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Police spies: watchdog calls for safeguards over 'intrusive tactic'

Inspector criticises 'intrusion' into activists' lives by undercover officer Mark Kennedy



📷 Police spy Mark Kennedy (above) defied instructions from his superiors, a report by Sir Denis O'Connor, head of the HMIC, has found. Photograph: Philipp Ebeling

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A clandestine operation that secretly deployed police spies in political groups for 40 years is severely criticised today by the official policing inspectorate, which concludes that the "intrusive" tactic should in future be used only after independent authorisation.

A [report](#) into the activities of Mark Kennedy, an undercover police officer who spent seven years living as an environmental activist, finds that he defied instructions from his supervisors and failed to inform them about intimate relationships he developed with activists.

Sir Denis O'Connor, head of Her Majesty's Inspectorate of Constabulary (HMIC), also found serious failings by the secretive body that was supposed to oversee Kennedy's deployment, the National Public Order Intelligence Unit (NPOIU). He said the unit did not provide sufficient oversight of Kennedy's deployment and failed to draw up a suitable exit plan when it was decided he should be pulled out.

"The police are right to use undercover tactics in order to protect the public from serious harm. But these operations are inherently risky and must only be used when they are necessary and proportionate. NPOIU operations were not adequately controlled in this regard," O'Connor wrote. "HMIC found that [Mark Kennedy](#) operated outside the code of conduct for undercover officers. This suggests that NPOIU operational supervision, review and oversight were insufficient to identify that his behaviour had led to disproportionate intrusion."

O'Connor said that future long-term deployments of undercover police officers should be "pre-authorized" by the Office of the Surveillance Commissioners, which currently monitors covert surveillance by the state agencies.

Until now, police at superintendent rank have had the power to authorise officers to create false passports, rent new properties and live several years undercover. [Police](#) seeking to listen to a suspected criminal's telephone call have required permission from the home secretary.

O'Connor said the new proposals, based on a review of protocol in MI5 and FBI, would ensure that officers were only deployed on long-term missions where independent oversight considered the operation necessary and proportionate.

But he stopped short of recommending the judicial oversight of undercover policing called for by other senior officers, and said the framework for keeping tabs on protesters should remain under the police's counterterrorism command.

A [Guardian investigation](#) into police infiltration of the protest movement, which first revealed details of Kennedy's deployment 12 months ago, has uncovered a catalogue of abuses by police spies, including allegations that they lied under oath in court and developed sexual relationships with their targets.

Of nine undercover operatives identified by the Guardian, seven are believed to have had sexual relationships with women they were sent to spy on. On two occasions, the police [officers secretly fathered children](#) with the activists, and then disappeared from their lives.

O'Connor's report was due last October, but publication was postponed after revelations by the Guardian and Newsnight of claims that police chiefs had authorised undercover officers to give false evidence in court.

HMIC found that operations to spy on political activists were "more risky" than those in other areas of policing. "NPOIU operations were not as well controlled as those of other units which deploy undercover officers on serious criminality," the report said.

"This was especially so in the case of Mark Kennedy, where the evidence suggests the risks of intrusion into the lives of members of the public while undercover were not well managed; on occasions, he did not follow the

codes of practice for undercover officers or the instructions of his supervisors."

The Association of Chief Police Officers (Acpo) conceded that its code of conduct for undercover police officers, in place since 2003, contains no clause explicitly prohibiting intimate or sexual relations with targets. The manual, which contains 17 other rules about professional and personal standards expected of police spies, is being rewritten. Jon Murphy of Acpo said: "The police service would welcome increased oversight in this critical area of policing. It is one of the most challenging areas of operational activity undertaken by the police service. When used correctly it is lawful, ethical, necessary and proportionate. It is important the HMIC has recognised that the use of undercover tactics in the context of protest and campaigns is small by comparison with areas such as organised crime."

The O'Connor report revealed how police dramatically expanded undercover surveillance of protesters, describing how for much of the last decade police chiefs ran two covert units of undercover police officers to infiltrate protest groups. The first, known as the special demonstration unit and run by the Met, was set up in 1968 to spy on political groups in London. The SDS, which trained its spies in-house, was closed in 2008. The report said the unit "appeared to be wholly isolated from the Metropolitan police and the police service". Police chiefs created the second unit - the NPOIU - in 1999. Kennedy worked for this unit, which operated mainly outside the capital and still functions today.

For nine years, the units operated in tandem, "targeted similar groups" but "worked independently", sending undercover officers to the same demonstrations. It means that undercover police officers would have regularly encountered each other - but assumed their opposites were activists.

The decision to significantly expand the infrastructure for monitoring political campaigners was taken in the late 1990s, amid an perceived increase in activity by animal rights and environmental campaigners. Previously, it has been [alleged that private corporations targeted by protest groups lobbied the Labour government](#) to help combat "single issue" campaigners.

The Home Office has poured millions of pounds into a drive to tackle so-called domestic extremism, a term O'Connor said was "pretty wide-ranging" and failed to distinguish between people with genuinely violent intent and others involved in peaceful demonstration. He called for a new definition of domestic extremism, which he said had been conflated with policing big demonstrations. His inspectors concluded that a national database of domestic extremists contained details about protesters that should not be held.

The report also made unexpected criticism of police officers who monitored political activists and then retired to continue their careers "in the security industry, using their skills and experience for commercial purposes". As a result of cases where officers have perceived conflicts of interest, a new policy has now banned contact with private security firms.

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