

Opinion Environment

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The price of undercover sex in the police

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Sexual manipulation of climate activists appears to have been a deliberate police tactic, and demands a public inquiry

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Since police infiltration of the climate change movement was first revealed, a number of female activists have disclosed that they slept, and formed loving relationships, with men they subsequently discovered to be undercover officers. In an interview in the Guardian last week, a woman described the devastating effects of learning that a man she had two children with was the police officer Jim Boyling; she concluded that this sort of covert operation "wrecks lives".

There is talk of many more men and women in the same position. Their fury and betrayal is easy to understand. It must be a horrifying experience to discover that your partner is not the person they say they are; that they may have been relaying information provided in confidence "on the pillow", to the state; and that the fundamentals of the relationship were lies. Many have described the sense of violation they feel.

Yesterday activists blockaded the main entrance of Scotland Yard in a demonstration against undercover officers having sexual relations with

members of groups they infiltrate, following claims that a tactic of "promiscuity" was routinely adopted, with the blessing of senior commanders.

In such circumstances, activists may well have strong legal remedies against the police. The common law right to privacy will protect them from any misuse of their personal information except where there is a clear public interest. Then there is the linked right to respect for private and family life guaranteed under Article 8 of the European convention on human rights. That includes a right to form relationships without unjustified interference by the state. To be justified, interference must be authorised by law, pursue a legitimate aim (such as the prevention of crime or disorder) and be proportionate to that aim. It is difficult to see how forming a deceitful sexual relationship with an activist is proportionate to any legitimate aim.

And the deceit itself may be actionable. The police officers concerned entered into relationships on the basis of false representations about themselves. The shock and distress caused when the officer's identity is exposed may form an additional basis for an award of damages.

There could also be claims for misfeasance in public office. While the police may claim that they did have stringent policies and that a couple of rogue officers fell in love while on the job, the sheer number of sexual relationships between activists and undercover officers looks like something more than a coincidence. It is surely inconceivable that the authorities didn't know, or that they didn't at least tacitly approve of, sexual relationships as part of the methodology of police spying.

Mixed messages are already appearing. The Association of Chief Police Officers (Acpo) says that relationships with the targets of undercover activities were strictly forbidden. But a former undercover officer has contradicted the official line, claiming that officers were encouraged to sleep with activists. However, whether officers were abusing their position because they felt like it or because they were encouraged to do so to obtain intelligence, this does indeed look like the clearest abuse of power - or "state-endorsed sexual manipulation" as one activist has described it.

Despite the stress of litigating in the matter of private and sensitive issues, many will be willing to bring claims, not only for the financial remedies, but also to highlight what appears to be widespread and serious wrongdoing.

It seems probable that the police will face at the very least a number of claims from victims bringing civil claims for damages. If the police are suggesting that the relationships were not sanctioned - despite growing evidence to the contrary - then they should immediately identify any more undercover officers who have been involved in relationships with activists so that the victims have an opportunity to bring claims for damages.

But given the shock and concern about what looks like a deliberate policing tactic, the victims and civil society as a whole deserve to know what really

happened: how the police, charged with a duty to uphold the law, appear to have abused politically active citizens.

We all need to be reassured that the police are under control when undercover; that those in charge are themselves properly regulated and overseen; and that lessons have been learned. That requires nothing less than a full independent public inquiry.

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