

Date: 05/11/2020

Our Reference: FOIA-2020-122

RE: Freedom of Information Act 2000 Request

I write in response to your Freedom of Information Act 2000 (or 'FoIA 2000') request dated 08/10/2020:

- “• **Responses to the consultation document that reference the guidance regards intimate sexual relationships with those infiltrated and targeted.**
- **The final draft of this document after the consultation period which ended August 10th 2016. [College of Policing website 29.6.16 states: “... today published undercover policing Authorised Professional Practice, which is national guidance, for a six week consultation before the final version is released later this year.”**
- **Correspondence or other documentation referencing the delay to the publication of the final draft of Undercover Policing Guidance 2016.”**

When a request for information is made under FoIA 2000, a public authority has a general duty under section 1(1) of the Act to inform an applicant whether the requested information is held. There is then a general obligation to communicate that information to the applicant. If a public authority decides that the information should not be disclosed because an exemption applies, it must, under section 17(1) cite the appropriate section or exemption of the Act and provide an explanation for relying upon it.

It is important to note that a freedom of information request is not a private transaction. Both the request itself and any information disclosed are considered suitable for open publication, that is, once access to information is granted to one person under the legislation, it is then considered public information and must be communicated to any individual should a request be received. In

light of this, our responses and disclosures are published on our external website at a later date. This should be borne in mind where a request is made for personal data of named individuals.

Decision

After conducting careful searches for any information relevant to your request I can confirm I that the College does hold some of the information you have requested.

Any personal information has been exempted using section 40(2), information relating law enforcement has been exempted using section 31(1)(a), and information relating to security bodies by section 23(1) or 24(1). Please see **Appendix A** for further details.

- **Responses to the consultation document that reference the guidance regards intimate sexual relationships with those infiltrated and targeted.**

Please find attached disclosure.

- **The final draft of this document after the consultation period which ended August 10th 2016. [College of Policing website 29.6.16 states: "... today published undercover policing Authorised Professional Practice, which is national guidance, for a six week consultation before the final version is released later this year."**

Previously disclosed via email.

- **Correspondence or other documentation referencing the delay to the publication of the final draft of Undercover Policing Guidance 2016."**

No information held.

I trust this letter answers your questions. Your rights are provided in **Appendix B**.

Yours sincerely,

James Rose | Legal Advisor
Information Management and Legal Team
College of Policing

Email: FOI@college.pnn.police.uk

Website: www.college.police.uk

Appendix A

Section 40(2) – Personal Information

40 ... (2) Any information to which a request for information relates is also exempt information if-

(a) it constitutes personal data which do not fall within subsection (1), and

(b) either the first or the second condition below is satisfied.

Under section 40(2) FoIA (by virtue of section 40(3A)), personal data of a third party can be withheld if it would breach any of the data protection principles to disclose it. Personal data is defined in section 3(2) of the Data Protection Act 2018 as:

‘any information relating to an identified or identifiable living individual’

Section 3(3) defines an identifiable living individual as ‘a living individual who can be identified, directly or indirectly, in particular by reference to –

(a) an identifier such as a name, an identification number, location data or an online identifier, or
(b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual’

The two main elements of personal data are that the information must ‘relate’ to a living person and that the person must be identifiable. Information will relate to a person if it is about them, linked to them, has some biographical significance for them, is used to inform decisions affecting them, and has them as its main focus or impacts on them in any way. As such, it is our view that the information in question is categorised as personal data.

The data protection principles are given under Article 5 of the General Data Protection Regulation (GDPR). Article 5(1)(a) states that personal data shall be 'processed lawfully, fairly and in a transparent manner in relation to the data subject'. We consider that respondents would have a reasonable expectation that information about themselves shared with the College, would not be disclosed any further. It would not be fair and hence, a breach of Article 5, to put this information into the public domain without express consent having been given. For your information, section 40(2) in these circumstances is an absolute exemption and there is no requirement for the public interest test to be considered.

Disclosure of name and ethnicity creates a significant risk of individuals being identified, rendering the data in question to be 'personal data'. For the reasons given, further disclosure cannot be adduced as fair processing activity and as such, action to this effect would be a breach of Article 5 of GDPR. It is for this reason that the College has withheld the information requested under section 40(2), by virtue of section 40(3A).

Section 31(1)(a) – Law Enforcement

As a publicly funded body and from an ethical perspective, the College accepts it has a duty to make appropriate information available to the public wherever possible. We appreciate that there is a public interest in the nature of the training provided by the College, and wherever possible, in order to better inform the public about the work that we do, we aim to publish certain guidance documents. Additionally, we appreciate that spending of public money and a public authority's ability to generate income, are matters of strong public interest.

However, the College must also consider the wider impact of disclosing specific detail about police training. By the very nature of our work, the disclosure of the information requested carries the potential risk of highlighting areas of weakness within police training. The possible disclosure of law enforcement tactics may have a negative impact on law enforcement operations, both in the UK and abroad. This in turn could increase the risk to the safety of the public and indeed law enforcement. Disclosure could hinder the effective prevention and detection of crime as it has the potential to reveal specific tactics the police. Disclosure of information that undermines the operational integrity of law enforcement capabilities is highly likely to have an adverse impact on public safety and a negative effect on law enforcement generally. This risk to public safety cannot be said to be in the public interest.

As stated above, the public interest test is a consideration of whether the community benefit of possession of the information outweighs the potential harm of releasing that information. It is not an

evaluation of what interests the public. On weighing up the competing interests, I consider that the public interest test favours withholding the tactical detail from the attached disclosure document.

Section 23(1) & Section 24(1) – Security Bodies & National Security

Some of the information you have requested is being withheld under either section 23(1) or section 24(1) of the Freedom of Information Act. Some of the information you have requested could be exempt under section 23(1) of the Freedom of Information Act, which relates to the bodies specified in section 23(3) of the Act, although it is also possible that the information relates to none of these bodies. Sections 23(1) and 24(1) are being cited in the alternative as it is not appropriate, in the circumstances of the case, to say which of the two exemptions is actually engaged so as not to undermine national security or reveal the extent of any involvement, or not, of the bodies specified at section 23(3). Section 23 is an absolute exemption and the College of Policing is not required to consider whether the public interest favours disclosure of this information.

Any information that is not exempt from disclosure under section 23(1) could be exempt under section 24(1) of the Freedom of Information Act, which exempts information from disclosure if its exemption is required for the purpose of safeguarding national security. For the reasons given above under section 23, we cannot say which of the two exemptions is actually engaged, and to the extent to which section 24(1) is engaged we are not obliged to give any further explanation by virtue of section 17(4) because to do so would involve the disclosure of information which would itself be exempt. Section 24 is a qualified exemption and I have considered whether the balance of the public interest favours releasing or withholding this information. I have weighed this public interest against a very strong public interest in safeguarding national security. It is important that this sensitive information is protected, as disclosure of information in this case, if held, would damage national security. Taking into account all the circumstances of this case, I have determined that the balance of the public interest favours withholding this information.

Appendix B

Rights

If you are dissatisfied with the handling procedures or the decision of the College of Policing made under the Freedom of Information Act 2000 (the Act) regarding access to information you can request that the decision is reviewed internally.

Internal review requests should be made in writing, within **forty (40) working days** from the date of the refusal notice, and addressed to: FOI team, Central House, Beckwith Knowle, Otley Road, Harrogate, North Yorkshire, HG3 1UF or email: FOI@college.pnn.police.uk

In all possible circumstances the College of Policing will aim to respond to your request for internal review within **20 working days**.

The Information Commissioner

If, after lodging an internal review request with the College of Policing you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at <https://ico.org.uk/for-the-public/official-information/>.

Alternatively, write to:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 0303 123 1113

Undercover policing APP collated feedback – public consultation 29 June to 10 August 2016

Notes

1. The consultation exercise yielded **199 comments** from **22 respondents**. The comments are recorded as entries in this spreadsheet.
2. Answers to the nine questions we asked are given first, followed by feedback by chapter, and ending with general/other comments.
3. The entry # (in column 1) reflects the order in which comments were submitted. This number also serves as a unique reference ID.
4. The status for all comments is set to OPEN by default. They will be CLOSED once noted or actioned by the CoP/NUWG.
5. Two reviewers provided extra information or appendices. These are signposted where relevant and have been provided as attachments.
6. Two submissions were not feedback. They have been recorded for completeness but they have already been set to CLOSED.
7. One submission came in after the consultation closed but it has been included anyway (entry #199).
8. The results broadly break down as follows (NB. some respondents were representing a group of people):

Breakdown of the 22 respondents by info given			
College of Policing	3	University dept.	1
Police forces *	6	UCPI core participant	1
█	1	Former UCO	3
NPCC	1	Other (public) **	6

* Respondents from police forces include operational police (eg, COM-UC) and other staff roles (eg, OH manager).

** Respondents classed as 'other (public)' include an External Associate Trainer at the CoP and a 'Police Spies Out of Lives' representative.

*** The set questions also cover specific topics (eg, 'welfare' and 'conduct').

Breakdown of the 199 comments by category/chapter			
Answers to set questions ***	74	Conduct	12
Accreditation	8	Planning, risk, deploy	9
Selection & training	4	Witness anonymity	1
Roles & responsibilities	9	Records	4
Welfare	22	Online operations	1
Legend build/backstopping	5	Ethics	9
Operational security	9	General/other	11
Authorisation	19	Discarded submissions	2

