

TRADE CRAFT

BINDER 2

Tradecraft - Binder 2

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[7] [8] [9]
From BL
Extension _____ Date _____ 19__

[10]
[discussion paper (draft) ... File in "Misc"
box SDS Fieldcraft ... presented by ...]

[11] 1

IA

1. This report concerns the provision of additional manpower in support of the clandestine bona fides of SDS field operatives.

[12]

Remainder of this document (including an additional 4 pages) redacted

[13]

METROPOLITAN POLICE

*Special Branch
Operations Support
(Special Duties Section)
16th May 2001*

BRANCH NOTE

BNP: Hostile Enquiries into Suspect Activist

This Note concerns hostile enquiries made recently by a British National Party (BNP) member into an activist suspected of being a 'State Asset'. An understanding of the type of enquiries made, and the awareness of the BNP of likely undercover 'legend building' methods can only be of benefit to this Unit.

[14]

[REDACTED]

Conclusion

[15]
[REDACTED]

Submitted.

[16]

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[The following is from *Ecodefense: A Field Guide to Monkeywrenching*, pp. 295-308. While focusing on environmentalism, the information is of value to anarchists.]

POLICE UNDERCOVER OPERATIONS (1)

by "Mollie Maguire"

Undercover police activity has become a standard feature of the contemporary political terrain. Disclosures in recent years indicate that environmentalist, anti-nuclear, and animal rights groups are likely to be targeted for surreptitious investigation. This can take many forms, from an inconspicuous stranger who turns up to help at a demonstration, to a trained "deep cover" operative who may spend years working inside a target organization. These operations can be launched locally by a police or sheriff's department, or by any of a number of federal agencies, such as the Forest Service, which now has the third largest law enforcement staff in the federal government.

Another major source of inside information for investigators is the "CI" or "confidential informant." These informers can be private citizens recruited to infiltrate a group, or fearful members who turn on their friends (usually to save themselves). Without the existence of the CI, or "snitch," there would in fact be very few arrests made for major crimes. However, CIs do have major shortcomings from a police perspective, including their general unreliability, questionable status as testifying witnesses, and frequent refusal to testify in open court. Therefore, the information garnered from a CI must be backed up by the testimony of undercover police officers or supplemented by intensive police investigation (which may involve surveillance and the use of search warrants) to build a case without putting the informer on the witness stand. In fact, the use of a CI in an arrest is usually not revealed, so the investigation may appear to be nothing more than competent police work.

Any monkeywrencher who suspects surveillance, should examine associated, study who has access to information now believed to be in the hands of the police, notice anyone who suddenly attempts to distance themselves, and be alert to any other indication that investigators are receiving inside information.

The Undercover Infiltrator

Both government agencies and private companies are routinely involved in running undercover operations. Small police departments and private firms (ranging from the large agencies like Pinkerton and Burns down to the security divisions maintained by large corporations and often staffed by former law enforcement agents) typically rely on the solitary agent to ferret out information which is then passed on to the agent's supervisors. Larger state and Federal agencies have the resources to mount far more extensive infiltration efforts. Major efforts entail a team approach, with extensive backup equipment and personnel to exploit the information provided by the undercover cop. The team's job is to protect the undercover agent and assemble a mass of evidence so that a subsequent prosecution doesn't rely entirely on the testimony of one officer.

The increasing sophistication of undercover operations has made it more difficult to spot these people. Today's undercover officer can look and sound like anyone. Many years ago, an undercover cop might be exposed when suspicious associates pilfered his phone bill from a mailbox and found that it listed numerous calls to a recognizable police phone number. Those days are gone as the quality and training

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of undercover operatives has improved. Only the crudest attempts to infiltrate, such as those occurring at demonstrations or other well-publicized events, are likely to be obvious due to the appearance or demeanor of the plainclothes officer.

There are two broad categories of undercover operative: deep cover and light cover.

A deep cover operative "lives" the role. It may be someone with extensive experience in undercover work, or a young person selected from an academy training class. Novices are actually preferred sometimes because they have not acquired the typically authoritarian habits that might give them away as cops, and also because they are less likely to be recognized by regular cops in the field who might unknowingly reveal their identity in a chance encounter.

Deep cover operations are tightly compartmentalized within the investigating agency to prevent breaches of security or leaks by employees sympathetic to the group being infiltrated. These operations may be coordinated from isolated offices at training facilities like the FBI's Quantico Academy or the Federal law enforcement training academy (western branch at Marana, Arizona).

A deep cover agent is equipped with a false ID (usually retaining the real first name so she doesn't forget to respond to her name), and a skeleton of personal history, such as a business owner who will verify that so-and-so worked for them (and who will later notify the police that someone was inquiring). The agent's background may be kept close to the truth to prevent slip-ups. Finally, a deep-cover agent may work a real job, rent a house or apartment, and live the role 24 hours a day.

An undercover cop working under "light" cover may also have a false ID, but will most likely go home to his family and "real" life (usually in another city). Sometimes narcotics officers and other specially trained agents will be called on for these assignments.

Going Undercover

Most undercover infiltrations begin when the operative presents herself as a willing volunteer and joins the targeted organization. Often a confidential information is used to introduce the infiltrator to the group so that she will be more readily accepted. The CI may then discreetly drop from the scene.

A high priority target organization may have a number of CIs and undercover operatives working at once, usually unknown to each other. Such multiple infiltration is used to test the veracity of the information provided.

Undercover agents may also assume roles outside the target organization but designed to provide inside access. A favorite is to pass themselves off as "writers" or members of the news media, or even as someone hoping to produce a documentary for public access television. A phony photographer or video camera crew will enhance the look of authenticity and make a record of people and actions for later use in identification and prosecution. This approach, when used at public gatherings, provides better quality information and photos than the old method of concealing surveillance cameras inside nearby buildings or parked vans. These undercover officers may also use this role to seek "confidential" interviews with monkeywrenchers and other underground activists. One of the CIs in the Arizona Five case played this role.

Another widely used undercover role is that of a utility worker or phone company repair person. This approach is valuable for obtaining access to a suspect's living quarters or workplace. While inside, the

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officer can plant listening devices, size up the security measures for a later "break-in," or look for evidence of illegality that can be used to obtain a search warrant. If the suspect is a renter, the landlord's cooperation may be sought to obtain legal access without a warrant, to provide nearby facilities for surveillance, or to provide cover for an undercover officer who may act as a handyman or building superintendent. If you rent, you should go out of your way to remain on good terms with your landlord. Even if your landlord doesn't tip you off to police inquiries, a sudden change in her behavior around you could alert you that something has happened to change her opinion of you, and that "something" just might be sudden police interest in you. The same rule applies to neighbors, employers, and coworkers. The people around you every day can provide the first warning of danger.

If utility company workers come to your door seeking access and you didn't request service, you should request some ID first, and then call their office to verify their identity and their reasons for requesting entry. Look up the phone number yourself, since the number they provide could be as phony as their ID card. However, remember also that acting unduly suspicious might cause a bona fide repair person to wonder just what you might have to hide.

Yet another undercover role is that of the phony "lawyer" who contacts a suspect before the shock of arrest wears off in an effort to elicit information. This person may claim to be a lawyer, or may just use subterfuge to create this impression. You can, of course, ask for some ID such as a state bar membership card. The period immediately after arrest is a dangerous time. Even after you take on an authentic lawyer to represent you, you may want time to think about your situation before deciding how straightforward you want to be with your attorney. Contrary to the old adage, it is not necessarily essential that your lawyer know everything. For instance, your lawyer may not need to know that you're guilty, just that you intend to plead innocent.

Similar to the phony lawyer approach is that of the fake court official. This person may ask you for a statement or ask you to fill out a form (to be used for handwriting comparison). If someone like this approaches you, verify the person's identity before doing anything else.

If you are in jail, the prisoner sharing your cell may be an undercover operative, usually a "jail-house snitch" who routinely seeks information for the authorities from talkative prisoners. Finally, the prosecution may attempt to place an informant in your legal defense committee.

Undercover Tactics

The first task of an undercover infiltrator is to gain unquestioning acceptance within the group. Often she will play it cool, do volunteer work, and bide her time, awaiting opportunity.

The goal of undercover cops is to identify suspects and gather evidence for prosecution. They may volunteer for any job, just to widen their access to information. Often they seek clerical or leadership roles to extend their influence and gain access to membership and contribution records. When the FBI was working to suppress the American Indian Movement, they had an undercover agent working as AIM's head of security.

Sometimes, undercover agents may go beyond the identification of suspects and the gathering of evidence: they may actually encourage someone to participate in an illegal act, and then help the police set up the arrest of that person or persons (the classic "agent provocateur"). Don't make the mistake of thinking that this sort of thing is only found in spy novels, or went out of style with the demise of the Czarist secret police. There is a good deal of evidence to suggest that the decline of a number of

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radical groups in the U.S. in the 1960s and early 70s was speeded up by the judicious use of agents provocateurs (as well as simple informants) by both Federal and local police agencies. The undercover FBI agent in the Arizona Five case went so far with being a provocateur in his desperation to make a case, that he warned his supervisor that he had "an entrapment problem."

One way these agents try to spot potential monkeywrenchers they can set up for arrest is to act especially radical and "talk tough" when around other members of the group. If someone responds, the agent will then provide ideas, information, or equipment to the monkeywrencher(s) to encourage specific illegal acts which can later result in arrests. Such agents may brag of having participated in numerous illegal acts, in order to attract recruits. In early 1989, a story unfolded about the infiltration of animal rights and environmental organizations by several undercover operatives. In this case, the agents were apparently employed by a private security company whose clients included corporations under attack by animal rights activists for their abuse of laboratory animals. In one incident, these agents appear to have helped engineer an attempted bombing in which an animal rights activist was arrested. According to *Ecomedia Bulletin*, a Toronto anarchist publication, one agent (Mary Lou Sapone) was on the mailing lists of numerous animal rights and environmental groups, including Earth First!.

Michael Faine, the FBI undercover agent, and several confidential informants in the infamous Arizona Five set-up, are classic examples of the above types of infiltrators.

The most valuable information an undercover agent can obtain includes admissions of guilt and plans for future raids. The agent will often seek to record this information for later presentation in court. The basic way to do this is to "wear a wire," either a small transmitter or a recording device concealed on her person. If this is deemed too risky, the agent may try to arrange an incriminating conversation in a car or room that has been bugged in advance. Any such recording is completely legal, requiring no warrant, as long as one party present (the undercover cop) consents to allow the recording. When preselected locations are used to stage an incriminating session, hidden video cameras using tiny "pinhole" lenses which are nearly impossible to spot may be used to make a record of non-verbal, but possibly incriminating evidence, such as the nod of a head, or the passing of a written communication.

