2014 an inquest jury returned a verdict that Duggan was lawfully killed by the police. See: BBC News, ‘Mark Duggan Death: Timeline of Events’, BBC News (8 January 2014). [Accessed on 28 March 2015].


149 A former SDS officer commented that “we were part of a “black operation,” that absolutely no one knew about and only the police had actually agreed this was okay.” See: Mark Ellison (2014) p.199.


153 The fact that this unit operated in the context of MPSB’s intelligence gathering, often in support of the Security Service, makes it even more difficult to trace the exact contours of responsibility.


162 Ibid.


164 United States Senate, Select Committee to Study Governmental Operations with Respect to Intelligence Activities (1976b).

Aaron Leonard and Conor Gallagher (2014).


Mike German (2007).


Mick Creedon (2014a) p.69.


Mike German (2007).


The ‘rowing’ functions of the State entail delivering the service of policing and security, while its ‘steering’ function, which Osborne and Gaebler believe have taken over, include legitimizing, regulating and distributing the services of policing and security in a changing world characterized by a move away from the centrality of the State towards multi-actor governance and provision of security. See: David Osborne and Ted Gaebler, Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector. (Reading, MA: Addison Wesley 1992).


There exists of course Eveline Lubbers’s book although it more narrowly focuses on joint corporate and police activities of intelligence gathering. Also, while constituting an extremely useful resource, it does not necessarily strive for neutrality. This can probably be attributed to the author’s parallel involvement as an activist journalist and founder of Jansen and Janssen Bureau, a ‘spin-off from the powerful squatters movement of the eighties […] monitoring police and secret services [and] supporting social activist groups against oppressive surveillance tactics of authorities.’ See: http://www.evel.nl. [Accessed 19 March 2015].