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
Q. 1 Do you find the APP easy to follow and understand? Please give reasons for your answer.					
13	Question 1 (easy to follow & understand)	I found the APP easy to navigate and well structured.	TDI [REDACTED], COM-UC, NE CTU	[This is the official return from the North East CTU.]	OPEN
31	Question 1 (easy to follow & understand)	Yes. The terminology was basic and easy to understand. The document follows a very logical process and has a simple structure.	DI [REDACTED], Avon & Somerset Constabulary		OPEN
80	Question 1 (easy to follow & understand)	Yes because it is well set out and logically ordered.	[REDACTED], former UCO at Hampshire Constabulary		OPEN
104	Question 1 (easy to follow & understand)	Yes.	[REDACTED]		OPEN
139	Question 1 (easy to follow & understand)	Relatively.	[REDACTED], UCPI core participant		OPEN
155	Question 1 (easy to follow & understand)	This document is well written. It has a clear logical style. This is because it makes a statement and then will break it down, then it gives an explanation. For example The UCA training programme is made up of three phases:	[REDACTED], retired social worker		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		<input type="checkbox"/> phase 1 – briefing <input type="checkbox"/> phase 2 – formative <input type="checkbox"/> phase 3 – assessment. These phases include distance learning, ten weeks of mentoring and subject matter input. The course is competency-based with students assessed as competent or not. The document uses plain English.			
156	Question 1 (easy to follow & understand)	<p>Most but not all abbreviations are explained. Example</p> <p>COM-UCs (covert operations managers for undercover) are responsible for units and are key decision makers</p> <p>However it would be helpful to have a glossary at the end as there are lots of these for example:</p> <p>COM-UCs (covert operations managers for undercover) are responsible for units and are key decision makers</p> <p>What are SPOCs? The UK is represented on both groups by SPOCs</p>	 retired social worker	<p>[Note: the SPOC abbreviation is given in full earlier in that chapter, and when the APP becomes web content there will be a function for all acronyms and abbreviations whereby the full name is displayed when users hover over them.]</p>	OPEN
157	Question 1 (easy to follow & understand)	<p>Also a glossary explaining: Liaises, makes sure, ensure and similar active words.</p> <p>There should also be a list of documents and Acts of Parliament that are referred to in the text.</p>	 retired social worker		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		<p>Some words are not explained example: Legend building</p> <p>Backstopping and legend building are mutually supportive processes designed to develop, maintain and support covert identities and structures capable of withstanding scrutiny.</p> <p>Legend building is explained further on in 5.4 not when it first appears in the document.</p>			
180	Question 1 (easy to follow & understand)	Yes.	 Chief Medical Officer Devon and Cornwall Police, representing ALAMA		OPEN
188	Question 1 (easy to follow & understand)	The APP is clearly written and well set-out.	 & Interdisciplinary Ethics Research Group, Warwick Uni		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
Q. 2 Does the APP on undercover policing increase your knowledge about the range of police and external scrutiny of this tactic?					
14	Question 2 (scrutiny knowledge)	No. I am fully aware of the issues.	TDI [REDACTED], COM-UC, NE CTU	[This is the official return from the North East CTU.]	OPEN
32	Question 2 (scrutiny knowledge)	No. I am an operational lead, have attended a NUTAC and secured a position as COM UC which I will be moving to imminently.	DI [REDACTED], Avon & Somerset Constabulary		OPEN
81	Question 2 (scrutiny knowledge)	Yes. Indeed it goes too far.	[REDACTED], former UCO at Hampshire Constabulary		OPEN
105	Question 2 (scrutiny knowledge)	Yes.	[REDACTED]		OPEN
140	Question 2 (scrutiny knowledge)	Yes, but only in so far as the police would allow me to know. Most of what I want to know is not made public, for example, what is and who decides the definition of terms such as [the reviewer left the sentence unfinished]	[REDACTED], UCPI core participant		OPEN
158	Question 2 (scrutiny knowledge)	Yes.	[REDACTED], retired social worker		OPEN
181	Question 2	Yes.	Professor [REDACTED]		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
	(scrutiny knowledge)		██████████, Chief Medical Officer Devon and Cornwall Police, representing ALAMA		
189	Question 2 (scrutiny knowledge)	Yes.	██████████ & ██████████ Interdisciplinary Ethics Research Group, Warwick Uni		OPEN
Q. 3 Is the range of police and external scrutiny of undercover policing sufficient? If not, what extra scrutiny do you think should be added?					
15	Question 3 (sufficient scrutiny)	I am satisfied that the measures and accountability currently in place is sufficient to ensure ongoing scrutiny of the use of the tactic.	TDI ██████████ ██████████, COM-UC, NE CTU	[This is the official return from the North East CTU.]	OPEN
33	Question 3 (sufficient scrutiny)	Having engaged in the use of these tactics at all levels, I believe that the level of scrutiny is appropriate. Having accredited Authorising Officers has increased the scrutiny level and professionalism of the oversight process. Given that undercover policing has been operating for many years but formal scrutiny has only been in existence since RIPA 2000 and beyond, the processes now in place	DI ██████████ ██████████, Avon & Somerset Constabulary		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		should prevent any significant breaches of moral or legal codes.			
82		[REDACTED]	[REDACTED], former UCO at Hampshire Constabulary		OPEN
106	Question 3 (sufficient scrutiny)	No. Undercover policing of grassroots social and environmental justice campaigns has a very high risk of abusing these people's human rights, (Articles 3, 8, 10 & 11). Undercover operations have committed terrible abuse of members of the public, both targets and those suffering collateral intrusion. The police have shown that they cannot be trusted to regulate and scrutinise themselves. There should regular external oversight and scrutiny by Judges, and human rights experts to ensure the police are not abusing the public.	[REDACTED]		OPEN
141	Question 3 (sufficient scrutiny)	There should be more transparent accountability to politicians and the public. [REDACTED]	[REDACTED], UCPI core participant		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		[REDACTED]			
159	Question 3 (sufficient scrutiny)	<p>The scrutiny appears to be comprehensive in terms of roles and duties.</p> <p>However I could not see an annual plan ie a GANTT type chart showing the time span/frequencies officers would be carrying out their duties.</p> <p>There needs to be some kind of chart that brings all these officers and their roles together.</p>	[REDACTED], retired social worker		OPEN
190	Question 3 (sufficient scrutiny)	<p>The draft is useful and informative. There is one aspect of the undercover tactic that it does not cover that will be of concern to the general public. This is the issue of [REDACTED]</p> <p>[REDACTED]</p> <p>Such activity may provide a route to important intelligence, but will do so at a cost to the target. [REDACTED]</p> <p>[REDACTED]</p> <p>In beginning to address this, the APP might indicate that applications for UCO authorization should include clear</p>	[REDACTED] & [REDACTED], Interdisciplinary Ethics Research Group, Warwick Uni		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		<p>guidance to the UCO as to the kind of relationship they should cultivate and whether the conduct of that relationship might include, [REDACTED]</p> <p>We are of the view that there is good reason for greater judicial involvement in the authorization of undercover policing operations – though we recognize that this reform would require new legislation.</p>			
<p>Q. 4 APP cannot include guidance to cover all eventualities – the nature of policing makes this impossible. This APP is intended to set out the legal and other guidance that everyone involved in undercover policing should consider when carrying out undercover-related duties. Do you think this APP achieves these intentions?</p>					
16	Question 4 (APP achieve its intentions)	Yes. It clearly sets out the roles and responsibilities involved in the authorization process and operational management of UC operations	TDI [REDACTED] COM-UC, NE CTU	[This is the official return from the North East CTU.]	OPEN
34	Question 4 (APP achieve its intentions)	Absolutely. It places ownership upon certain roles and is prescriptive of what each role needs to consider in the exercise of their function.	DI [REDACTED], Avon & Somerset Constabulary		OPEN
83	Question 4 (APP achieve its intentions)	Yes but see my comment at 3 [entry #82]. And, I am curious. A duty of care is mentioned in the APP. My curiosity is aroused because surely placing an undercover officer in potential danger inherent in that role could be construed as a breach of a duty of care. It is merely an observation.	[REDACTED] former UCO at Hampshire Constabulary		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
107	Question 4 (APP achieve its intentions)	This APP does not examine or guide around the risk of abuse of members of the public's human rights (both targets and those suffering from collateral intrusion). The high risk of abuse of human rights means it should do this in detail, and should feed it into all the relevant sections as I have laid out below. [captured in other entries]	[REDACTED]		OPEN
142	Question 4 (APP achieve its intentions)	No I don't, and I think there has been strong critique by former victims of undercover policing, such as by the women who have successfully sued the MPS. I fully support their critiques, which are online here: https://policespiesoutoflives.org.uk/no-faith-guidelines/	[REDACTED], UCPI core participant		OPEN
160	Question 4 (APP achieve its intentions)	Entrapment is not covered. [REDACTED]. I would like to know how article 8 ECHR is respected.	[REDACTED], retired social worker		OPEN
182	Question 4 (APP achieve its intentions)	There is complete omission of the important role of occupational health services. This is a serious omission as occupational health should be central to the provision of health and wellbeing of officers and staff. FMAs or senior FNAs should work with Heads of Units to set up a robust system of assessment and support and ensure appropriate clinical governance arrangements are in place. It is inappropriate for psychologists to report directly to COM-UC.	Professor [REDACTED], Chief Medical Officer Devon and Cornwall Police, representing ALAMA		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		<p>Occupational health practitioners have an oversight of health at work across the entire Force and are responsible for advising both individuals and managers, up to the Chief Constable, about health issues to inform both strategic and operational decisions about fitness for work and deployment.</p> <p>In section 4.6 it will be essential to ensure good communication between Forces and the respective OH services. This will ensure that individual officers are properly supported and that treatment is coordinated.</p> <p>If it becomes necessary for officers to be deployed away from undercover policing OH will play a key role in ensuring that an appropriate alternative is found to enable the officer to continue his/her career satisfactorily.</p>			
191	Question 4 (APP achieve its intentions)	<p>The APP is good in this regard.</p> <p>See comments above and below for further discussion [captured in other entries], and also the report of the seminar run jointly between IERG and the CoP here: http://www2.warwick.ac.uk/fac/soc/pais/research/researchcentres/ierg/ethics.undercover.policing.report.cop.warwick.ierg_final.pdf .</p> <p>This report forms the basis of our feedback.</p>	<p>[REDACTED] & [REDACTED], Interdisciplinary Ethics Research Group, Warwick Uni</p>		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
Q. 5 Is the guidance on the roles and responsibilities of individuals in chapters 2 and 3 clear? If not, how could it be improved?					
17	Question 5 (chpts 2 and 3 clear on roles)	Yes. It is clear to me and AO.	TDI [REDACTED], COM-UC, NE CTU	[This is the official return from the North East CTU.]	OPEN
35	Question 5 (chpts 2 and 3 clear on roles)	The chapters are extremely clear and each role has precise instructions and clarity as to their responsibilities. It is the best and most comprehensive document I have read about the processes required to employ the tactic.	DI J [REDACTED], Avon & Somerset Constabulary		OPEN
84	Question 5 (chpts 2 and 3 clear on roles)	Page 6 undercover units operate a risk-based tenure policy – what does that mean? It is jargon.	[REDACTED], former UCO at Hampshire Constabulary		OPEN
85	Question 5 (chpts 2 and 3 clear on roles)	Page 11 para 2.6 Tenure periods need to be balanced to achieve value for money on the investment made in a UCO against the stressors involved in undercover work. They are not widgets. They are people!	[REDACTED], former UCO at Hampshire Constabulary		OPEN
86	Question 5 (chpts 2 and 3 clear on roles)	Page 15 para 2.8.3 subject matter experts who hold an appropriate training qualification as recognised by the College – I don't see how having a training qualification makes a trainer qualified to teach about undercover work. It smacks of bureaucracy.	[REDACTED], former UCO at Hampshire Constabulary		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
87	Question 5 (chpts 2 and 3 clear on roles)	Chapter 3 is far too detailed. There is no need to mention many of these roles as they have nothing to do with scrutiny of individual UCOs. Why mention backstopping etc. at all? It is unnecessary.	[REDACTED], former UCO at Hampshire Constabulary		OPEN
88	Question 5 (chpts 2 and 3 clear on roles)	3.1.1 “manages UCOs on a daily basis” – often impossible!	[REDACTED], former UCO at Hampshire Constabulary		OPEN
89	Question 5 (chpts 2 and 3 clear on roles)	3.2.1 is far too detailed.	[REDACTED], former UCO at Hampshire Constabulary		OPEN