Electronic recording has become so common that often police agents questioning suspects openly will wear small recording devices.

If a suspect makes an incriminating statement in the presence of an agent when *not* under electronic surveillance, the undercover agent may then try to arrange a second incriminating conversation at a time and place when it *can* be recorded. *Note:* Contrary to popular myth, an undercover cop does *not* have to admit being a cop if confronted with the accusation.

Undercover operatives enjoy logistical support that greatly expands their ability to gather evidence. In addition to sophisticated electronics, they often use a wide variety of vehicles (usually confiscated) to allow unobtrusive surveillance.

Measures taken against suspects fingered by an undercover operative include the following:

- Physical surveillance of a suspect and her residence, which will continue during nighttime and other times when illegal actions are more likely to occur.
- Video surveillance of a residence by cameras hidden in parked vehicles or nearby buildings.

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Remote video surveillance has become especially popular in rural areas where the physical presence of officers may stand out. Cameras may be hidden in brush and trees, with coaxial cables run to a monitoring post (perhaps in a neighbor's house).

- Trash may be searched for incriminating items, names, and addresses of associated, financial records, records of travel, etc. Trash may be either directly retrieved from the suspect's trash can, or retrieved later from the trash truck after normal pickup.
- A "pen register" may be installed on the suspect's phone line. This device makes a record of all phone numbers dialed but does not record conversations. Such a record may be useful in establishing a pattern of calling associated with illegal actions, and in establishing a suspect's associates. Undercover agents, wanting to frame a leader with whom have limited contact, will encourage an individual against whom they have incriminating recordings to phone the leader merely to establish evidence of contact in an effort to support conspiracy charges against the leader.
- Bank records may be scrutinized for signs of travel or incriminating purchases. These records sometimes may be secured unofficially, through the "good-old-boy" network, since many former law enforcement personnel end up in bank security posts.
- Utility company records may be checked. These might show valuable information, such as a drop in power usage which might indicate a prolonged absence at a key time.
- Authority to conduct "mail cover" may be secured from postal authorities. This involves the recording of all the information on the outside of letters and packages (without opening them to check the contents).
- A "bumper beeper" may be secured to the underside of a suspect's vehicle with wire or magnets. Such a device allows surveillance vehicles to track the suspects movements from a safe distance so as not to betray the agents' presence.

Note that none of the above investigative methods requires a warrant. If the police can develop sufficient information (usually just a "pattern" of suspicious behavior) they can then obtain warrants for more invasive methods, such as phone taps, hidden microphones, and opening of mail. The FBI has very good success at getting permission from federal judges to install phone taps and room bugs based on elaborate and often fanciful conspiracy theories.

END PART ONE

[17]

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SPECIAL
DEMONSTRATION
SQUAD
TRADECRAFT
MANUAL

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1. INTRODUCTION:

1.1 This manual of tradecraft for the Special Demonstration Squad is designed both for new members of the squad and also as a guide to best practice for members of the squad during their posting. The guide gives an insight into the differing techniques used to set up and live a false identity and ploys used to deal with situations which may arise. Current and former field operatives have identified areas of difficulty and some suggestions have been made as to effective solutions. However, the nature of the work is so varied that, while it is important to highlight those practices which should be avoided at all costs, it is not possible to give comprehensive instructions on every problem. Each organisation of interest has its own particular problems (which are dealt with in greater depth under the relevant group headings) but it must be remembered that each officer is a separate individual whose own character determines his or her proper approach to a specific issue. It must be admitted that our means of constructing false identities limits our choices and introduces a real danger of compromising our operation through using the same techniques.

[37]

1.2 At first it may seem a daunting prospect to enter the world of the "wearies". While new recruits will have been carefully scrutinised prior to arrival on the squad, nothing can prepare them for the reality of SDS work. The stresses and strains of living a lie during both your working and personal time and the unremitting nature of that pressure throughout the posting creates a wholly unique lifestyle both for operatives and dependants alike. However, before too long the "Back Office man" will pick up the necessary operating skills needed to cope. Once launched, the officer must survive on his or her wits until feeling entirely comfortable in the role. From time to time problems will arise which will affect your "duff" or real life, the majority of which will be discussed below. On return to "normal" life after the posting the difficulties become less immediate but different pressures of discovery and recognition remain, both for the individual and the outfit as a whole.

2. THE BACK OFFICE:

2.1. OFFICE DUTIES

2.1.1. On arrival at the office the new recruit will be introduced to the mostly mundane duties expected of him or her. Monday and Thursday are taken up with meetings of the field and office and the collection and dissemination of relevant files, reports and queries from one to the other. The searching of organisations and individuals, preparation and stamping of reports take up most of Tuesday and Friday, leaving Wednesday as the one day a week to catch up on outstanding matters and to concentrate on your false identity.

(BL note, June 95: With [33] now in charge of clerical duties there should be more time available to spend researching, planning and talking to past and present field officers about different aspects of the job.)

2.1.2. The most useful part of the week to a new recruit revolves around meeting days. You should try to spend time with those officers already in the field to pick up knowledge of the group you are targeted at and the more subtle behaviour which field officers develop through time to survive a double life. You will have a field officer assigned to you as a mentor and one should not be afraid to ask them any question you have, no matter how insignificant it may seem. Equally, one should not expect each officer to answer your query the same way, for different groups expect different behaviour from their members. (And even within the same group officers will perform differently according to their personalities.)

2.2. FIELD OFFICERS' REQUIREMENTS

2.2.1. The field officers are unable to make direct queries of SB(R), ARNI or other Force indices as well as sources outside the MPD. It is most important that their requests for files, printouts, telephone checks, registry or local LIO checks are carried out promptly because a report on an individual may be awaiting just such confirmation. A particular bugbear is that files are often elsewhere when you request them...try to keep on top of these requests and ask for them at regular intervals.

2.2.2. Equally important is the need to post diary sheets and other forms to each field officer when requested. You will soon know how irritating it is to attempt to complete your diary at a meeting without the notes you keep at home, or find you have run out of Form 287's or mileage sheets. Equally, ensure the Monday Binder is always well stocked with forms, or incur the wrath of the field!

2.3. CONSTRUCTIVE USE OF DOWN TIME

2.3.1. The back office administration work is rarely fulfilling enough to interest one for five days a week. The quiet periods should be used constructively in researching your future four years. You should arrange days to travel to areas outside London that will feature in your false life story. You should find time to contact field officers in your target group to check your proposed life story with him or her and to iron out any apparent inconsistencies.

2.4. RESEARCH INTO TARGET GROUP

2.4.1. There are two schools of thought in researching your target group prior to arrival on the scene. In one case you enter the field as a political virgin and become educated by the group you have infiltrated (groups such as the SWP accept this approach quite readily). The other possibility is to join your organisation with a level of sophisticated understanding of the interests of the group. (A history of veganism in animal rights, or an understanding of libertarian or anarchist views is an asset.)

2.4.2. If you decide to arrive on the scene as a newcomer, you should still know what sort of approach will not be successful. Treating members of the group with flippancy or aggression is inappropriate, as is the use of racist, sexist, speciesist or sizeist language in the left wing and libertarian circles. The principle of finding the right attitude to approach the wearies works far better than an attempt to win them over by force of wit or charm alone. Whatever attitudes you utilise must form part of your own make up, for you will find it impossible to maintain an unnatural character trait for a long period. All very basic stuff but worth mentioning!

2.4.3. If you want to come into your field with some understanding of the issues but without appearing to be a seasoned, knowledgeable individual, it is important not to show how much you know too quickly. If you are in a group that comes into conflict with the police on a regular basis, you should know some aspects of the law relating to public order and police procedures towards a detained person but not all - and remember to get some facts spectacularly wrong so you can be corrected! As always, your contemporaries in your field will have ready access to the necessary documents you should read to become well informed.

3. PREPARATION:

3.1. NAME

3.1.1. By tradition, the aspiring SDS officer's first major task on joining the back office was to spend hours and hours at St Catherine's House leafing through death registers in search of a name he could call his own. On finding a suitable ex-person, usually a deceased child or young person with a fairly anonymous name, the circumstances of his (or her) untimely demise was investigated. If the death was natural or otherwise unspectacular, and therefore unlikely to be findable in newspapers or other public records, the SDS officer would apply for a copy the dead person's birth certificate. Further research would follow to establish the respiratory status of the dead person's family, if any, and, if they were still breathing, where they were living. If all was suitably obscure and there was little chance of the SDS officer or, more importantly, one of the wearies running into the dead person's parents/siblings etc., the SDS officer would assume squatters' rights over the unfortunate's identity for the next four years.

3.1.2. All well and good, but we are all familiar with the story of an SDS officer being confronted with his 'own' death certificate.

3.1.3. In 1994 it was reported that the Office of Population Censuses and Surveys (OPCS), the agency responsible for maintaining the statutory registers of births, marriages, and deaths, was in the process of computerisation. This news added to the growing unease among SDS managers regarding the risks inherent in adopting a provably false identity, that is to say an identity which hostile enquiry could expose as being that of a dead person. A disclosure of this nature would present several threats, both to the SDS officer concerned, and to the SDS operation as a whole. The use of a false identity would tend to indicate to a hostile enquirer that the SDS officer was more than a mere 'state' informant; that he was, in fact, an undercover spy. A project was set in train to establish the extent of OPCS computerisation and what effect, if any, it would have on the SDS. It was considered that a computer system able to match the records of deaths and births quickly and easily, and which was accessible (legitimately or otherwise) to wearies or hostile enquirers would make it necessary to change operating procedures without delay.

3.1.4. The SDS management research confirmed many earlier fears that the traditional manner in which field officers' identities were obtained was indeed unsafe. While the OPCS has developed and installed a computer system to record all births and deaths in England and Wales there will be no back-record conversion and, therefore, there will be no immediate risk of an enquirer being able to confirm with a simple search that his comrade, Joe Bloggs, is in fact dead. However, it was discovered that there are frequent informal and uncontrolled discussions and referrals between a number of agencies and OPCS to establish whether identities are genuine.

The Frederick Forsyth novel 'The Day of the Jackal' explained how to acquire documents in the name of a dead person, and the practice has proved popular among those who would defraud the benefit system or who wish to travel abroad incognito.

[38A]

3.1.5. In the past, an identity with a birth certificate was deemed necessary in order to obtain the documentation and paraphernalia associated with everyday life. The birth certificate was used as an identity document (which it is not) on which to base the acquisition of accommodation, driving licence, passport, bank account, etc.