108	Question 5 (chpts 2 and 3 clear on roles)	There is a lack of clarity over the roles and responsibilities of UCOs, their managers, and their authorising officers regarding risk assessing and reducing the risk of abuse of members of the public’s human rights. This needs to be explicitly built into these guidelines to avoid continuing the dreadful abuse of the public that these operations have so far caused.	[REDACTED]		OPEN
143	Question 5 (chpts 2 and 3 clear on roles)	Stop targeting people for political reasons.	[REDACTED], UCPI core participant		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
161	Question 5 (chpts 2 and 3 clear on roles)	The detail of how it is going to be carried out is missing. An example annual appraisal form for each role would be helpful as an appendices.	[REDACTED], retired social worker		OPEN
192	Question 5 (chpts 2 and 3 clear on roles)	We think authority would be better held to account if a single AO were engaged for the duration of a UC deployment with an obligation to inform the chief officer of all forces affected by the deployment (within reason, perhaps by reference to the kind of activity undertaken in one force by a UC from another force).	[REDACTED] & [REDACTED] Interdisciplinary Ethics Research Group, Warwick Uni		OPEN
Q. 6 Is chapter 4 sufficiently clear about psychological support for undercover operatives? If not, how could it be improved?					
18	Question 6 (chp 4 clear on psych support)	Yes.	TDI [REDACTED], COM-UC, NE CTU	[This is the official return from the North East CTU.]	OPEN
36	Question 6 (chp 4 clear on psych support)	Yes, there is ample guidance and clarity. I was actually surprised at the amount of information contained in this chapter which I would have considered more sensitive. I completely understand why it was published and such transparency is not a bad thing for a tactic which is being scrutinised by so many at this time.	DI [REDACTED], Avon & Somerset Constabulary		OPEN
90	Question 6 (chp 4 clear on psych support)	Practitioners will respect UCO confidentiality but report serious concerns to the relevant force or agency – in other words there is no confidentiality?	[REDACTED]		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
			former UCO at Hampshire Constabulary		
91	Question 6 (chp 4 clear on psych support)	Para 4.3 All very understandable but I fear impractical. This does not augur well for frank disclosure by a UCO. The rest of this section is a gold mine for defence lawyers to seek disclosure.	[REDACTED], former UCO at Hampshire Constabulary		OPEN
109	Question 6 (chp 4 clear on psych support)	There is no assessment of whether UCOs are suitable for the role regarding their ethical decision making and ability to show compassion. Because of the high risk of abusing members of the public's human rights, the officers should be carefully assessed and supported to enable them to make the right decisions when infiltrating.	[REDACTED]		OPEN
144	Question 6 (chp 4 clear on psych support)	Stop targeting people for political reasons.	[REDACTED], UCPI core participant		OPEN
162	Question 6 (chp 4 clear on psych support)	The psychological tests chosen appear to be very suitable. Hopefully counselling/support involves helping the person to understand their characteristics better and understanding how team members may be different.	[REDACTED] retired social worker		OPEN
163	Question 6 (chp 4 clear on psych support)	This looks good. Consideration should be given to the potential psychological impact that frequently viewing graphic and disturbing images can have on undercover online	[REDACTED], retired social worker		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		operatives. This will be addressed and managed by an approved psychologist.			
164	Question 6 (chp 4 clear on psych support)	Hopefully there is regular access to a psychologist as a friendly supervisor. Hopefully you do not wait until the person has Post Traumatic Stress Disorder.	[REDACTED] retired social worker		OPEN
165	Question 6 (chp 4 clear on psych support)	Suitable Experiential Workshops might help the UCO retain their personality unharmed.	[REDACTED] retired social worker		OPEN
Q. 7 Is the guidance in chapter 7 on collateral intrusion and the authorisation process sufficiently clear? If not, how could it be improved?					
19	Question 7 (chp 7 clear on authorisations and collateral intrusion)	Yes. It is clear to me and AO.	TDI [REDACTED], COM-UC, NE CTU	[This is the official return from the North East CTU.]	OPEN
37	Question 7 (chp 7 clear on authorisations and collateral intrusion)	It is very clear, concise and appropriate.	DI [REDACTED], Avon & Somerset Constabulary		OPEN
92	Question 7 (chp 7 clear on authorisations and collateral intrusion)	It is unclear. It would assist by giving a definition and examples of collateral intrusion.	[REDACTED], former UCO at Hampshire Constabulary		OPEN
110	Question 7 (chp 7 clear on authorisations)	The consideration of collateral intrusion here is welcome. However, it is not given the amount of weight it should do throughout the document.	[REDACTED]		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
	and collateral intrusion)	<p>The extensive abuse of people's human rights by UCOs in the past shows that there is an urgent need to risk assess this abuse and consider its weight throughout the process of infiltration. It should figure much more in this document, and be an integral part of the management of UCOs.</p> <p>Persons who are likely to be on the receiving end of collateral intrusion should be named and their human rights considered individually. Their human rights should be given great weight against the aims of the operation.</p>			
145	Question 7 (chp 7 clear on authorisations and collateral intrusion)	<p>The procedure as is laid out here does not seem to be much different from past regulations which allowed for massive "collateral intrusion".</p> <p>With these guidelines, and with no police managers held to account for past abuses, I would expect further abuse to be done by undercover police.</p>	<p>██████████, UCPI core participant</p>		OPEN
166	Question 7 (chp 7 clear on authorisations and collateral intrusion)	<p>Where UCO activity is deliberately proposed against individuals who are not suspected of direct involvement in the investigation, interference with their private and family life should not be considered as collateral intrusion but, rather, as intended intrusion and authorised as appropriate.</p> <p>This is a very long sentence. It makes one wonder Where is intended intrusion dealt with? Then one assumes that this is what the whole document is about.</p>	<p>██████████, retired social worker</p>		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
193	Question 7 (chp 7 clear on authorisations and collateral intrusion)	<p>The APP usefully restates an important sentence from the Code of Practice, viz., “Where UCO activity is deliberately proposed against individuals who are not suspected of direct involvement in the investigation, interference with their private and family life should not be considered as collateral intrusion but, rather, as intended intrusion and authorised as appropriate.”</p> <p>However, the APP could go further in indicating the relevant considerations in cases where UCO activity is proposed against those who are under no or minimal suspicion of wrongdoing.</p> <div style="background-color: black; width: 100%; height: 150px; margin-top: 10px;"></div>	<div style="background-color: black; width: 100%; height: 20px; margin-bottom: 5px;"></div> <p style="text-align: center;">&</p> <div style="background-color: black; width: 100%; height: 20px; margin-bottom: 5px;"></div> <p>Interdisciplinary Ethics Research Group, Warwick Uni</p>		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
Q. 8 Is the guidance on sexual activity at paragraph 7.12 sufficiently clear? If not, how could it be improved?					
20	Question 8 (7.12 clear on sexual activity)	Yes. It is clear to me and AO.	TDI [REDACTED] COM-UC, NE CTU	[This is the official return from the North East CTU.]	OPEN
38	Question 8 (7.12 clear on sexual activity)	<p>I do not consider this paragraph to have the clarity or direction required.</p> <p>Whilst deployed, UCO's purport to be somebody they are not and as such, sexual activity should not be permitted unless in exceptional circumstances. Those circumstances are well explained in the paragraph but what is not clear enough is about sexual activity with anyone they 'may encounter'. It follows the comments about 'those they are employed to infiltrate and target' which is clear but when it says 'or may encounter' I am not certain that it spells out 'anyone at all whilst deployed'.</p> <p>We all know that consent becomes an issue as well as reputational risk, welfare and a whole raft of other issues so it would be easier and clearer to specify in the APP that no sexual activity should take place at all whilst deployed, other than in those exceptional circumstances. The terminology used is ambiguous.</p>	DI [REDACTED], Avon & Somerset Constabulary	[see also entry # 40 from same reviewer]	OPEN
93	Question 8 (7.12 clear on sexual activity)	It is clear. It is not so much guidance but a mandatory 'no-sex order'.	[REDACTED]		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
			former UCO at Hampshire Constabulary		
111	Question 8 (7.12 clear on sexual activity)	<p>It is welcome that the guidance says it is unacceptable and can never be authorised, however, the paragraph starting “If a UCO engages in unauthorized sexual activity for whatever reason...” should be removed as it makes the directive much less clear and less likely to be obeyed.</p> <p>It is absurd to think of that these situations would arise, and this paragraph reduces the clarity of the instruction that it is never acceptable, making it much more likely that officers would have sexual relations and then find an excuse for doing so. If it is unacceptable, it is unacceptable, and there should not be this get out clause.</p>	[REDACTED]		OPEN
146	Question 8 (7.12 clear on sexual activity)	<p>These guidelines are very clear, and very clearly completely inadequate.</p> <p>This text seems to be written by a professional who is as slyly as possible trying to allow circumstances for sexual relations, for example with this text: “...this activity will be restricted to the minimum conduct necessary...”</p>	[REDACTED], UCPI core participant		OPEN
167	Question 8 (7.12 clear on sexual activity)	<p>It is clear but unsatisfactory and not sufficient in scope.</p> <p>“Conduct may be authorised that involves communications of a sexual nature (for example, online) where the authorising officer believes it is necessary and proportionate to operational objectives. The parameters of</p>	[REDACTED], retired social worker		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		<p>the conduct must be considered and set by the authorising officer, and will be subject to regular and careful review.”</p> <p>There should be further detailed guidance for online activity of a sexual nature. This should demonstrate that it is unethical to entrap a person and to create a crime of which the subject was unaware and who as a result has acted out of character.</p> <p>The general guidance here is not sufficient. In fact your guidance says UCPO should not be:</p> <p>“Agent provocateur has been defined as a person who entices another to commit an express breach of the law which they would not otherwise have committed and then proceeds to inform against them in respect of such an offence.”</p>			
Q. 9 Is there any content in the APP that you consider may have a negative impact on any community or group of people? If yes, please explain.					
21	Question 9 (impact assessment)	No.	TDI [REDACTED], COM-UC, NE CTU	[This is the official return from the North East CTU.]	OPEN
39	Question 9 (impact assessment)	No.	DI [REDACTED], Avon & Somerset Constabulary		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
112	Question 9 (impact assessment)	<p>The lack of guidance to prevent the abuse of the human rights of targets, and people suffering collateral intrusion, throughout these guidelines, means that all people who are involved in grassroots campaigns for social and environmental justice are at risk of abuse.</p> <p>This will have a chilling effect on participation in protest, further infringing the human right of freedom of expression, and of assembly. This should not happen in a democratic society.</p>	[REDACTED]		OPEN
147	Question 9 (impact assessment)	<p>One example that I am not satisfied with is 7.15 Conduct: agent provocateur.</p> <p>Because I was a target of undercover officer [REDACTED]</p>	[REDACTED], UCPI core participant		OPEN
168	Question 9 (impact assessment)	<p>My concern is with respect to Police Under Cover Officers on line activity.</p> <p>“Neither should authorisations allow any activity that could have a negative impact on the reputation of undercover policing or law enforcement.”</p> <p>Furthermore your officers are advised</p> <p>“do not actively engage in planning and committing the</p>	[REDACTED], retired social worker		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		<p>crime”</p> <p>[REDACTED]</p> <p>I have attached two USA references below. [see entry #169]</p>			
169	Question 9 (impact assessment)	<p>You should have a section on chat room ethics.</p> <p>There are at least 2 different sorts of chat rooms: legal ones such as Adult sexual phantasy, and illegal such as Jihad recruitment.</p> <p>As the people who use legal adult chat rooms where relationships are sought, are usually those with a social or intellectual impairment. And are also likely to be unaware of the law. As they know that only adults should be ‘chatting’ they are vulnerable to any approach both in terms of relationship and in terms of beliefs by UCOP’s pretending to be teenagers, as they can in some cases not tell phantasy from reality especially when reality is that the phantasy child is in fact an adult UCO.</p> <p>I do not believe that UCO’s should take on personae in these situations as their intervention can cause a crime to be committed that is unintentional on the part of the subject. When this happens, I believe that the UCO is acting as an agent provocateur. Their actions should be seen as entrapment and it certainly violates the person</p>	<p>[REDACTED], retired social worker</p>		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		<p>Human Rights.</p> <p>See this article as an example: http://www.vanityfair.com/news/2009/12/sexual-predators-200912</p> <p>Or this http://www.americanbar.org/content/newsletter/publications/gp_solo_magazine_home/gp_solo_magazine_index/coll_eluori.html</p> <p>It is quite a different matter in terms of Jihad where UCO's are trying to use invented personae to protect vulnerable people.</p>			
Topic: ACCREDITATION (chapter 1)					
113	Accreditation Chapter 1 Para 1.1	<p>It is not appropriate that units are able to self- assess themselves as being able to undertake undercover policing.</p> <p>The level of abuse of powers that have been committed in the past, and are currently being investigated by a Public Inquiry, clearly demonstrate that there is a very real risk that self-regulation and assessment will result in abuse of members of the public and their human rights.</p>		It is not purely self assessment. The self assessment is tested in a validation visit.	OPEN
114	Accreditation Chapter 1 Para 1.1.4	Validators need to be visiting units at least annually, because of the risk of abusing member of public's human rights through undercover policing.		We will keep the accred process under review and if we feel that more frequent visits are required, we'll do that. We are	OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
				seeking to regulate in a way that maintains standards but does not impose an excessive bureaucratic burden.	
115	Accreditation Chapter 1 Para 1.2	<p>Oversight and governance needs to be done in plain sight of the public.</p> <p>It is not appropriate in a democracy to have a secret police acting undercover in grass roots organisations who are trying to make progressive change towards social and environmental justice. Any undercover policing of these groups needs to be seen to be not abusing human rights, and its governance needs to be in plain sight as a result.</p>	[REDACTED]	<p>We will be as open as we can, as publication of APP demonstrates.</p> <p>There is an underlying assumption that grass roots organisations can never be infiltrated and used by criminals. It is for this reason that, whilst political protest groups will not normally be subject to uc activity, it may happen when there is a fear of serious criminality.</p>	OPEN
66	Accreditation Chapter 1	The suggested framework for accreditation is presented in a succinct fashion. Some questions spring to mind regarding the robustness of the proposed framework and aspects of the accreditation process not addressed in the current drafting.	[REDACTED]		OPEN
67	Accreditation Chapter 1	<p>Should formal, external validation and accreditation take place before a force/unit is allowed to self-assess?</p> <p>Independent assessment at the outset would ensure an impartial bench-mark as a foundation for future self-assessment.</p> <p>One recalls to mind an instance of an undercover unit remotely located that tried to deny the attempts of the senior officer with responsibility for undercover policing to undertake basic management of the assets, even to the</p>	[REDACTED]	Self-assessment creates the documents that can support the validation visits.	OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		extent of refusing to reveal the remote location from which they operated, on the basis that the senior officer had no need to know: an argument that did not succeed in this instance but which illustrates some ingrained and unco-operative attitudes towards oversight.			
68	Accreditation Chapter 1	<p>Is self-assessment to be done by individual units; or by the [REDACTED] for which such units work?</p> <p>The later approach would provide a mechanism for promoting consistent standards across a single host agency at least. It also provides a mechanism to inhibit such units becoming so independent of their parent agency that supervision is successfully evaded.</p>	[REDACTED]	The assessment is done by someone within the unit. It can't be done by someone outside the unit. The purpose of accreditation is to test the levels of control and governance being exerted to ensure safe, ethical and legal delivery of tactics	OPEN
69	Accreditation Chapter 1	<p>The proposal for self-assessment, as a mechanism within the overall accreditation framework, needs to be considered in the context of the findings of the recent Home Affairs Committee report on the first three years of the College of Policing.</p> <p>House of Commons Home Affairs Committee, The College of Policing Three Years On, Fourth Report of Session 2016-17, HC 23, 9th July 2016</p> <p>The findings of this report regarding the failure of forces to implement the common national ethical standards set out in the Code of Ethics (see paragraphs 14 and 18 of the report in particular) have worrying implications for the viability of a process model that comprises initial self-</p>	[REDACTED]	What's the alternative?	OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		assessment and subsequent validation by the College of Policing, as a mechanism for the achievement and implementation of consistent national standards across undercover policing.			
70	Accreditation Chapter 1	<p>If implementation of the national Code of Ethics is being resisted at force level, the public can have little confidence that consistent standards in undercover policing will be achieved, or that self-assessment is the most effective means of calibrating standards.</p> <p>...Inconsistent implementation of the Police Code of Ethics highlights vulnerabilities in self-assessment as a mechanism for achieving consistent national standards in undercover policing. Independent accreditation should be achieved before self-assessment is relied upon, and exactly who undertakes the self-assessment will characterize the efficacy of the method.</p>	[REDACTED]	No evidence of resistance to code of ethics. HASC found lack of consistent implementation. The code is a fundamental part of the validation process.	OPEN
Topic: SELECTION & TRAINING (chapter 2)					
1	UCF selection Chapter 2 Para 2.7.1	[REDACTED]	[REDACTED]		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
116	Competencies Chapter 2 Para 2.7.2	<p>Core competencies.</p> <p>Undercover officers are at constant risk of abusing the public's human rights, therefore it is essential that they have competency in ethical decision making, Human rights that are at risk of being abused are Article 3 (the right not to receive degrading and inhumane treatment), Article 8 (the right to respect for one's private and family life), article 10 (the right to freedom of expression), and Article 11 (the right to freedom of assembly and association).</p>	[REDACTED]		OPEN
45	Legal input Chapter 2 Para 2.7.3	<p>At 2.7.3 ['Legal input by distance learning'] reference is made to a 'distance learning pack' which gives details on the legislation, case law and procedures relevant to undercover policing. I would raise two queries.</p> <p>Firstly, is this the full extent of the legal input into UCA training or are there also classroom based presentations? If so, who delivers them?</p> <p>Secondly, is the distance learning pack referred to the same as the 'Workbook' that is issued to officers attending the Cover Officer training at the College? If so, is it fit for purpose and is it kept current? I advised the College in late 2014 that the legal/case law section of the Workbook then in use was out of date and required significant amendment. I undertook a complete re-write of this section in January 2015 which was accepted by the College but I am not sure that the Workbooks were ever updated.</p>	[REDACTED] OBE		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
8	Mentoring Chapter 2	Mentoring as part of uc training to be delivered in units – it's a rec in the NPIA review that ██████ and I agreed would be placed into APP, but I don't think it happened.	█████ College of Policing	[mentoring is included at para 2.8.3 for UCA training but not for UCF training]	OPEN
Topic: ROLES & RESPONSIBILITIES (chapter 3)					
46	Cover officer Chapter 3 Para 3.1	In my view the comment at 3.1 that <i>'Cover Officers should be fully conversant with the current law....'</i> Should be strengthened by including something along the lines of <i>'Cover Officers should also be familiar with the requirements of the legislation and the acceptable limits of police conduct established by the case law as they will be the first point of contact for a UCO who may seek guidance on such issues in a time sensitive operation.'</i>	█████ OBE		OPEN
47	Backstopping officer checklist Chapter 3 Para 3.2.1	It is stated at 3.2.1 that Backstopping Officers must ensure that UCOs are conversant with legislation and practices that will have an impact on legend building. What training do they receive to equip them to do this and does the training involve any legal input?	█████ OBE		OPEN
48	COM-UC Chapter 3 Para 3.4	It is stated at 3.4 that <i>'The COM-UC is the decision maker regarding the covert tactics and tasking undertaken by the UCOs.'</i> Again in my view this requires an understanding of where the case law has drawn the line between what is and is not	█████ OBE		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		acceptable and would question whether COM-UCs are equipped to make such judgements.			
49	Op. lead Chapter 3 Para 3.6	<p>It is stated at 3.6 that the Operational Head <i>'should be aware of current legal issues and guidelines relevant to undercover operations.'</i></p> <p>What training, if any, do Operational Heads receive to equip them for this role?</p>	██████████ OBE		OPEN
117	AO Chapter 3 Para 3.7	<p>Insertion of an UCO into the public's lives creates a high risk of abusing their human rights, particularly if the infiltration is over a lengthy period, and are some of the most intrusive tools of surveillance.</p> <p>Undercover infiltration should therefore require authorisation from the Secretary of State with approval from a Surveillance Commissioner or Judge, commensurate with the level of authorization required for targeting equipment and communications data.</p>	██████████		OPEN
199	AO Chapter 3 Para 3.7	<p>After reading your very informative legislation for undercover policing in the UK, I would like some clarification regarding page 25 (3.7) - Authorising Officers.</p> <p>Please can you confirm what is classed as 'legally privileged material or confidential material'? Would this include material that is a direct result of recording devices used by a type A UCO? If so, would the Authorising officer for the RIPA part 2 need to be a Chief Superintendent?</p>	██████████	[This comment came in after the deadline]	OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
118	AO checklist Chapter 3 Para 3.7.1	<p>AO checklist of responsibilities. The authorizing officers should make an assessment of the risk of abusing the targets human rights, as well as those of any collateral intrusion.</p> <p>They should make sure that there is a plan for minimizing these, and trigger points set when the infiltration should be reconsidered because of the level of intrusion, and abuse of human rights.</p>	[REDACTED]		OPEN
50	SRO Chapter 3 Para 3.8	<p>Similarly, it is stated at 3.8 that the Senior Responsible Officer is responsible for introducing and maintaining an initial review of the integrity, objectivity and lawfulness of undercover operations.</p> <p>What training, if any, do SROs receive to equip them for this role?</p>	[REDACTED] OBE		OPEN
119	SRO checklist Chapter 3 Para 3.8.1	<p>SRO checklist of responsibilities. The internal review process needs to regularly examine the level of intrusion and abuse of human rights the infiltration is causing, so that the infiltration can be withdrawn if necessary.</p>	[REDACTED]		OPEN
Topic: WELFARE (chapter 4)					
120	Welfare Chapter 4 Para 4.1.1	<p>Personality assessment. It is essential that Undercover Officers are selected, and monitored for their ability to act ethically because of the huge risk of them abusing the public's human rights. The</p>	[REDACTED]		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		personality tests listed do not specifically test for ability to act ethically, and so different ones should be sought.			
121	Welfare Chapter 4 Para 4.1.2	Psychological assessment. Psychological assessment should specifically include their ability to perceive right from wrong and to act ethically in challenging situations.	[REDACTED]		OPEN
170	Welfare Chapter 4 Page 29	Selection and assessments. The selection process should include an assessment of physical and psychological wellbeing using clinical measures. Currently there is a personality assessment and a structured interview there is no objective evidence being gathered.	[REDACTED], Occupational Health and Wellbeing Manager, Surrey Police		OPEN
171	Welfare Chapter 4 Page 29	Selection and assessments. There needs to be an assessment of the individual's sense of self/attachment style as this is critical to whether they can undertake the UC role without harm to themselves or their families.	[REDACTED], Occupational Health and Wellbeing Manager, Surrey Police		OPEN
172	Welfare Chapter 4 Page 29	Selection and assessments. These assessments should involve Occupational Health who have access to the applicants Medical Files and can track ongoing Health and Wellbeing.	[REDACTED], Occupational Health and Wellbeing Manager, Surrey Police		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
173	Welfare Chapter 4 Page 29	Selection and assessments. OH should be informed of the outcome of the selection process to place this information on the officer's health file.	[REDACTED], Occupational Health and Wellbeing Manager, Surrey Police		OPEN
174	Welfare Chapter 4 Page 29	Selection and assessments. The wellbeing and support of partners/spouses need to be considered as they are critical to the successful deployment of UC officers.	[REDACTED], Occupational Health and Wellbeing Manager, Surrey Police		OPEN