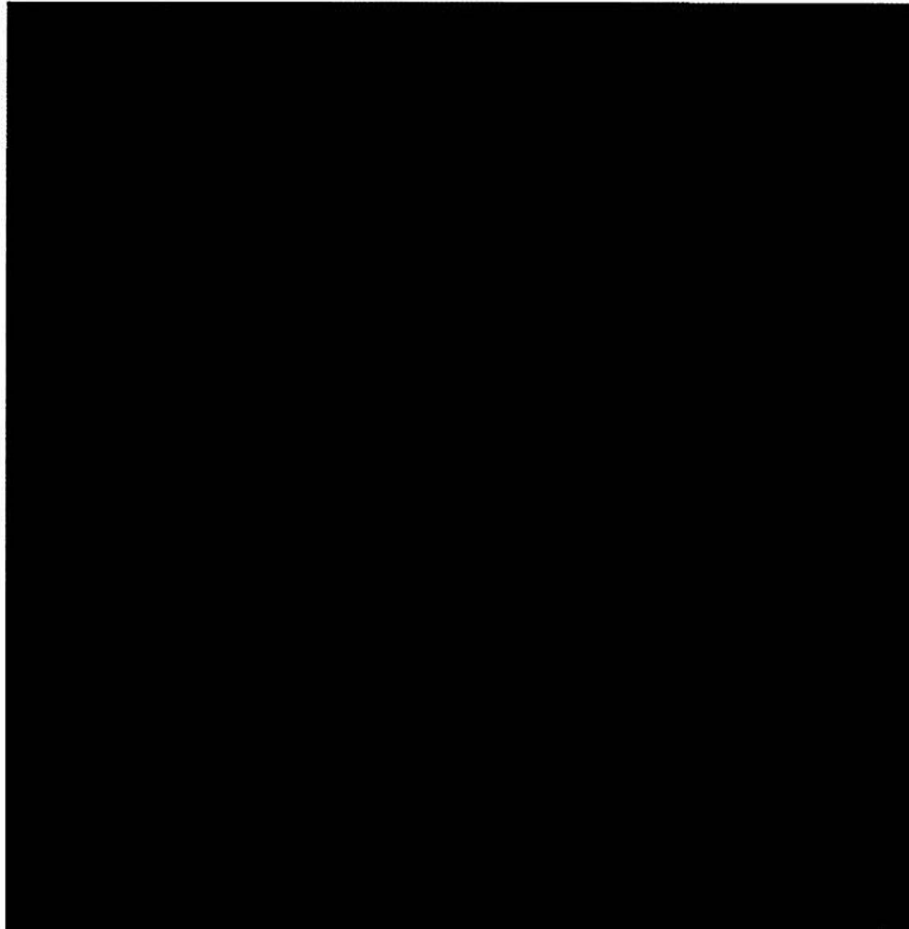
[39]

A birth certificate is not necessary for the provision of any documentation [40] It is, therefore, advisable to discontinue the practice of obtaining a birth certificate at all. It follows that an imaginary identity must now be made up by the field officer. This paper seeks to offer tips and guidance in the selection of a new identity.

3.1.6. For SDS purposes the perfect identity is one that seems genuine; [41] and which cannot be disproved. [42]

Having said that, if matters have become so bad that your wearies are interrogating you about your identity something has gone seriously wrong, so much so that no amount of carefully constructed cover will rescue your operation. The object of building good cover is to enable you to go about your business with confidence, to reinforce the subconscious impression your field alter-ego will make on your wearies, and to buy you the time you need to dispel suspicion.

[43] Following 3 pages of the manual (pages 10-12 inclusive) redacted in full on a provisional basis



(BL note, June 95: Names are no longer obtained from the Death Register at St Catherine's House; However AC's description of the old system (paragraph 3.2) is still one to be familiar with as a lot of activists are aware of it and use it themselves.)

Former System

3.2.1. There are two ways you can come up with your false name. You can have a completely false identity made up for you [44] or obtain details of a dead child from St. Catherine's House and use that as your own identity. Each case has its merits and problems. In both cases, avoid using the same identity as a former field officer!

3.2.2. In the first case one should start by searching the death records, noting folio references of potential candidates. Avoid infant deaths or people aged over 16 since the first are easy to spot and the second will have records in DSS which could be checked by the wearies. You should obtain as many potential names as possible to allow you to choose the most relevant. It is possible to look for a person who is your same age but it may suit you to try someone a little younger - after all someone in their late twenties is unlikely to be a new recruit to radical political activism.

3.2.3. [45]

[46]

3.2.4. [47]

Once you have chosen a surname or group of surnames then search each one in turn through a series of death registers until you find records of deaths of males of the right age who died between the ages of 8 - 14. It is obvious to people who work at St. Catherine's that there is something odd about someone who spends all day poring over death registers, going through them page by page and making very occasional notes. It is better to appear as someone tracing his family tree but being uncertain as to first names of the family members, since your behaviour will then be entirely consistent with such a story.

3.2.5. Once you find a relevant death, work out the approximate age and check back through the birth records until you find a match. (Since June 1969 the death records give the precise date of birth.) Just to make sure, send both the death and birth details to be searched by staff at CO.

3.2.6. Once your searches for the full details have returned, one can choose a suitable candidate. [48]

3.2.7. One should also remember that a birth certificate may well give the current address of the parents of the child - so make sure your particular choice has no current link with the present inhabitants of the properties shown on the certificate.

3.2.8. It is conceivable that a hostile enquiry into the details you have given may result in you being presented with your own death certificate, and this has happened to a former colleague. One can avoid the problem to some extent by using the birth details of an adopted person who died as a child and who had assumed the adoptive parents identity prior to death. Another possibility is to find the birth details of a child with no father's details on the certificate and then using a different surname which could relate to a stepfather. The difficulty is in finding such a certificate. It is probably only possible through luck or personal knowledge of someone from your own past.

3.3. [49]

3.3.1. [50]

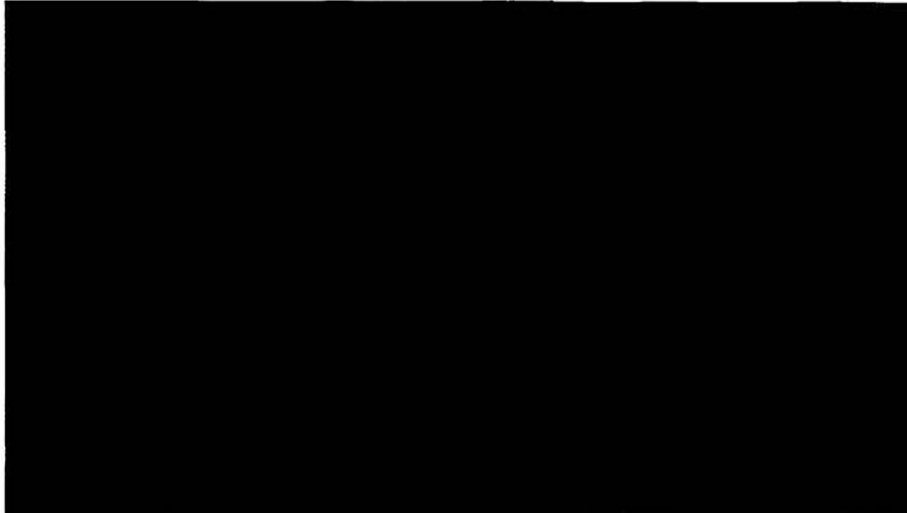
The major bonus of being the driver is a clear opportunity to avoid arrest - the driver is always needed to get people home after a demo or action and there is no shame in keeping away from trouble for that reason. Always remember that you should fit your driving history around this licence - don't talk about burning up the MI on a Honda Goldwing unless you have a motorcycle pass on your licence and don't mention your participation in the RAC rally in 1984 when the licence says you passed your test in 1986!

[51] [Gist: "The redacted paragraphs address cover documents and backstopping cover identities."]



3.8. PERSONAL HISTORY

[52] [Gist: "These redacted paragraphs address specific details about the cover identities of undercover officers."]



3.8.4. Once you have been armed with an easy to remember personal history you may never use it. It is highly unlikely that within a very short time as a field officer you will face hostile questioning in such depth. Nevertheless, an intensely secretive individual who never gives anything of his or her past is not normal and could easily be treated with suspicion. Equally, a person who is too free with personal details is equally suspicious. What should happen is that little facts about yourself will be revealed slowly to your circle of activists and over time a mutual trust will be built up. In most of the groups we cover there is a high level of paranoia and suspicion, so you will eventually have to flesh out the bones of your life. For example, after four years in the field, approximately 50% of my wearies knew me only as "Andy Van" because my first name and employment as a van driver were the only details they needed. Others knew my surname, but none knew the name or home address of the fictitious uncle I used as an excuse to get away from the occasional weekend demonstrations. A few celebrated my duff birthday with me but only one or two knew I was the father of a [53] [Gist: "Chl:] from a failed relationship.

3.8.5. Be assured that your wearies will be talking about you when you first get involved and you must always aim for consistency in your life history.

3.9. FORMER EMPLOYMENT

3.9.1. [54]

As long as you know enough about the job to talk about it in a plausible manner, such information should be used. [55]

If you allude to a particular skill such as plumbing, carpentry or so

on, be prepared to be asked to repair a washing machine or re-hang a sticking door and make sure you have tools and knowledge to do the job.

3.9.2. [56]

3.9.3. While you are researching your former employment, it is important to give some thought to your employment while out in the field. [57]

discuss your thoughts with the office and the field. Deciding on a proper form of employment while in the field will be covered below (see para. 4.5. et seq.)

3.10. APPEARANCE

3.10.1. The major reason why it takes at least three months (or longer) to graduate from the back office to the field is the time it takes for your appearance to change. One should not forget that a tour lasts approximately four years and after that experience you will have to return to a normal life. You must make every effort to ensure that on return the likelihood that your former comrades will recognise you is reduced to a minimum. The best way of achieving this is to change your appearance radically. For men the addition of a beard and glasses to a normally clean-shaven face, an earring and radically different haircut will make the probability of recognition at a later date almost nil. For women a change in hair colour and hair style is essential. You should try to wear clothes which are similar in style to each other but different from your normal garb - for example, always wear bold checked shirts and jeans, big sloppy jumpers, a distinctive coat or hat or whatever least resembles your own tastes. If you are going to wear laundered and ironed clothes, make sure you have an iron and ironing board in the duff and a washing machine there or in a nearby laundry. Being a little untidy, smelly and rumpled is a natural state for many of the people in our target groups. Close associates may discern the smell of fresh clothing from the suburban washing line, even as distinct from the (less fresh) smell of laundrette washing - so if you are wearing the former but purporting to be wearing the latter, potential for suspicion....