175	Welfare Chapter 4 Page 30	Ongoing assessments – practitioners. The practitioners used in the ongoing assessments should also include appropriate qualified counselling and trauma psychologists with HCPC registration.	[REDACTED], Occupational Health and Wellbeing Manager, Surrey Police		OPEN
183	Welfare Chapter 4 Para 4.1.3	Ongoing assessments. Occupational health should be involved where psychological assessment indicates the UCO may be at risk and in assisting deployment outside undercover policing. There should be an OH involvement in the selection process to identify and advise on other health conditions that might be relevant. E.g. insulin-dependent diabetes.	Professor [REDACTED], Chief Medical Officer Devon and Cornwall Police,		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
			representing ALAMA		
184	Welfare Chapter 4 Para 4.2	Practitioners. What is the nature of the written reports? Will they contain clinical information? IF so, how will data protection requirements be met? Advice about treatment must include occupational health.	Professor [REDACTED], Chief Medical Officer Devon and Cornwall Police, representing ALAMA		OPEN
94	Welfare Chapter 4 Para 4.3	Confidentiality. This is a difficult area. I do not believe that a UCO will 'open up' given this regime. The proposals are therefore self-defeating.	[REDACTED] former UCO at Hampshire Constabulary		OPEN
176	Welfare Chapter 4 Para 4.4	Support. The support provided should be NICE approved for the condition identified, i.e. TF-CBT or EMDR for trauma and CBT for anxiety/depression.	[REDACTED], Occupational Health and Wellbeing Manager, Surrey Police		OPEN
185	Welfare Chapter 4 Para 4.4.	Support. No mention of occupational health. Support must not be given in isolation from the OH service and in parallel to usual Force procedures.	Professor [REDACTED], Chief Medical Officer Devon and		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
			Cornwall Police, representing ALAMA		
186	Welfare Chapter 4 Para 4.5	Formal system. COM-UC should be responsible for the implementation of the arrangements for assessment and support, but the overarching system should be agreed by the Head of Unit with occupational health, who may liaise with relevant psychology leads.	Professor [REDACTED] Chief Medical Officer Devon and Cornwall Police, representing ALAMA		OPEN
187	Welfare Chapter 4 Para 4.6	Host and donor units. If there is cause for concern about a UCO, the donor OH service must be informed to ensure that the UCO is assessed and a holistic treatment plan is agreed. Psychological assessment reports should be commissioned by occupational health and returned to occupational health for action. It would not be necessary to involve the host occupational health service.	Professor [REDACTED] Chief Medical Officer Devon and Cornwall Police, representing ALAMA		OPEN
3	Welfare Chapter 4	There may be value in clearly articulating that forces still have the same duty of care to their UC officers under H&S legislation and that this rests with the donor force (but host force may also be liable).	[REDACTED] College of Policing		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
4	Welfare Chapter 4	It is also beneficial to be clear on the need to maintain wellbeing provisions after the UC has been handed back to force for non UC front line duties. UC officer may need wellbeing support long after they have ceased to be part of this role or unit.	█, College of Policing	[█ added that he is aware of force doctors who raised this concern with █ previously.]	OPEN
5	Welfare Chapter 4	It is also worth noting how this mechanism will work if the information of the UC role is not going to be passed to force occupational health. If something comes up in the UC assessments which makes them not suitable for other police roles (such as firearms) how is this going to be shared?	█, College of Policing	[█ added that he is aware of force doctors who raised this concern with █ previously.]	OPEN
41	Welfare Chapter 4	If this is genuinely your psychology support programme, in its entirety, then it is woefully inadequate. Basically these 'new' guidelines on psychological support aren't necessarily new at all. Promises were made in the past within my unit, the Special Demonstration Squad (SDS), but officers still suffered numerous well documented psychological problems. In fact I have documentary proof that shows the SDS 'promised' programme, at least on paper, starting on 1st January 2002 was more extensive. Even allowing Counselling for those 'close' to SDS Field Officers I.e family members, partners and spouses.	█ former SDS officer		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
42	Welfare Chapter 4	<p>I am of the VERY strong belief that even with a far more extensive psychology support programme in place, this is still not enough.</p> <p>As Undercover Field Officers or nowadays referred to in your draft report as an Undercover Advanced Officer (UCA), whoever your targets might be, you have to become an actor. In many cases, unfortunately including my own, you have to become almost the ultimate 'Method' actor for up to 5 years.</p> <p>So in my view, you must in addition, have to provide some sort of 'professional' acting tutor input. Who can teach the Undercovers not only how to get into their role but even far more importantly, teach them how to get out of role again. Hopefully.</p>	<p>██████████, former SDS officer</p>		OPEN
43	Welfare Chapter 4	<p>Even with Points 1 [entry #41] and 2 [entry #42] adopted, I still personally think Officers will still have returning problems, like mine and several other SDS Officers that I know, 'If' the targets of the long-term Police infiltration are not actually legitimate Policing Criminal targets. Namely not Political Activists, Trade Unionists, Family Justice Campaigns, Left Wing MP's etc.</p>	<p>██████████, former SDS officer</p>		OPEN
179	Welfare Chapter 4	<p>Role of OH. Occupational Health retain their responsibility for the UC officers and need to have a clearly defined role as officers enter UC work and then as they are returned to the workforce in a non-UC position.</p>	<p>██████████ Occupational Health and Wellbeing</p>		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		Other essential roles may include dealing with medical conditions and making referrals to hospitals. There may be problems in accessing health care using cover names	Manager, Surrey Police		
Topic: LEGEND BUILDING & BACKSTOPPING (chapter 5)					
150	Legend build Chapter 5 Para 5.7	Page 37, para 5.7 International considerations. Observation by CT network Special Projects Team (SPT): [REDACTED] The CT SPT Network do not attend either of the above groups – IWG or ECG.	ACC [REDACTED], NPCC Coordinator National Functions Counter Terrorism		OPEN
151	Legend build Chapter 5 Para 5.7	Page 37, para 5.7 International considerations. Observation by CT network Special Projects Team (SPT): It then states that HMRC has separate arrangements with overseas partners in relation to legend build It is requested that the SPT Network adopt a similar approach to HMRC and that they do not have to consult with UK SPOCs as stipulated in the APP, due to the	ACC [REDACTED], NPCC Coordinator National Functions Counter Terrorism		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		special relationship they have with the 5 “Eyes” community & the [REDACTED]			
152	Legend build Chapter 5 Para 5.7	Page 37, para 5.7 International considerations. Observation by CT network Special Projects Team (SPT): In addition SPT Network are present on the newly formed Counter Terrorism European Cooperation Group (CT ECG) and are in the process of establishing a 5 Eyes Humint Working Group both of which are specifically focused on Undercover Policing within a CT context and [REDACTED]	ACC [REDACTED] [REDACTED] NPCC Coordinator National Functions Counter Terrorism		OPEN
62	Legend build Chapter 5	[See page 6 of Kingsley’s submission for full details] The guidance provided around ‘legend building’ would benefit from greater clarity.	[REDACTED] OBE		OPEN
95	Chapter 5	Way too much information included in the whole chapter.	[REDACTED], former UCO at Hampshire Constabulary		OPEN
Topic: OPERATIONAL SECURITY (chapter 6)					
96	Security Chapter 6	On the subject of security, it strikes me that there are far too many personnel involved. That in itself increases the chances of leaks either deliberate or accidental.	[REDACTED], former UCO		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
			at Hampshire Constabulary		
23	NUD Chapter 6 Para 6.4	Should the document specify who is responsible for maintaining the NUD? [REDACTED]	[REDACTED] RIPA Liaison Officer, Lancs CAB		OPEN
24	NUD Chapter 6 Para 6.4	Should the force's CAB be involved with the profile/authority/ legend building notifications/pre-authorisation check submissions (as is current function for non-relevant sources)?	[REDACTED] RIPA Liaison Officer, Lancs CAB		OPEN
25	NUD Chapter 6 Para 6.4	Will secure communications methods be utilised and available to those who are required to submit such sensitive data if not carried out by the CAB? (ie Brent)	[REDACTED], RIPA Liaison Officer, Lancs CAB		OPEN
26	NUD Chapter 6 Para 6.4	Will there be a defined process and sterile corridor for any conflicts that are highlighted through this process?	[REDACTED] RIPA Liaison Officer, Lancs CAB		OPEN
122	NUD Chapter 6 Para 6.4	The NUD should hold a complete list of people, groups, locations, and events that have been subject to collateral as well as direct intrusion. Collateral intrusion should be taken very seriously, as it can be very psychologically harmful, and compromise people's human rights.	[REDACTED]		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
153	NUD Chapter 6 Para 6.4	<p>Observation by CT network Special Projects Team (SPT):</p> <p>States that undercover units should submit details to the National Undercover Database (NUD) at the start of an undercover operation and throughout and during the deployment to deconflict and manage risk.</p> <p>The NUD has been the subject of much discussion at NUWG as our partners, [REDACTED], are yet to be satisfied that the system has the necessary levels of security to protect the information and until this can be addressed and resolved the position is that as a Special Projects Team (SPT) Network we do not submit any details of CT undercover operations for inclusion on the database.</p>	ACC [REDACTED] [REDACTED] NPCC Coordinator National Functions Counter Terrorism		OPEN
123	NCND Chapter 6 Para 6.6.1	<p>[REDACTED] It is neither a rule of law nor a legal principle.</p> <p>Neither past nor future UCOs should ever be given an expectation of secrecy forever come what may. It should be expected that the stance of NCND will be overruled by courts when human rights abuses have been committed.</p>	[REDACTED]		OPEN
194	NCND Chapter 6 Para 6.6.1	<p>The APP usefully cites and links to a College report on NCND. However, the APP would be clearer still were it to restate an important point from that report, namely that NCND is a “stance” and not a “policy” (p.3), and that as such, “It is accepted that in some circumstances there may</p>	[REDACTED] & [REDACTED] Interdisciplinary Ethics		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		<p>be exceptions to the use of NCND. Such exceptional circumstances must be considered from a broad national strategic perspective and not on a localised force or agency basis.” (p. 10.)</p> <p>Yet further, the APP might indicate the locus of such a decision, if it is not to be made by forces acting alone. If exceptional circumstances are possible, the public will be interested to know what they might be, and therefore a hypothetical example or a list of the grounds for exception (e.g. no harm to policing or the public interest from disclosure) would go some distance in better communicating the nature of the NCND stance.</p>	<p>Research Group, Warwick Uni</p>		
Topic: AUTHORISATION (chapter 7)					
195	<p>Authorisation Chapter 7 Para 7.1</p>	<p>The draft cites the CHIS Code of Practice and alludes to (though does not cite) case law. It would be useful at this point to take the opportunity to build upon that Code and to cite specific case law.</p>	<p>[REDACTED] & Interdisciplinary Ethics Research Group, Warwick Uni</p>		OPEN
196	<p>Authorisation Chapter 7 Para 7.1</p>	<p>Since AOs must make an assessment of proportionality, the APP should indicate what elements go in to that balance, in operational efforts to enact the regulations that it cites. For example:</p>	<p>[REDACTED] & Interdisciplinary Ethics Research</p>		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		<p>a) How is the value of operational outcome to be assessed?</p> <p>b) How are the possible harms of a deployment to be assessed? It is notable that although fair trial is main focus of harms in case law discussions (see Walker, Clive, and Kingsley Hyland. 'Undercover Policing and Underwhelming Laws'. <i>Criminal Law Review</i>, no. 8 21 March 2014), and although privacy is the focus of the regulations in the area (note, for example, the focus on collateral intrusion rather than collateral harms in general), nonetheless public concern with the possible harms of UCO operations goes beyond either fair trial or privacy, and is concerned with deception, manipulation, and trust in the police. The APP would therefore usefully categorise – for the purposes of proportionality assessments – the kinds of setback that might be imposed by an operation. For instance it might cover consideration of temporary social harms, long-lasting or permanent social harms, economic harms, effects on perceptions of the police, and the vulnerability of the target (noting the IPT case Paton v Poole).</p> <p>c) Aside from balancing the harms to the target to others and the security benefits, are there any other factors relevant to assessing the proportionality of a deployment? For example, is it relevant that a target is or has been the authorised target of other intrusive investigatory powers, and if so what processes are there to ensure that these intrusions are considered as part of a proportionality assessment?</p>	Group, Warwick Uni		