4. LAUNCH:

4.1. ADDRESS

4.1.1. On leaving the cocoon of the back office, the first important step to take is to find suitable accommodation. Your new lifestyle in your duff identity and your duff earnings determine the nature of the property you should be looking for.

[58]

Some officers will have made tenuous contacts with organisations before venturing out into London's bedsit land [59]

For those who intend to use the story of moving down to London from another part of the country to seek work, such an approach is useful.

4.1.2. You can either approach Estate or Letting Agents for potential homes, go through local papers and shop window advertisements or use all of these techniques to find a suitable bedsit room or studio flat. The office has a budget for your accommodation that currently stands between £60 to £100 per week, depending on your duff lifestyle. For most of us it would be sensible to look for properties at the lower end of the range and the only way to do that is to compare prices by viewing properties.

4.1.3.

[60]

One should hope to have one's own cooking and washing facilities but the best you can find will normally have a shared bathroom and toilet, with your own fridge and Baby Belling cooker in the room. The fact that a room is in disgusting decorative order is no reason to turn it down. However, you should try to avoid flats [61]

a telephone ties you down to being in the premises unless you have an answer phone you can interrogate at another address or a shared telephone with notoriously unreliable house mates who never take messages!

4.1.4. Once you have found the ideal premises you will need to convince the Accommodation Bureau or private landlord that you are a suitable tenant:

- a. Can you pay the rent now and in the future?
- b. What sort of job do you do?
- c. Are you likely to be claiming housing benefit in the future?
- d. Do you have any appalling habits?
- e. Do you keep pets?
- f. Any references?
- g. Can you afford a deposit and 1 month's rent in advance?

4.1.5. As suitable premises are becoming harder and harder to find, it is best to accept any premises that appear to fit most of your requirements and if it turns out to be unsuitable, you can go out and find a better place at leisure.

4.2. SETTING UP A CREDIBLE DUFF

4.2.1. Once you know who you are, what your employment is and what sort of politics you enjoy, you should combine all facets of your new life so that they represent a convincing whole.

[62]

[Gist: "These paragraphs address specific details about the cover addresses of undercover officers."]

You could begin tentative steps towards political activism by joining mainstream pressure groups who are concerned with a particular issue your new identity will have an interest in, be it Greenpeace, People for the Ethical Treatment of Animals, Shelter, Fathers Against the Child Support Agency, Searchlight and so on. They will provide you with information on current causes you can use as a key to join a more radical political grouping and prime your other residents that you have an interest in political causes.

[63]



4.3. FAMILIARISATION WITH LOCALITY

4.3.1. Now you have settled into your new home, you should get to know the surrounding area well. If you are going to be paying Council Tax, it is useful to join the local library. Not only will you be able to borrow books to read, the reference library will be able to provide you with information on local activities and access to local community groups you may wish to get involved in and which give your new persona the appearance of an authentic life. Membership of a local environmental group or sanctuary will assist you in the environmental or animal rights area to develop a local history of appropriate activism in your field but groups such as a local writing club, rock-climbing club, music society and so on will again help you to keep a distance from your wearies when you need to. Always be guided by what you feel is necessary and by advice from your contemporaries in the specific field you intend to penetrate.

4.3.2. Visit the local entertainment, (be it a pub, cinema, swimming pool or ice skating rink) or whatever else you feel is a necessary part of becoming a real person in your new home. Know where the tube station is and the times of the last train, the location of the nearest bus stop and where the buses go to. Become a regular customer at a local paper shop and buy a daily and local paper - even order a specific magazine from them. Use the local Post Office, bank or building society, shops and supermarket and the local takeaways where their fayre doesn't contradict any dietary scruples your character may have.

4.3.3. With your trawls around the neighbourhood you will soon find out where the local political groups meet, or you will bump into the ubiquitous street stall. It is useful to take an interest in these groups if they are not your target organisation, since you have an opportunity to experience living a lie with street activists who are unlikely to feature once you join your own grouping. When dealing with groups who use such techniques as an opportunity to recruit, avoid giving them your duff address, since they may come "contact visiting". Even better practice can be obtained through local community organisations such as a local conservation group where you can rehearse your new life in relatively safe territory.

4.3.4. Although such preparations may appear over cautious, you are the only person who can judge whether your new life appears real. Any opportunities to use your new name, date of birth and signature should be grabbed until becoming someone else feels totally natural. Never relax when you are in your alter ego, even if the circumstances are not threatening - practice makes perfect!

4.4 VEHICLE

4.4.1. The type of vehicle you purchase is dependent on the field you are covering, whether the vehicle is your own or belongs to your employer, how road worthy your choice of vehicle appears to be and finally, personal taste. Groups who travel

distances to pursue their political agendas will welcome a driver who owns a vehicle with open arms, while others may find such apparent wealth suspicious. Vehicles used have ranged from old bangers to top of the range sales rep. models, minis to transit vans. It is important to maintain variety in the field vehicles because in the unlikely event of an operative being exposed, others in the same or different fields will not have so similar a link in their own lives.

4.4.2. Vehicles can be purchased from dealers or privately. [64]

You would normally pay cash for the vehicle to save time and effort.

4.4.3. Once the vehicle is in your possession, it is a good idea to make it look like a work vehicle or your own vehicle. [65]

4.4.4. It may be necessary to change your vehicle during your tour. [66]
you must have a really good reason for wanting to change your transport. The most common problem (excluding total write-offs!) is where your vehicle comes to the notice of police or in the case of the fascist/anti fascist groups, where your vehicle becomes a target of the opposing group's tender ministrations.

4.5. EMPLOYMENT

[67]

[REDACTED]

5.4.3. Another important consideration is where your workplace is in relation to your duff and real home. An employer working in the midst of your "bandit country" may well get fed up with occasional visits by your wearies or their telephone calls. If the workplace is convenient for them be assured they will come around. It is better to have an employer between your duff and home so that anyone seeing you driving between the two will assume you are heading to or from work.

4.5.4. [68] it is important that you actually perform the work you are supposed to be doing. While there is no need to put in a forty hour week, you should give your employer support when asked and you should volunteer to work when your political life is in a quiet phase.

4.5.5. If you are intent on being self-employed, you should know how to do your own books and know how to organise your PAYE and National Insurance. If a weary is self employed you can bet he or she will discuss such things, unless you are an anti-establishment anarcho who works in the black economy, where such issues are of no concern

4.5.6. If you decide to be unemployed, or have a period of unemployment during your tour, you should be familiar with DSS forms and methods of claiming.

[69]

If you wish to use that ploy discuss the current position with the office.

[70]

4.6. FIRST CONTACT

4.6.1. Imagine you are set up in your false identity, you have wheels, a home and a job, you are a regular fixture at the local and help mow the grass in the local community centre playground. Now is the time to move onto your real purpose in life - infiltrate the wearies. Your first contact is dependent on how active your target group are at the time you are launched. Your success is also dependent on your approach. There are two methods of entry: in one scenario you enter the field unassailed by political extremism and become educated by the group you have

infiltrated. The other possibility is to join your organisation with a level of political sophistication or understanding on an emotional level and become drawn into more extremist views.

4.6.2. Entering a London - based group and alleging a history of extremist activism in another part of the country is not generally recommended. On most occasions you will be caught out but on one occasion I know of, such an approach has paid dividends. This approach will probably only work in the animals/environmental/pacifist/anarcho fields and require sound knowledge of the group's politics, history, battle stories and methods of direct action.

4.6.3. One technique that works well in organised left-wing groups such as the SWP is to represent yourself as a natural Labour supporter (NOT a Labour Party member as that could be checked), disillusioned by the centrist direction of the "New Labour" and searching for a true socialist alternative to the Tories. In such a case you should have a sound knowledge of socialist principles and have mastered "politically correct" language. The first meeting with such groups will normally be through paper sales, either in your locality or on a march somewhere. Buying a paper from a seller and chatting for a short time after purchasing a paper will soon generate a recruiting effort from the target. After you have piqued their interest it is best to play hard to get and slowly integrate into the local branch.

4.6.4. The best means of entry to almost any field is on the back of a national or London-wide campaign enjoying the active support of many extremist organisations or large numbers of your target organisation together with support from the general public. Good examples of such events are the News International dispute, Poll Tax protests, opposition to the Gulf War, the no M11 link campaign, protests against the Criminal Justice Act, council by-elections involving a fascist candidate and demonstrations opposing the export of veal calves. The sudden meeting of minds between the public and extremist groups over a current issue gives the relevant organisation's members the best opportunity to obtain access to new recruits and you can come to their notice as a stalwart campaigner very quickly. The camaraderie which develops at large demonstrations between the protesters makes the job of infiltration very much easier.

4.6.5. Another, similar method of entry revolves around large anniversary demonstrations or events such as week-long day schools. Each extremist group has some form of regular event which allows entry to their circles. The events can be annual marches, such as World Day for Laboratory Animals, The National Anti Hunt Campaign march against bloodsports, Hiroshima Day, World Day against McDonalds, Labour Day marches or Bloody Sunday, or events such as "Marxism", "Anarchy in the UK, Ten Days that Shook the World" or "Living Without Cruelty". These events facilitate contact with local campaign groups and enable you to get on a mailing list and get invited to meetings.

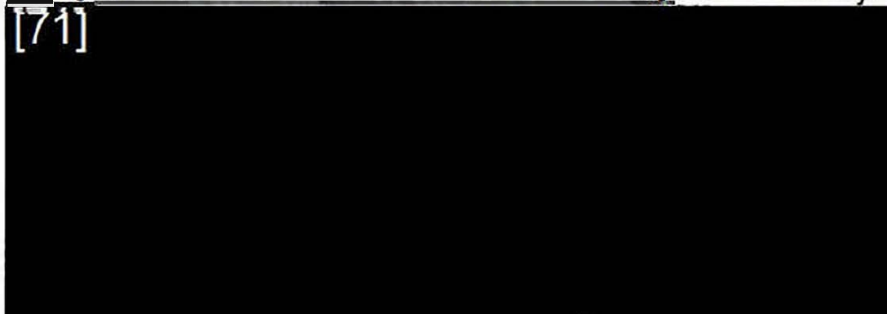
4.6.6. When the extremist's diary is empty and there are no current campaigns to get drawn into, infiltration becomes much more of a gradual process. When the political scene is quiet there is no easy catalyst to facilitate your acceptance of the target

group's more radical beliefs. A good technique to use in these circumstances is to refer to a particularly unpleasant event in your life which has forced you into getting off your bum and into action. These events could be the sudden loss of a job, intimidation by the state, such as an appalling experience at the hands of police or DSS investigators or seeing a man beating a dog and feeling so much anger you are driven to support direct action for animals. Each circumstance should be carefully researched to fit in with your new life history and checked with current operatives in your field to see if such a response would be accepted by the wearies.