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
197	Authorisation Chapter 7 Para 7.1	<p>Furthermore, since higher authorisations are required where a deployment is expected to be likely to last for longer than 12 months, and since longer deployments carry higher risks, the APP should require that all applications state their expected duration and/or which considerations will determine that.</p> <p>It would also be desirable for applications to indicate a clear exit strategy.</p>	<p>[REDACTED] & [REDACTED] Interdisciplinary Ethics Research Group, Warwick Uni</p>		OPEN
124	Applications Chapter 7 Para 7.2	<p>Authorisation: applicant and applications. Each application should also be accompanied by a risk assessment for abuse of human rights of the targets for infiltration and for any collateral intrusion.</p>	[REDACTED]		OPEN
125	Applications Chapter 7 Para 7.2.1	<p>Application documents. Each application should also be accompanied by a risk assessment for abuse of human rights of the targets for infiltration and for any persons suffering from collateral intrusion.</p>	[REDACTED]		OPEN
51	Applications Chapter 7 Para 7.2.1	<p>At 7.2.1 it is suggested that the Authorising Officer should consider advice from the prosecutor if appropriate. In my view this comment should be bolstered by specific reference to the MOU – see ‘General Comments’ below. [see entry # 63]</p>	[REDACTED] OBE		OPEN
126	AO Chapter 7 Para 7.3	<p>Authorising officer and authorisations. Insertion of an UCO into the public’s lives creates a high risk of abusing their human rights, particularly if the</p>	[REDACTED]		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		<p>infiltration is over a lengthy period, and are some of the most intrusive tools of surveillance.</p> <p>Undercover infiltration should therefore require authorisation from the Secretary of State with approval from a Surveillance Commissioner or Judge, commensurate with the level of authorization required for targeting equipment and communications data.</p>			
64	Urgent oral Chapter 7 Para 7.3.1	<p>I've spotted something in the APP which I believe to be incorrect</p> <p>Urgent Oral Authorisations and Urgent Authorisations are two separate entities. Only an ACC can give Oral Authority. A RIPA trained Supt can give Urgent Authority but this must be in writing.</p> <p>There is some confusion as to whether both are subject to 72 hrs max when they must be cancelled or renewed or whether this is just the Supt's. This has been the subject of some debate here but the consensus is both are subject to the 72 hours.</p>	<p>DI [REDACTED] COM UC, NW CTU</p>		OPEN
154	Urgent oral Chapter 7 Para 7.3.1	<p>Observation by CT network Special Projects Team (SPT):</p> <p>States that if an application cannot be considered by an ACC or equivalent, <u>oral authorisation</u> can be given by a RIPA trained Superintendent – <u>This is incorrect.</u></p> <p>Oral authorisation can only be given by an ACC or</p>	<p>ACC [REDACTED] [REDACTED] NPCC Coordinator National Functions Counter Terrorism</p>		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		equivalent, a RIPA trained Superintendent can only give written authority I believe this has been communicated back to the College of Policing separately for amendment to be made.			
127	Urgent oral Chapter 7 Para 7.3.1	<p>Urgent oral authorisations. Insertion of an UCO into the public's lives creates a high risk of abusing their human rights, particularly if the infiltration is over a lengthy period, and are some of the most intrusive tools of surveillance.</p> <p>Undercover infiltration should therefore require authorisation from the Secretary of State with approval from a Surveillance Commissioner or Judge, commensurate with the level of authorization required for targeting equipment and communications data.</p>	[REDACTED]		OPEN
128	Higher auth. Chapter 7 Para 7.3.2	<p>Higher authorisations. Insertion of an UCO into the public's lives creates a high risk of abusing their human rights, particularly if the infiltration is over a lengthy period, and are some of the most intrusive tools of surveillance.</p> <p>Undercover infiltration should therefore require authorisation from the Secretary of State with approval from a Surveillance Commissioner or Judge, commensurate with the level of authorization required for targeting equipment and communications data.</p>	[REDACTED]		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
27	Collateral intrusion Chapter 7 Para 7.4	Does this element require further explanation, given it states consider under 2 areas (unavoidable/potential) and conflicts with HMIC 2012 5.67/5.68 Collateral intrusion to be considered in 3 categories: <i>1/ inevitable intrusion (such as into the privacy of intimate associates of the subject); 2/ foreseeable intrusion (such as into the privacy of known associates); and 3/ general intrusion (such as into the privacy of other members of the public who come into contact with the subject).</i>	 RIPA Liaison Officer, Lancs CAB		OPEN
52	Collateral intrusion Chapter 7 Para 7.4	<p>7.4 addresses the issue of collateral intrusion in the context of the Authorising Officer and states that <i>'collateral intrusion must be reasonable and justified in the specific circumstances.'</i> In my view this comment should be strengthened by reference to proportionality since the extent of any collateral intrusion is relevant to the assessment of proportionality. Since the assessment of proportionality involves drawing a balance between the extent of any intrusion into the private life of the subject – and anyone else who might be affected by the covert investigation – and the need for the covert tactic in operational terms, an unacceptable level of collateral intrusion might render an otherwise proportionate operation disproportionate.</p> <p>The comment in the box on page 49 is rather clumsily phrased and would benefit from being amended as follows –</p>	 OBE		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		<i>'Where UCO activity is deliberately proposed against individuals who are not suspected of direct involvement in the criminality which is the subject of the investigation, interference with their private and family life should not be considered as collateral intrusion but, rather, as intended intrusion and authorised as appropriate.'</i>			
129	Collateral intrusion Chapter 7 Para 7.4	Collateral intrusion. Persons who are likely to be on the receiving end of collateral intrusion should be named and their human rights considered individually. Their human rights should be given great weight against the aims of the operation.	[REDACTED]		OPEN
198	Collateral intrusion Chapter 7 Para 7.4	Authorisation: collateral intrusion. Continuing the comment at 7.1 [see entries # 195 to 197]: The APP requires AOs to consider interference with the private and family life of those not targeted by an investigation. It might also require consideration of possible collateral harms that do not easily fall in to the category of 'intrusions'. For example, operations can have economic effects upon third parties (see Joh, Elizabeth E., and Thomas Wuil Joo. 'Sting Victims: Third-Party Harms in Undercover Police Operations'. <i>Southern California Law Review</i> 88 (2015): 1309.)	[REDACTED] & [REDACTED] Interdisciplinary Ethics Research Group, Warwick Uni		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
130	Reviews Chapter 7 Para 7.5	Reviews. Assessment of impact on the human rights of the targets and on victims of collateral intrusion should be considered at each review.	[REDACTED]		OPEN
131	Renewals Chapter 7 Para 7.6	Renewals. Insertion of an UCO into the public's lives creates a high risk of abusing their human rights, particularly if the infiltration is over a lengthy period, and are some of the most intrusive tools of surveillance. Undercover infiltration should therefore require authorisation from the Secretary of State with approval from a Surveillance Commissioner or Judge, commensurate with the level of authorization required for targeting equipment and communications data.	[REDACTED]		OPEN
132	Renewal docs Chapter 7 Para 7.6.1	Renewal documents. There should also be risk assessments regarding the targets human rights, and the human rights of any members of the public suffering collateral intrusion included here.	[REDACTED]		OPEN
133	Foreign ops Chapter 7 Para 7.9	Operatives from foreign agencies. Insertion of an UCO into the public's lives creates a high risk of abusing their human rights, particularly if the infiltration is over a lengthy period, and are some of the most intrusive tools of surveillance.	[REDACTED]		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		Undercover infiltration should therefore require authorisation from the Secretary of State with approval from a Surveillance Commissioner or Judge, commensurate with the level of authorization required for targeting equipment and communications data.			
Topic: CONDUCT (chapter 7)					
61	Conduct Chapter 7	<p>[See page 5 of ██████ submission for full details] The lack of content in respect of the relevant law regarding the acceptable limits of police conduct in the context of undercover deployments.</p> <p>Inclusion of content regarding this might provide the public with greater confidence that the law has established a clear line between what is acceptable and what is unacceptable and that unacceptable conduct will result of the exclusion of critical evidence or the stay of prosecutions.</p>	█████ OBE	[Note: ██████ has offered to draft text for consideration – without remuneration]	OPEN
53	Conduct Chapter 7 Para 7.11	<p>It is stated at 7.11 that authorisations should not allow <i>'any activity that could have a negative impact on the reputation of undercover policing or law enforcement.'</i></p> <p>This rather suggests that prevention of reputational damage is more important than securing admissible evidence. This statement should contain reference to the need for AOs not to authorise anything which might result in the exclusion of evidence or the staying of proceedings.</p>	█████ OBE		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
2	Sexual activity Chapter 7 Para 7.12	[REDACTED]	[REDACTED]		OPEN
40	Sexual activity Chapter 7 Para 7.12	It is never acceptable for a UCO to form an intimate sexual relationship with; 1) those they are employed to infiltrate and target or 2) any other person during their deployment. This conduct will never be authorised, nor must it ever be used as a tactic of a deployment.	DI [REDACTED] [REDACTED] Avon & Somerset Constabulary	[see also entry # 38 from same reviewer]	OPEN
54	Sexual activity Chapter 7 Para 7.12	The guidance on page 54 in respect of sexual relations is impressively ambiguous in stating that authorisation would never be granted to establish a sexual relationship for the purpose of gathering evidence or intelligence whilst falling short of prohibiting such relationships. In my view this strikes the correct balance but the guidance should also make clear that in addition to informing the Cover Officer and AO, the matter should be brought to the attention of the prosecutor who should already have been consulted regarding the investigation pursuant to the MOU.	[REDACTED] OBE		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
97	Sexual activity Chapter 7 Para 7.12	Sexual relationships and sexual activity. The author of this document does not live in the 'real world.' [REDACTED]	[REDACTED] former UCO at Hampshire Constabulary		OPEN
134	Sexual activity Chapter 7 Para 7.12	Sexual relationships and sexual activity. The paragraph starting "If a UCO engages in unauthorized sexual activity for whatever reason..." should be removed. It is absurd to think of that these situations would arise, and this paragraph reduces the clarity of the instruction that it is never acceptable, making it much more likely that officers would have sexual relations and then find an excuse for doing so. If it is unacceptable, it is unacceptable, and there should not be this get out clause.	[REDACTED]		OPEN
148	Sexual activity Chapter 7 Para 7.12	Sexual relationships and sexual activity. This section is the one I find most revolting. I agree strongly with the critique by former victims of undercover policing, such as by the women who have successfully sued the MPS over intimate relationships. I fully support their critiques, which are online here: https://policespiesoutoflives.org.uk/no-faith-guidelines/	[REDACTED], UCPI core participant		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
9	Drugs Chapter 7 Para 7.13	I do have much to say about the proposal to enforce a total ban on such UAO officers using controlled drugs but I will leave that to my formal submissions.	[REDACTED], former UCO at Hampshire Constabulary		OPEN
55	Drugs Chapter 7 Para 7.13	The comments in relation to sexual activity apply with equal force to the guidance in respect of controlled drugs at 7.13 on page 55. [see entry # 54]	[REDACTED] OBE		OPEN
98	Drugs Chapter 7 Para 7.13	Controlled drugs. [REDACTED] [REDACTED] This rule is laughable and so is the mandatory drug testing proposal (Chapter 8, para 8.3.1).	[REDACTED] former UCO at Hampshire Constabulary		OPEN
7	Conduct Chapter 7	Need to think about abuse of relationships other than sexual.	[REDACTED] College of Policing		OPEN
Topic: PLANNING, RISK & DEPLOYMENT (chapter 8)					
135	Options Chapter 8 Para 8.1.2	Assessing options. The high likelihood of infringing members of the public's human rights (both the targets, and others via collateral intrusion) should be given great weight when considering whether it is appropriate to deploy an UCO.	[REDACTED]		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
56	Decisions Chapter 8 Para 8.1.3	<p>It is stated at 8.1.3 that <i>'The decision as to which tactics to deploy should be made by the operational lead in consultation with the undercover unit.'</i></p> <p>In my view the AO needs to be involved in this process. In R v Harmes & Crane the Court of Appeal deemed the activities of undercover officers to be unlawful [and even criminal] on the basis that they progressed the investigation by adopting a specific tactic that had not been authorised by the AO. As it is the AO who is responsible for setting the lawful parameters of an undercover operation he/she must be involved in this process.</p>	██████████ OBE		OPEN
136	Risk Chapter 8 Para 8.2	<p>Risk assessment. It should be specified here that the risks of infringing human right of members of the public should be assessed.</p>	██████████		OPEN
177	Personal risk Para 8.2.2	<p>Pre-deployment personal risk assessment. The personal risk assessment should include a personal wellbeing and circumstances risk assessment as well as looking at the operational risks to the officer.</p>	██████████, Occupational Health and Wellbeing Manager, Surrey Police		OPEN
57	Responsibilities Chapter 8 Para 8.3	<p>8.3 states that the operational lead should read the 'Instructions to UCOs' to the operatives at the start of the operation. I assume that this is a reference to the generic instructions given to all UCOs. As a matter of best practice, as identified by Newman J in his judgment in R v</p>	██████████ OBE		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		Sutherland & Others , the operatives should also be shown the precise terms of the authorisation.			
28	Working hours Chapter 8 Para 8.4.3	Would there be benefit to making specific reference to Police Regulations and case law given recent claims by officers relating to overtime payments?	[REDACTED], RIPA Liaison Officer, Lancs CAB		OPEN
99	Working hours Chapter 8 Para 8.4.3	Working hours. Working Time Directive? C'mon now.	[REDACTED], former UCO at Hampshire Constabulary		OPEN
100	Evidence Chapter 8 Para 8.5.2	Compilation of evidence. [REDACTED]	[REDACTED], former UCO at Hampshire Constabulary		OPEN
137	Equipment Chapter 8 Para 8.6.1	Equipment. When technical equipment is used, the risks to the human rights of the targets and those suffering collateral intrusion should also be considered.	[REDACTED]		OPEN
Topic: WITNESS ANONYMITY (chapter 9)					
58	Chapter 9 Page 68	To strengthen the guidance in relation to witness anonymity reference could be made to the helpful comments of the Court of Appeal in R v Mayer & Others regarding the special considerations which apply in respect of witness anonymity for undercover officers. Reference to these	[REDACTED] OBE		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		comments should ensure that unless there is some clear, disclosable issue going to the credibility of a UCO – which should have been revealed to the prosecutor in any event – the defence should not contest witness anonymity applications in respect of UCOs.			
Topic: RECORDS (chapter 10)					
138	Records Chapter 10 Para 10.1	Record keeping. There should be a defined methodology for identifying and destroying records regarding members of the public that have suffered collateral intrusion.	[REDACTED]		OPEN
59	DMR Chapter 10 para 10.4	It is stated at 10.4 that the Deployment Management Record should provide <i>'clear direction to UCOs on the primary requirement of case law.'</i> Who provides this direction? Is it generic or is it tailored to the needs of the specific investigation? If the latter, is the prosecutor consulted?	[REDACTED] OBE		OPEN
101	UCO notes Chapter 10 Para 10.5	UCO original notes. Notes have to be made as soon as it is physical safe to do so. The UCO must never be compromised by a rule book about making notes. If the lawyers want to argue about it in court – so be it.	[REDACTED], former UCO at Hampshire Constabulary		OPEN
60	Prosecutor Chapter 10 Para 10.6.2	It is stated at 10.6.2 that <i>'In consultation with the head of the undercover unit, the reviewing lawyer may be granted supervised access to original material.'</i>	[REDACTED] OBE		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		This is not strong enough. The guidance should make clear that in cases where the conduct of an undercover deployment is being called into question in court proceedings and the prosecutor considers it necessary to enable him/her to fulfil his statutory disclosure obligations, he must be permitted access to all of the documentation generated as a result of the deployment.			
Topic: ONLINE OPERATIONS (chapter 11)					
178	Online ops Chapter 11 Para 11.3	Online operations. This section seems to be added on without any real examination of the issues involved in on-line deployments. This section needs to be developed and may need to be in a separate document.	 Occupational Health and Wellbeing Manager, Surrey Police		OPEN
Topic: ETHICS					
71	Ethics	<p>[See page 2 of  submission for full details]</p> <p>...Restoring the legitimacy of undercover policing requires a rather more sophisticated dialogue regarding the ethics of undercover policing than is currently being presented. There exists a significant contradiction in doctrine, either as published or as drafted, which needs to be reconciled if a sensible and sound position on the ethics of undercover policing is to be established for the benefit of operatives and the wider community alike.</p>			