5. MAINTAINING COVER:

5.1. LIVING ON YOUR WITS

5.1.1. Now you have become a member or supporter of your target organisation, you are on your own. You will be living on your wits, with very little technical support or back up. Under normal conditions the office will need to keep in contact with you



5.2. PARANOIA

5.2.1. As your involvement in a group becomes more serious, it is inevitable that you will experience paranoia. Any fears you may have that your group is talking about you behind your back are well founded, since all groups discuss new members and their potential to the cause in the future. Part of that conversation will certainly include musings as to whether you are an MI5 infiltrator, undercover policeman or paid "grass". Usually you will not become aware of their interest in you until you are a fixture, when you will participate in similar character assassination of newer recruits.

5.2.2. When you first make contact with your group you should treat your return to your normal life from that of the wearies with extreme paranoia until you feel confident. Just because you see the same car in your rear view mirror as you leave your duff and as you head out onto a main road to wend your weary way home does not mean you are being followed but you should treat it as suspicious until you know different. The wearies are generally not sophisticated in their counter intelligence capability



[REDACTED] Always have a good excuse ready if you are challenged.

5.3. A WORKING LIFE

5.3.1. [73] [REDACTED] a false employment must be lived to the full. [74] [REDACTED]
[REDACTED] - you must follow a pattern of working life experienced by normal folk. [75] [REDACTED]

5.3.2. Above pay, it is important to look the part. If you are a labourer, get dirty and appear at the occasional meeting in your grubby work clothes. If you are a mechanic, make sure your hands are covered in spent oil and your fingernails retain oily grime.

[76] [REDACTED]

5.4. THE TELEPHONE [77] BL rewrite/expansion re: mobile phones. in hand April '96

5.4.1. British Telecom has become the worst enemy of undercover operations. Now they have introduced automatic call tracing and call back services, you cannot hope to survive if you say you are ringing from a phone in Lambeth, only to have the number traced to a Penge exchange! While most public telephone boxes are not connected to the system and while Mercury has not updated their systems you can afford to use them. Soon, however, these two loopholes will have been closed. You will soon be forced to drive to an appropriate telephone box nearer to your workplace or duff home, or else have a good reason to be in an unusual part of the capital. Alternatively, use a mobile telephone and swallow the cost of such calls. You can dial 141 before ringing a weary from home to ensure they have no access to a call-back service but make sure you tell them you are ringing from a telephone box in case they ring back. In many circumstances, however, it is unsafe to use your home telephone.

5.4.2. When a target has come to the attention of the units it is doubly important to ensure you follow the above advice, since your call could become part of an evidential trail given to the defence.

**UNDER NO CIRCUMSTANCES SHOULD
YOU RING FROM YOUR HOME ADDRESS.**

5.5. ALCOHOL/DRUGS

5.5.1. In the past alcohol was sometimes a regular lubricant of SDS operations. Nowadays it is simply inappropriate to drink and drive. You will be prosecuted and face a driving ban, and you may well face disciplinary proceedings. Some groups we infiltrate drink heavily and you will have to participate to a greater or lesser extent. When you drink, don't drive. Stay in your duff and wait until morning.

5.5.2. Drugs are in widespread use throughout the alternative scene. You should come to a decision as to whether you use or abstain - there will be less pressure on you if you are a non-smoker and a spliff is passed round but you should be familiar with drug culture in any case. The largest use is of cannabis and derivatives, followed by ecstasy and speed. Hard, addictive drugs are around but generally avoided by the wearies on the grounds of cost, AIDS and basic knowledge of the damage caused by physical addiction. Again, if you have to imbibe soft stuff, or become stoned through secondary smoking, don't attempt to drive home. Go to the duff and sleep it off.

5.5.3. A common fear is that using alcohol or drugs will loosen your tongue and you will give the game away. I can only say that I have been in many states of intoxication during my tour and have never had a problem with basic security. If you don't feel confident, stay on the side of caution and avoid intoxicants as much as possible. The sober driver and the "straight edge" activist who never gets stoned are far more common in alternative society than one's first impressions indicate.

5.6. SEXUAL LIAISONS

5.6.1. The thorny issue of romantic entanglements during a tour is the cause of much soul-searching and concern. In the past emotional ties to the opposition have happened and caused all sorts of difficulties, including divorce, deception and disciplinary charges. While it is not my place to moralise, one should try to avoid the opposite sex for as long as possible.

5.6.2. The "free love" attitudes of the sixties and seventies have largely disappeared in the minds of the extremists following herpes, hepatitis and AIDS. However, if you are doing your job properly men and women in the field will experience occasional approaches from males and females, straight and gay. Avoiding the straight/gay problem is relatively simple but one should never use the excuse of homosexuality to avoid a heterosexual partner. Not only will your behaviour be wholly inconsistent but you may well find the closet and out homosexuals making a bee-line for you. In a similar vein, don't use the excuse of being HIV positive as a reason for avoiding sexual contact. You simply cannot maintain the attitudes of a person with HIV unless you know someone with the condition and you may still face propositioning from wearies who are genuinely afflicted.

5.6.3. While you may try to avoid any sexual encounter there may come a time when your lack of interest may become suspicious.

[78] [Gist: "This sentence provides advice on how to deflect suspicion about UCOs not being in a sexual relationship with a member of the group."]

[These] options are fraught with difficulty and you must make your own mind up about how to proceed. If you have no other option but to become involved with a weary, you should try to have fleeting, disastrous relationships with individuals who are not important to your sources of information. One cannot be involved with a weary in a relationship for any period of time without risking serious consequences.

5.7. INVOLVEMENT IN CRIME

5.7.1. Some field officers will be fortunate in that their tour will never bring them into the realms of confidential memo 4, dealing with participating informants. (copy attached at Appendix E.) Stated simply, you cannot take part in crime unless you had no part in planning an incident and take a minor part in the crime itself. At no time can you instigate, counsel or procure others to commit a crime.

5.7.2. The above sentiments are laudable but the boundary between right and wrong in the SDS arena is never as clear cut as the provisions of con. memo. 4 would have us believe. If at any time your organisation invites you to break the law, you must be prepared to take whatever advice comes from your supervisors and your colleagues. If you take part in criminal acts without the office being made aware of such a likelihood, you risk leaving the squad earlier than you expected.

5.7.3. If you are in a position where you either take part in crime or face immediate personal danger from your organisation, good sense dictates that self-preservation is the order of the day. If you survive such an encounter, the office will expect a full and frank debrief.

5.8. ARREST

5.8.1. It is becoming more and more likely that an SDS operative will face arrest during his or her tour. With the change in public order legislation following the introduction of the Criminal Justice and Public Order Act 1994 we will all face the real possibility of arrest, from simple fly-posting up to recordable criminal offences such as criminal trespass, assault or burglary. Additionally, the chance of being "fitted up" by unscrupulous officers is a real if rare event. Thankfully senior management seem prepared to grasp this nettle and appear prepared to support an operative through such an eventuality.

5.8.2. One bone of contention is that if arrested one should plead guilty and cop the fine. Groups such as the Hunt Saboteurs and the ALF will not accept such an approach to arrest in the current climate and expect a colleague to plead not guilty, fight the case strongly and if the case is won the arresting officer's force will face a claim for compensation in the civil court. More and more groups are following this tendency and unless you intend to fail to appear at court, management should support the field officer's appraisal of his situation. Each case must be looked at on its merits, so do not expect that you will be able to follow a course of action which will be accepted by your wearies.

5.8.3. Having painted the worst picture, I must say that arrest is not difficult to cope with. One should never allow one's desire to assist a fellow officer in an investigation to impede your anti-establishment attitudes! Exposing your real self to an officer, particularly to one in a different force causes serious problems for our security and must be avoided. A former officer found the stress of being arrested too much to bear and unburdened himself to the arresting officer. Thankfully the arrest took place within the MPD, but such exposure is clearly dangerous. It must be stated, however, that most of us who have been arrested have quite enjoyed the experience. It is not difficult to give your name, date of birth and address, then say "no comment" to any further questions. You may spend from 6 to 12 hours in a cell but you are in no danger and the wearies will find it harder to believe any rumours that you are an infiltrator after you have gone through arrest and a court appearance.

5.8.4. At the police station we are allowed one telephone call. If you are under no pressure then one should not contact the office until you are released; instead you could ring a weary and ask them to bring food, or ask them if they know of a good solicitor - all good fieldcraft. However, if you are facing more serious charges and the potential of remaining in police custody or being remanded from the magistrates court, ringing the emergency mobile may be the only way you can resolve any difficulties.

5.9. BOREDOM

5.9.1. It must seem odd to consider the possibility of facing boredom in this sort of work, but boredom is as much part of the experience as the exciting bits. You should always be prepared for the tedium of waiting for a weary to knock on your door, sitting outside a police station for 12 hours until your last comrade is released or taking part in a week of mind-numbing discussions on political theory.

5.10. [79] [Gist: "COMPROMISE"]

5.10.1. There may well come a time when the wearies challenge your carefully researched background. Such attacks often follow a mistake on your part, a personal disagreement with a weary who calls you an infiltrator to get back at you or simple bad luck when police appear to be taking a course of action which the wearies believe has been initiated by an infiltrator. Some groups even have a policy of turning on a new recruit and denouncing them as an infiltrator in order to test the individual's response to the allegation.

[80]

Do you live and work

where you say, can a weary vouch for you, have you taken part in events which make the likelihood of you being a grass unlikely? Occasionally a group will check with St. Catherine's House for a birth certificate. As has been said in para 3.1.8, a former field officer has been presented with his own death certificate and been asked to leave but on other occasions the wearies have been unable to interpret the records at St. Catherine's and make allegations of you lying about your identity - an allegation which can be disproved by a simple flourish of the certificate in your possession.

[81]

5.10.5. At the end of the day a weary who is suspicious of you may never be able to trust you fully after the seeds of doubt have been sown. Nevertheless, as long as you remain consistent and keep to your prepared story, you will still be able to operate in the field and gain valuable intelligence. In real life people fall out with each other and you should regard any coolness from a former comrade on that level and find another buddy to run with in future.

5.10.6. If the group you have infiltrated believes that you are a spy and has proof of it, they will most definitely make it clear that you are no longer welcome. At this stage it is best to cut your losses and move away from them. Some organisations will simply dismiss you from their presence, while others may threaten exposure to the newspapers or even severe physical violence. The further you gain their trust, the more likely is the latter response.