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
72	Ethics	<p>[See page 3 of █████ submission for full details] ...Both recourse to dishonesty and the undermining of integrity are contrary to the Police Code of Ethics as it is currently drafted in rather 'catch-all' terms: "I will be honest and act with integrity at all times" (Section 1). In other words, undercover operatives cannot execute their undercover duties and simultaneously comply with the Code of Ethics as currently published. If operatives adhere to the Code of Ethics, then they cannot work effectively undercover.</p> <p>If the Police Code of Ethics is to have any influence at all, such inconsistencies must be addressed.</p> <p>This contradiction in the doctrine can, and must, be resolved. But it is also important for the restoration of perceived legitimacy in undercover policing that the contradiction is resolved in the right way and for the right reasons, in order to withstand scrutiny.</p>	██████████		OPEN
73	Ethics	<p>[See page 4 of █████ submission for full details] ...The APPUP commences with the assertion that undercover policing is an "ethical tactic" (p.2). Manifestly, it is not.</p> <p>Indeed, the assertion that the undercover tactic is "ethical" is a dishonest statement and therefore itself a breach of the Police Code of Ethics.</p> <p>...Genuine moral justification and its role in sound decision-making is what the dialogue should comprise; not bald assertions that cannot withstand scrutiny.</p>	██████████		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
74	Ethics	<p>[See page 5 of █████ submission for full details] ...Rationalization is not justification. There exist a number of seductive but fallacious 'justifications' that must be avoided.</p>	█████		OPEN
75	Ethics	<p>[See page 6 of █████ submission for full details] ...In rather simplistic terms, deployment of undercover tactics <i>might</i> be justifiable in circumstances where:</p> <p>1) the deployment is necessary to deliver the desired outcome of the criminal justice system (the making of a rational and logical decision on the basis of proven and reliable evidence); AND 2) there is no less morally-harmful means of acquiring the information needed by the fact-finders and decision-makers participating in the later stages of criminal justice system process. Nothing done in the planning, execution or furtherance of the deployment should undermine the integrity of the criminal justice system.</p> <p>The intended audience of the APPUP would derive benefit from inclusion in the APPUP of proper elaboration of the above brief outline in order to provide further guidance in making the morally-significant decisions that must be made when considering, planning and authorizing such deployment as a basic <i>tactic</i>.</p>	█████		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
76	Ethics	<p>[See page 6 of █████ submission for full details] ...Below this level of morally-significant decision-making regarding the <i>tactic</i> itself, there exists another level of morally-significant decision-making involving operative <i>conduct</i> whilst on deployment.</p> <p>Two tests present themselves:</p> <p>1) <i>Does the intended conduct of the operative at any given moment serve the <u>primary end of obtaining information</u> that will be used by CJS decision-makers?</i> I.e., is the particular conduct in which the operative is engaged in any given instance directly obtaining information?</p> <p>2) <i>Does the intended conduct of the operative at any given moment serve the <u>secondary end of facilitating the operation</u>?</i> I.e., is the particular conduct in which the operative is engaged in any given instance facilitating or creating an opportunity that will lead to the obtaining of information?</p> <p>These are discrete ethical issues requiring separate justifications. The particular vulnerability present is that a morally-sound argument providing ethical justification for test 1, might improperly be used to rationalise circumstances that fall within the compass of test 2.</p> <p>This is another area in which the intended audience of the APPUP would benefit from elaborated guidance, beyond that which is currently available.</p>	██████████		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
77	Ethics	<p>[See page 7 of █████ submission for full details] ...As currently drafted, the Police Code of Ethics, in respect of covert policing in general, offers overly-simplistic guidance that logically is self-contradictory. Consequently it is not fit for purpose in this particular regard.</p> <p>The desire to have a single Code of Ethics that is readily comprehensible and unambiguous is understood, but covert policing – and undercover work in particular – is so morally complicated that a simplistic Code of Ethics will not suffice and creates more harm than good.</p> <p>The four paragraphs currently devoted to covert policing in the Code of Ethics need to be re-written. Logically the current construction creates the effect of making all covert policing a <i>prima facie</i> breach of the Code of Ethics. Which presumably is not the intended purpose.</p> <p>...Challenging though the work will be, the issue of undercover ethics cannot be avoided and cannot sufficiently be addressed simply by reference to a foundation document that is inadequately written and inconsistently applied. Revelations over the past few years demonstrate the need for robust, logical and elaborated guidance on how a tactic that is intrinsically morally harmful, can on occasions be morally justified and so used ethically.</p>	██████████		OPEN
78	Ethics	<p>[See page 7 of █████ submission for full details] ...Given the very specialist nature of undercover policing, and the</p>	██████████		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		particular moral harms to which this tactic (in all its iterations) gives rise, in order to assist managers and operatives to employ this <i>prima facie</i> unethical tactic in ways that can be morally justifiable, and so ethical and legitimate, it would be useful to elaborate the current Code of Conduct for undercover operatives into a specialist Code of Ethics for all Authorizing Officers, managers and operatives in the undercover policing arena.			
79	Ethics	<p>[See page 7 of ██████ submission for full details] ...The ethical deployment of informers has been considered in the public domain and the model there proposed has received favourable comment from ethicists and practitioners alike.</p> <p>See ██████, ██████</p> <p>It could serve as a basis from which to develop a framework for achieving ethical deployment of the undercover tactic. The relevant paper is attached to this submission as an appendix.</p>	██████████		OPEN
Topic: GENERAL / OTHER					
29	General/other	Could document benefit from reference to collaborative working arrangements?	██████████, RIPA Liaison Officer, Lancs CAB		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
12	General/other	<p>The document is a useful tool for managers and practitioners.</p> <p>I have consulted with my colleagues and AO and I am satisfied that it sets out a clear and progressive path for professionalising this activity.</p>	TDI [REDACTED], COM-UC, NE CTU	[This is the official return from the North East CTU.]	OPEN
63	General/other	[See page 7 of [REDACTED] submission for full details] Too little weight is attached to the importance of compliance with the ACPO/CPS Memorandum of Understanding. The public would be further reassured if they were aware that those running undercover operations were required to liaise with experienced and specially trained prosecutors at all stages of an investigation and prosecution.	[REDACTED] OBE		OPEN
10	General/other	The reason I write today is to express my surprise at some of the information disclosed into the public domain on the College website. In my view there is no need to mention "backstopping" or "legend building." This information serves no useful purpose by being put into the public domain. They are two examples. There may be other parts that fall into the same category. I sense that the author(s) meant well, but it is unnecessary for the aims you are trying to achieve. My suggestion is that the content on these relevant documents and web pages are revised. To put things simply - there is too much information the way it stands at present.	[REDACTED] former UCO at Hampshire Constabulary		OPEN
65	General/other	...a welcome addition to the corpus of professional doctrine available to the police service...The DRAFT	[REDACTED]		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		APPUP provides a good foundation for necessary doctrinal guidance. There are two aspects of the APPUP [accreditation and the Code of Ethics] that should be clarified and elaborated in order to enhance the guidance being directed to those working in the undercover arena.			
6	General/other	<p>[Regarding] less intrusive tactics, I think we need to beef up the guidance to emphasise necessity and proportionality, including the need to consider less intrusive tactics.</p> <p>█ was surprised that we don't have an intro that sets out the intentions and overall framework within which UC operates. I think an introduction that talks about the value of UC and the need for prop, nec and accountability will need to be added, as well as ensuring that there is adequate mention of these things in the relevant places.</p>	█, College of Policing		OPEN
44	General/other	<p>When Alex MARSHALL, the Chief Executive Officer of the College of Policing, appeared on the Today Programme to launch this consultation (29th June 2016 55 minutes into the programme http://www.bbc.co.uk/programmes/b07hgb49) he stated very clearly and precisely that Undercover Police Officers should only be used against 'Serious and Dangerous Criminals'.</p> <p>However, I see that this is totally absent from your actual draft guidelines and in my opinion it should definitely be included. So that the Public can again believe and trust in</p>	█, former SDS officer		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		the necessary tactic of Undercover Policing and that Undercover Officers themselves then know, that they will never be called upon to do something not ethically or morally correct whilst deployed.			
103	General/other	<p>In response to your draft guidelines on undercover policing, here is a statement issued by Police Spies Out of Lives, and the eight women who took a case out against the Metropolitan Police for the abuse they had been subjected to through having relationships with undercover officers (Kate Wilson, Helen Steel & six women with anonymity orders). For more information on the background to their case, please look at our website http://policespiesoutoflives.org.uk</p> <p>"It is only through the actions of women such as ourselves, political activists, whistleblowers and journalists that abusive undercover relationships have been exposed, the police would have covered them up forever if they could get away with it - as witnessed by their continuing stance of 'neither confirm nor deny' in the face of all the evidence and despite the serious abuses committed.</p> <ul style="list-style-type: none"> - We have no faith that the measures proposed by the College of Policing will stop further human rights abuses; - There are no circumstances in which the use of undercover intimate sexual relationships are justified; - The use of such relationship amounts to institutional sexism and serious sexual violation; 	<p>[REDACTED] Police Spies out of Lives</p>		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		<p>- There is no excuse for abuse and that those who commit or sanction such abuse should be subject to prosecution;</p> <p>- The infiltration of political movements is an affront to any decent society and represents an interference with the right to freedom of expression and assembly; and that within this context undercover relationships have a particularly harmful affect on the ability of women to exercise these rights.</p> <p>We will do our best to ensure that the Public Inquiry brings to light the true extent of the abuses committed by these political policing units and that action is taken to prevent the abuses from ever happening again."</p>			
149	General/other	<p>I grew up in a very conservative and traditional family, where I was always taught to respect police and to address them with the word "Sir". However, due to my unjustly being targeted by undercover police, and continually reading about major police scandals which also the Prime Minister has repeatedly spoken, I believe the police in Britain will have to work very hard to change if they want to regain the trust of the public.</p>	<p>██████████ UCPI core participant</p>		OPEN
102	General/other	<p>These are my general observations based on experience both as a UCA (8 months in one spell) and a criminal defence barrister. I appreciate that my undercover days were many years ago but some things never change.</p> <p>I am driven to make my comments and return the feedback in the spirit of helpfulness. Please do not view</p>	<p>██████████ former UCO at Hampshire Constabulary</p>		OPEN