6. LIVING A NORMAL LIFE

6.1. INTRODUCTION

6.1.1. The main thrust of the tradecraft manual concentrates on how to infiltrate extremist groups. An equally important part of tradecraft is to allow yourself to live as much of a normal life as possible during the tour. Soon after you meet your wearies, you realise how difficult it could be to explain away your real partner and family should you bump into a comrade. The difficulties could include friends and work mates of your partner and wider family. One officer has been exposed where his girlfriend was showing photographs of her holiday to work mates. One was a member of an extremist group who recognised her boyfriend "the policeman" as a comrade, and the officer's tour was compromised. [32]

6.1.2. As your tour continues, you develop a sense of security in your false identity. Paradoxically, you begin to feel vulnerable when you are with your partner, at family gatherings in public places, at your partner's workplace, when picking the children up from school and when you are invited to friends' parties. Think through a possible scenario of meeting a weary while shopping with your partner and come up with a decent excuse that both you and your partner rehearse. When you go to a new place, keep your eyes open and if you know beforehand that there is a slight likelihood of meeting a comrade, walk separately so you can, if necessary, revert to your duff identity. It is also a good idea to make prior arrangements to meet up with your partner later at a rendezvous point nearby.

6.2. SAFE AREAS

6.2.1. The easiest way to minimise the chances of compromising your identity is to avoid "bandit country" completely. Some groups operate in a small locality while others are spread out London-wide or even throughout the United Kingdom. You will have to discover where your close comrades live, work, shop, campaign and have a social life so that a chance encounter becomes less and less likely. Some areas of London such as central London and the notorious inner London boroughs are best avoided altogether, particularly the popular, "trendy" areas such as Camden Market, the East End, Islington and Brixton.

6.2.2. While no one area can be regarded as totally safe, you will soon appreciate those areas where confrontation is unlikely. Each operative will have to avoid different places due to the nature of their respective organisations and it is not proposed to list them here. Always bear in mind that it is extremely difficult to explain to a weary why you are pushing a pram and holding the hand of a toddler who calls you "daddy" when they know you have no children!

6.3. MODE OF TRANSPORT

6.3.1. While you are engaged in SDS work it is inadvisable to use the tube, unless you have prepared a cover story for your travel. When you are driving in your own car, keep clear of those areas where a weary may catch sight of you behind the wheel. A chance sighting in these circumstances is unlikely but more than one officer has told stories of stopping at a zebra crossing only to see close comrades and fellow wearies passing less than five feet from their windscreen!

6.3.2. One of the safest forms of transport in "bandit country" is by black cab. The drivers are unlikely to be connected to an extremist group and the windows are tinted or blacked out. Taxi fares may be high but the alternative doesn't bear thinking about.

[83]

[Gist: 6.4 ABSENCE

[Gist: "Undercover officers will need to spend time away from the target group. These paragraphs describe arrangements which can be made to facilitate absence."]

6.4. EFFECTIVE USE OF DOWNTIME

6.5.2. When you settle down into a work routine you will find a few hours during the day are free to spend at home with your family. If your partner works in a 9-5 job, it is unlikely that you will see each other during the day and at weekends, so make sure you have a free evening or two to spend together. You must find ways of working free time into your weekly routine or you will soon find the dull lifestyle taking over your own.

6.5.3. There is no doubt that partners find your unavailability the most difficult part of your tour, so make every effort to spend time together on a regular basis. The dull lifestyle may force you to spend periods of intense activity away from home, so make allowances for these periods.

6.6. TARGET INDIVIDUALS NEAR HOME ADDRESS

6.6.1. Very occasionally you may find close comrades moving close to your own home. At the beginning of your tour it helps to do SB(R) checks on the neighbouring streets around your home, so you will be aware of any extremists nearby. However, once you are committed to the field you may find unknown activists who live nearby, or wearies may move into your area at some period during your tour.

6.6.2. It is possible to cope with one weary close to home but there may come a stage in your tour that you become surrounded by wearies or a weary suddenly moves very close to your home address. These instances are extremely difficult to handle. In the short term you may be able to return home in the early hours and avoid going out of your house unless it is dark, by wearing a full face motorcycle helmet or voluminous coat with a hood. Obviously, such difficulties cannot be tolerated for long. You become a prisoner in your own home and the danger of meeting a weary in your real life becomes a reality.

6.6.3. Generally the first time you meet a weary in these circumstances is when you bump into the weary or see him from a distance and duck out of view in time. You may be able to explain why you are there once but further meetings are impossible to explain. Occasionally we may hear from another officer that a weary is moving near to your home. Thankfully the office is prepared to deal with such difficulties at short notice (or with longer notice in the latter case) and as soon as the problem comes to notice you should discuss your options with the office. The response to such a problem is varied, dependant on the closeness of the friendship between you and the weary, your desire to continue in the field or to leave and whether you are prepared to be moved from your home into police accommodation or rented property.

7. SPECIAL DIFFICULTIES INVOLVING THE TARGET GROUP.

7.1. SWP

7.1.1. The organisation is, in general, made up of young people under 35 who are reasonably well educated and middle class. This majority is controlled by older, long term activists. The senior element may not hold official positions but will still be influential in policy and the direction of local branches.

7.1.2. Established London branches have policy matters imposed on them from Central Committee, but local activity is largely dependant on the enthusiasm of the District Organiser or Branch Committee and on the availability of exploitable issues. Members soon gravitate towards party members in social life as well as political life and before too long a new member becomes known to a large number of people. It is unusual for an SWP member only to take part in political activity.

7.1.3. New members join the party in the following ways:

a. Many join as students either through SWSS or a local branch. Any who remain in the party after University tend to be long term activists until a job or new partner take them outside the SWP circle.

b. The party adopts any campaign issue as its own, exploits it to the maximum and will attempt to recruit a good campaigner to the party fold, together with anyone gullible enough to sign a banker's order. They tend to remain within a campaign only as long as it produces results for the SWP's own political agenda.

c. Occasionally members of other political groups become disillusioned and joins the SWP. Usually they are Labour Party members who are frustrated at the right wing reform movement within Labour. Otherwise new members are drawn from more radical political groups after internal disputes.

d. A number of people are recruited following social contact with members. In fact, any social contact who is not an SWP member will invariably be approached to join.

e. Anybody who shows interest in the party at a paper sale or who comes to an SWP meeting which is held on a specific issue of interest to the individual is likely to be placed on a contact list. The likelihood of your local branch approaching you is wholly dependant on the motivation of the contacts visitor in the branch.

7.1.4. It is essential in all cases that a potential recruit has a clear reason for wanting to join the SWP rather than becoming a member when asked. An individual who joins will probably have to refer back to why they joined throughout their history, so a committed and considered entry to the party following street activism for a specific

cause will earn the respect of your colleagues far quicker than someone joining the easy way.

7.2. ANARCHISTS

7.2.1. Anarchists come in many forms. They range from anarcho-syndicalist middle class squatters to nihilistic crusty low-life. As far as anarchist organisation in London goes, they are organised locally (although they occasionally have nation-wide links) and concentrate on a plethora of interests. They are interested in unemployment issues, squatting, anti fascist activities, They are all anti wealth, anti property ownership, anti party politics, anti establishment and anti control of any form. The "crusty" type will happily riot against those in positions of power within society but a number of so-called anarchists are incapable of outright attacks on the status quo due to their middle class roots.

7.2.2. The anarchists are also concentrated in geographic areas. The heartlands of the London anarchists are Brixton and Hackney but they will deign to live in neighbouring boroughs. All of the groups I have come into contact with believe in becoming involved in any street protest, especially if there is the possibility of it "kicking off". The crusty types will happily get as drunk as skunks and attack anyone in authority (usually uniformed police officers) while those with middle class roots will happily watch from the sidelines until law and order is lost, when they can get involved in criminal activity with little fear of arrest.

7.2.3. The ridiculous assertion by uniform that all outbreaks of violence on demonstrations are orchestrated by Class War is absolute nonsense. I suppose they feel better to be able to blame a handful of newspaper producing anarchists for their own deficiencies in policing anarchist crowds but the reality is that there is rarely co-ordination at demonstrations where violence breaks out. The simple truth is that crusty types exploit perceived weakness in police and one or two will start the ball rolling by throwing the first stone or spitting at or kicking an officer.

7.2.4. Infiltrating anarchists is relatively simple at the beginning since you only need to show a hatred for organised politics and an angry presence on the streets. However, the anarchist lifestyle can be uncomfortable. There is little permanence in squatting and from time to time you will face reduction of dole money, arrest for shoplifting or suspected burglary while attempting to open a new squat. However, the anarchists seem to have a "blitz spirit" and are relatively easy to get on with once they accept you.

7.2.5. The crusty lifestyle in particular is really unpleasant. You will be expected to eat food you wouldn't put in your own bin, drink tea from cups which appear to have grown their own beards and sit on furniture which is alive. The squatters are notorious for taking people for all they can get and if you appear to be prepared to help them in a move or to drive them somewhere they will use you until you drop. Worst of all, they smell disgusting in the summer months! However, these people are the ones who will cause the trouble and you need to get reasonably close to them if you are infiltrating the anarchist field.

7.2.6. Of all groups, the anarchist field is the easiest to leave. They regularly disappear in summer to attend the free festivals and often travel abroad. In this form of lifestyle, permanent ties are few and far between.

7.3. ANIMAL ACTIVISTS

7.3.1. It is essential for the animal rights activist who aspires to ALF activity to be a committed vegan. He or she should also have a good understanding of the vegan lifestyle. Those items of food, clothing, cosmetics and household products which are vegan are listed in the Animal Free Shopper, available from the Vegan Society. Membership of the Vegan Society is worthwhile - the organisation is one of the few national societies which supports the ALF. Other pro-ALF groups include the Hunt Saboteurs Association, the National Anti Hunt Campaign, People For The Ethical Treatment of Animals, Arkangel and the ALF Press Office and Supporters Group. All are legal groups who provide an activist with the information an established animal rights campaigner would know.

7.3.2. As well as developing a cruelty free image and joining pertinent organisations, one should also ensure a full knowledge of current product boycotts. Current officers will be able to assist here.

7.3.3. While it may be difficult to suggest a previous life of activism it may be possible to allude to peripheral interests in animal welfare activities or sanctuary experience. Beware of alleging previous involvement in a national animal rights society - they have extensive historical records. One exception to the rule is the ALF-SG, whose organisers have disposed of the historical records in favour of up-to-date databases. Provided you allege membership before 1992 your story cannot be challenged.