No.	Topic/ref.	Feedback	Reviewer	Comments/actions	Status
		<p>my input as negative. I accept that things have moved on since my days undercover but this proposed regime is several steps too far. The proposals smack of appeasement to the clamour for closer scrutiny owing to the misdeeds of a few.</p> <p>The problem, as I see it, is you are placing the UCOs in a bureaucratic straightjacket. I appreciate there has to be scrutiny and rightly so but these proposals go too far.</p> <p>I live in the hope that the Pitchford Inquiry may have something to say about this proposed 'rulebook.' I hope that the Chair helps to redress the balance between scrutiny, the public's right to know, the legal and human rights of persons coming into contact with UC activity and the continual fight against serious crime and terrorism.</p>			
22	General/other	Editorial developer notes: remove hyphen, change eg to full, speak to Frankie about CPS MoU, check UC APP against wording in Code of Ethics, discuss 'core covert' APP.	 College of Policing		OPEN
11	General/other	NOT FEEDBACK. Person requesting cost and registration info for getting on an accredited UC course by part-time distance learning. They sent summary of CV with request.		Discarded. NFA.	CLOSED
30	General/other	NOT FEEDBACK. Person offering web design services to improve Google rankings.	Abbott Business Development Executive	Discarded. NFA.	CLOSED

END.