7.3.4. If you decide to create a history of activism, you will find the likelihood of success to be low. This approach requires a deep knowledge of animal rights campaigning throughout the eighties together with a good reason why you are unknown in London. Two techniques which have worked are to allege solitary ALF activism which was never reported and to allude to a history of animal welfare work outside the sanctuary networks, the RSPCA and the Cats Protection League/Canine Defence League. Obviously you must be wholly conversant in the care of the phantom animals and know details of your supposed targets.

7.3.5. The most difficult part of infiltrating the ALF is to decide how far to go. If you want to be accepted as an ALF activist you must first get close to a relevant person, then accept invitations to commit acts of criminal damage on the windows of "abusers". It is only by building up trust in this manner that you may get an invitation to ALF raids. At every action there is a real chance of being arrested for a criminal offence. You take the risk of shortening your tour quite dramatically if you are caught. If you decide that taking part in illegal direct action is not for you, you have to work hard to become a regular supporter on the scene. Even then, without getting your hands dirty, your chance of correctly identifying an ALF activist is very low.

7.3.6. Like other lifestyle organisations, The animal liberation ethos pervades all parts of your existence. If you have any sense of sympathy for the cause of animal welfare you can find your new attitudes affecting your real life. I know in the future I will have nothing but contempt for foxhunters and in particular their terriermen. Another strange effect of my tour has been the slow development of my low opinion of uniformed police dealing with animal rights protests. I suppose that officers in all fields come across police officers who regard political protesters with contempt but their lack of sensitivity and occasional violent reaction to one as an animal rights activist is often out of proportion to your behaviour.

7.4. ENVIRONMENTAL ACTIVISTS

7.4.1. The newest form of protester to be found on our streets (or more often in our trees) is the radical environmental protester. They appear to be drawn from the pacifist mould and no doubt a number are CND stalwarts from the past. Gaining access to the Earth Firsters is easy - if they are involved in a road protest in the London area they welcome local support and will happily encourage you to become a regular. The downside of this type of activist is the high likelihood of arrest and conviction for trespass. They share the pacifist attitude of being arrested for your beliefs and having your day in court. They also use passive resistance - from sit downs to chaining themselves to machinery or rainforest timber.

7.4.2. The current rise in civil disobedience focused around the building of new roads coupled with hunt sabotage brought about the Criminal Justice Act. As most modern environmental protest is based at a specific location where roads are being built you are limited to being there or at the support camp or squat nearby. If you are not prepared to live within the environmentalist society you will be excluded from the most important meetings - most EFi! planning takes place the night before an action and all participants live and sleep together after the meeting, emerging to take on the developers secure in the knowledge that potential leaks have been kept to a minimum.

7.4.3. Despite appearing to be anti-technology, environmentalists are technophiles and have access to the most modern computer equipment. They are able to mobilise people at relatively short notice through "Internet" and telephone trees. They also benefit from excellent press relations and can often guarantee front page or national television news coverage of an action.

[84]

7.5. PACIFISTS

7.5.1. Pacifists tend to come to the fore only when a specific military issue comes to the fore. The last upsurge in pacifist activism was during the Gulf War, when large demonstrations in London were complemented by small scale occupations and invasions of military and military-industrial targets. The pacifists tend to be robust

but vehemently anti violence - they will criticise you wholeheartedly if you suggest using force against police lines.

7.5.2. Coupled to the anti violence attitude is an all-pervasive "martyrdom complex". The activists appear to believe in the process of law and follow Gandhi's policy of passive resistance. They will break simple laws such as trespass, obstruction and minor criminal damage but wait for arrest and look forward to proselytising in the dock of a magistrates court. They also have a disconcerting Christian approach to violence perpetrated by security staff - they often accept injury and assault, preferring to "turn the other cheek". In fact, some of the most active pacifists are motivated through strong religious beliefs - the Quakers being strongly represented. Although there is a strong anarcho-pacifist element, the anarchism is more of an affectation than a deep understanding of anarchist theory. Outside the UK the anarchist involvement in the anti-militarism movement is much more robust and aggressive.

7.5.3. Most street active pacifists work in small affinity groups of about 15 people and spend a great deal of social time together. It is important to sort out your pacifist history as they will discuss the minutiae of their political awakening to excess. They tend to be very loving and an infiltrator should not be surprised when male and female comrades hug him or her to their bosom.

7.6. NON-ALIGNED / FREESTYLE / LIBERTARIAN

7.6.1. The libertarian activist is seen regularly on the fringes of many campaigns. Usually they are anarchist in viewpoint but are willing to relate to any political group who campaigns on an issue he or she is interested in. As a long-term strategy, becoming a non-aligned activist is not as useful as being accepted within a small group as a fully committed member. In fact such individuals are often treated with suspicion on demonstrations.

7.7. SINGLE-ISSUE CAMPAIGNS

7.7.1 Issues such as the campaigns against the Poll Tax, the protests against the Criminal Justice Bill or the network against the Child Support Act attracts all types of political activists. If you are fortunate to begin your tour when such a campaign is beginning or is in full flow, you can obtain experience in London activism and bide your time to move into your particular area of interest later. Usually you will be able to find members of your target group within a populist campaign and your entry into their group will appear as a perfectly natural form of recruitment.

7.8. IRISH

7.9. [85] [REDACTED]

7.10. MILITANT

7.11. ANTI FASCISTS

7.12. THE RIGHT WING

8. WITHDRAWAL:

8.1. [86]

8.1.1. The left wing organisations seem to accept a level of wastage in their membership. The SWP is well known to care very little for the loss of membership providing new members are always being drawn in and subs are being paid - perhaps as many as a third of their membership leaves the party each year. Therefore, if you have infiltrated the SWP, engineering a political disagreement which causes your rejection of the party will not appear unusual. On the other hand, lifestyle organisations are unlikely to accept the sudden loss of a close activist due to a shift in basic politics or beliefs. [87] [Gist: "Examples are given."]

8.2. [88]

8.2.1. As one's tour passes the half-way stage it is useful to play the disillusioned activist to see how your wearies react. I found that appearing to be fed up with the constant drain on my goodwill by London based animal rights activists gave me an opportunity to question the value of remaining within the London scene. After a short period of "depression" I bounced back into activism with renewed vigour but that short period of disillusionment made a move abroad to work easier to justify when I was preparing to leave the field for good.

8.2.2. Some organisations have a high turnover of members and do not ask seriously searching questions of a former activist who appears to have lost the fire of radical campaigning. Therefore some groups may allow you to lose confidence in the politics of the group and move away. Other, "lifestyle" groups [9] would find such a ploy very difficult to understand and their suspicion is likely to be roused.

8.3. [90]

[91]

[Gist: "Another technique is described."]

[REDACTED]

8.4. [92]

8.4.1. The technique of leaving your wearies over a period of time can work if you plan a long-term, phased withdrawal. Some groups may allow you to slowly drift away from them due to their nature - for example the Environmentalists concentrate their activities at a place where environmental damage is taking place - you could leave the scene simply by not moving on to the next site where roadbuilding is taking place.

8.4.2. The idea of drifting away would also help in conjunction with other techniques for leaving the wearies - a progressive withdrawal from you wearies until you are left with a small circle of close associates will give you time to fade from the majority of your wearies' minds, followed by a specific reason for leaving your remaining close buddies.

8.5. [93]

8.5.1. One could pretend to have personal difficulties that cause you to leave the political arena. You will have to think through circumstances where such an approach could be effective - [94]

[REDACTED]

In any case the difficulties must appear to ring true and are dependant on your particular target group's politics and attitudes to members.

9. AFTERCARE:

9.1. RESTRICTIONS ON DUTIES AND TIME PERIODS

9.1.1. On returning to a normal working life, SDS operatives will be restricted on the nature of their employment and the officer's supervisors will maintain contact with SDS management to ensure the security of the SDS is not compromised. For the first two years after his return, the officer will have six-monthly interviews with SDS management and meetings with his mentor to ensure he has adjusted back into the role of an SB officer. The formal supervision will in all probability be supported by informal contact with ex SDS colleagues. The following restrictions will apply to every officer without exception.

9.1.2. There is a ten year ban on protection duties.

9.1.3. If you ask for a port posting you may not be employed on front-line control duties.

9.1.4. If you are employed outside the Branch, you will be expected to avoid any contact with the press and take no part in any publicity.

9.1.5. At all times, SDS management will have to be consulted when you come up for squad changes or redeployment and if any problems develop the SDS management will keep a close watch on your progress.

9.2. RETURN TO SB LIFE AFTER AN SDS TOUR

9.2.1. First of all, ask yourself the following questions:

Q: Why does my suit not fit? A: Because you are fat.

Q: Why do I have to get up at
7.30 am every day? A: Because they will stop paying
you if you don't.

Q: Why do I have to get off the
tube with the rest of the lemmings? A: Because they took your van off you.

Q: Why am I poor? A: Because you've got used to spending
dosh which you no longer have.

9.2.2. The first thing you notice on arriving back at CO is that you can't find anything. There will have been a huge change of personnel, what with retirements and recruitment of bright young things. For a while you will only know a small minority of people. Similarly, there are likely to have been changes in paperwork and other office practices. Just as the staff in SB have changed, people in organisations

outside will also have moved on, so your old list of contacts is likely to be seriously out of date.

[95]
Aquarius!

9.2.3. Overall you will have a slight feeling of detachment. You are no longer in charge of your working life and you will be unable to use Infos or millennium until you are put on courses. Additionally, returning to enquiry work or a port posting will make you feel very rusty, while moving into a job which is completely new to you will give you a few problems until you settle down. In general, however, your initial confusion will soon disappear - most officers will need around four weeks to get into the swing of things.

9.3. AVOIDING WEARIES AFTER THE SDS TOUR.

9.3.1. When you go back to CO you probably will feel very uncomfortable travelling on the tube to St. James Park and using public transport on days off. Ex SDS officers have reported looking for former wearies up to a year after finishing their tour. Such fears will diminish with time, dependant on how different you look and how likely a chance meeting with a weary will be. Nevertheless, you should always avoid those areas where you spent your duff life, the places where demonstrations and pickets were common and in particular you should be circumspect when leaving the yard in case a former colleague is coming in to meet TO20 to plan a demonstration.

[96]

9.3.2. If at any time you find a former weary in close proximity to you when you leave the field you must make every effort to avoid them. Eye contact with a weary is likely to mean recognition, so you should get as far away as possible as soon as possible.

9.3.3. If after your tour a close weary moves near to your home, you must discuss your problem with SDS management to determine how dangerous an identification might be. If there is a clear threat to your personal safety, you must be prepared to move home.

9.4. POST TRAUMATIC STRESS SYNDROME

9.4.1. Post traumatic stress syndrome (PTSS) is a well - documented illness. Originally described by doctors who examined troops in the Great War as "Shell-Shock", PTSS was at first dismissed as "cowardice in the face of the enemy" and a significant number of troops faced death by firing squad. By the Second World War, however, "Battle Fatigue" was recognised as a stress related illness. Police Officers have also faced highly stressful experiences: most recently at the Hillsborough Stadium tragedy, the Clapham Junction train crash and the Marchioness disaster. A proportion of officers who attended these incidents have been found to have been suffering from PTSS.

9.4.2. SDS officers will have faced highly unpleasant, frightening incidents during their tour and it is probable that a proportion of former SDS officers will suffer from high stress levels following their return to other squads. It is important to remember that a small number of SDS officers have fallen foul of police discipline and the criminal law, or have suffered emotional problems ranging from alcoholism to depression. It is imperative that officers seek help if they have difficulties post-tour. Improved selection processes and psychometric testing have reduced the chances of such problems arising in the future but SDS management has a responsibility to ensure the future security of the section is not endangered through a former operative's illness. Accordingly, they will be consulted by your immediate line manager in such circumstances.

10. SUMMARY:

10.1. Perhaps the one most important safeguard to all of us is the willingness of field officers to help each other out of sticky situations. The problem that appears to you to be insurmountable has, in all probability, been dealt with by a field officer in the past. Listening to other field operatives' suggestions is the most effective way to formulate your own strategy for dealing with the problem. You do not have to follow the advice given and different individuals may give conflicting advice, but if a field colleague thinks that a form of action you propose to take should on no account be used, disregard that advice at your peril.

10.2. All of the above manual represents a simplified overview of useful fieldcraft techniques which work at a general level and also with respect to specific groups. The information is not complete and may not be current enough to be treated as SDS Policy but provides basic guidelines on how to go about a short life of deceit. It is proposed to keep this manual updated, so any field officer who wishes to make his or her own contribution is welcome to do so. Put your thoughts in writing and submit them to the office.

Appendix A.

ORIGINAL AUTHOR.

Date:
February 1995

Officer:
DS COLES

Field(s):
Anarcho/Animal Rights/
Environmentalism & Pacifist

UPDATES.

March 1996 - Update re Background research - para . 3.1. (JW)

APPENDIX

B

[100]
APPENDIX B

[98]
(January 1995)

[99]

1. This report concerns the provision of additional manpower in support of the clandestine bona fides of SDS field operatives.

[101]

[Remainder of this document (including an additional 4 pages) redacted in full]

APPENDIX C

[102]
APPENDIX C

SPECIAL DEMONSTRATION SQUAD

EMPLOYMENT AS AN UNDERCOVER OFFICER, DEEP PENETRATION, DEEP COVER ETC IS A VERY PERSONAL THING! WE ARE ALL DIFFERENT AND AS INDIVIDUALS WE TEND TO DO AND SEE THINGS DIFFERENTLY. WE HAVE DIFFERENT METHODS AND DIFFERENT STYLES. WHAT MAY BE A MINOR IRRITANT TO ONE IS A MAJOR PROBLEM TO ANOTHER. THE FOLLOWING INFORMATION WAS GLEANED OVER 4 YEARS IN THE FIELD. SOME OF IT MAY BE USEFUL OR IT MAY BE A LOAD OF NONSENSE BUT IT IS AT LEAST WORTH READING!

UPON LEAVING THE BACK OFFICE YOU ARE FAIRLY WELL PREPARED. YOU WILL HAVE A NEW IDENTITY INCLUDING DRIVERS LICENCE, PASSPORT [103]

YOUR MOST IMPORTANT ASSET WILL BE YOUR VEHICLE.

[104]

WHEN YOU HAVE BEEN INFORMED OF THE GROUP YOU WILL BE TARGETING, AND THE SPECIFIC AREA YOU WILL BE BASED IN IT IS VITAL AND FAIRLY EASY TO DO SOME BASIC RESEARCH. YOU CAN RESEARCH THE CURRENT GROUP MEMBERS, THEIR ADDRESSES AND VEHICLES. THE MAJORITY OF REPORTS ON THE MAIN PLAYERS WILL BE FROM SECRET AND RELIABLE SOURCES SO READ THEM WELL AND BE GUIDED BY THEM. THIS WILL ALSO HELP YOU IN THE SELECTION OF YOUR DUFF. THIS MAY SOUND PRETTY BASIC BUT

**SOME PEOPLE HAVE ENDED UP LIVING NEXT TO WEARIES OR
ACTIVE CRIMINALS.**

THE DUFF

**NO LOCATION WILL BE PERFECT BUT SOME ARE A LOT BETTER
THAN OTHERS!** [105]

NO TELEPHONE [106]

**ONLY CRUSTIES ARE HOMELESS.
WEARIES WILL HAVE HOMES THEY ALSO HAVE TELEPHONES.
(THIS WAS WRITTEN BEFORE THE FIELD RECEIVED TELEPHONES)
MOST WEARIES HAVE MESSAGE PAGERS. WHY HAVEN'T YOU?**

RENT & LANDLORDS

**THIS IS A PERSONAL OPINION. ALWAYS PAY UP FRONT.
LANDLORDS ARE GREEDY BASTARDS. THEY JUST ADORE CASH
THEY DO NOT WANT HASSLE. IF YOU GIVE THEM NO GRIEF THEY
DONT NEED TO NOSE ABOUT YOUR DUFF! SEE HOW THE LAND LIES
AND CONSIDER EITHER CHANGING LOCKS OR FITTING A CHAIN OR
OTHER SECURITY DEVICE. TRY THE OLD 007 TRICK WITH THE
HAIR JUST TO SATISFY YOURSELF THAT NO ONE IS CREEPING
ABOUT.**

[107]

LEAVING THE DUFF

[108]

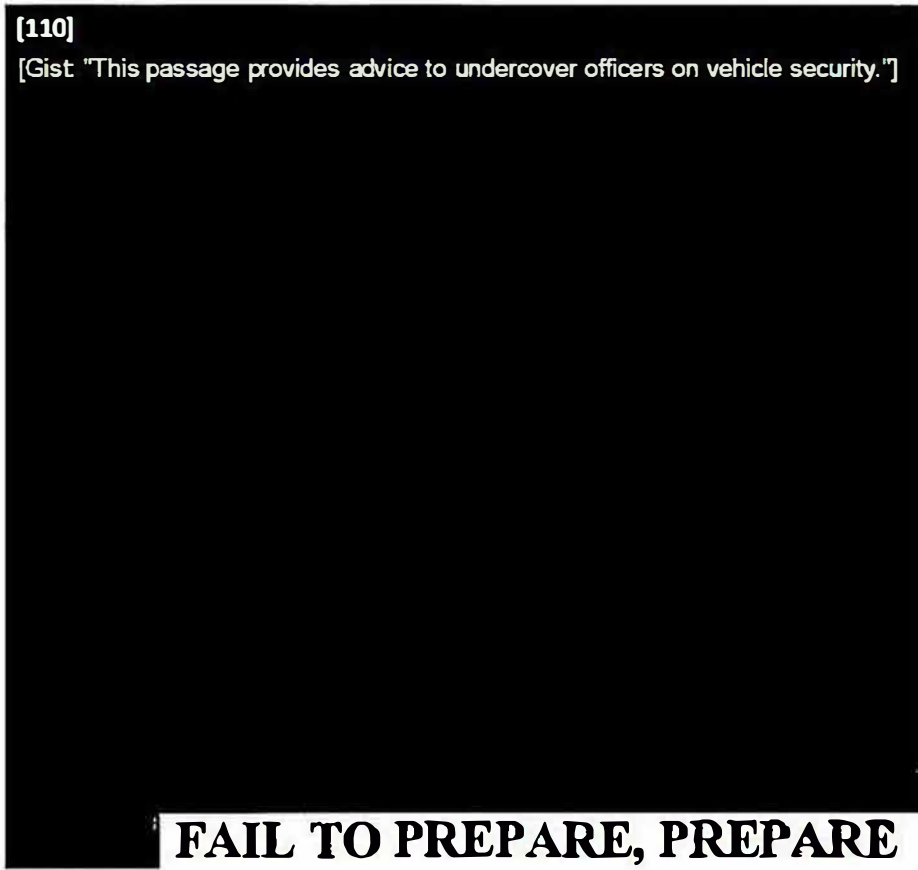
AFTER A MEETING THEY MAY WELL RELAX HAVE A FEW BEERS AND THATS WHAT YOU ARE GETTING PAID FOR. NEVER DRINK AND DRIVE! BE STRONG IT IS A LIKEABLE TRAIT WITH SOME GROUPS. ALSO THE MANAGEMENT WILL STRUGGLE TO BACK YOU UP. WORK HARD TO HOUSE YOUR COMRADES. WHEN YOU HAVE DONE THIS AND IT WOULD APPEAR THAT YOU ARE THE ONLY ONE WITH THE WHEELS [109]



VEHICLE SECURITY

[110]

[Gist: "This passage provides advice to undercover officers on vehicle security."]



**FAIL TO PREPARE, PREPARE
TO FAIL!**

SURVIVING IN YOUR AREA

**SHOP LOCALLY. GET TO KNOW THE BLOKE IN THE PAPER SHOP,
THE CHINESE AND INDIAN TAKE-AWAYS THE KEBAB SHOP , AND IN
MY CASE THE BETTING SHOP BECAUSE 4 YEARS IS A LONG TIME.
JOIN THE LOCAL LIBRARY IF IT IS STILL OPEN. TRY TO SWIM OR
KEEP FIT IN SOME WAY. GET KNOWN TO LOCAL PEOPLE THEY ARE
USEFUL. (ALL OF THIS IS FROM A PERSONAL POINT OF VIEW. SDS
IS A PERSONAL THING AND EVERY BODY HAS THERE OWN STYLE)
EVERYTHING YOU DO MUST BE DONE FOR YOUR BENEFIT.**

**YOU ARE THE MOST IMPORTANT PERSON IN THE WORLD.
YOUR SAFETY MUST BE CONTINUOUSLY SELF MONITORED.
WHEN SOMETHING APPEARS TO BE WORRYING YOU UNDULY
CHECK IT OUT IT, IT WILL BE YOUR SUB-CONSCIOUS TRYING TO
TELL YOU SOMETHING.**

**CULTIVATE YOUR PUB IT IS A VERY USEFUL LEARNING CURVE.
YOU CAN TRY OUT YOUR COVER STORY ON SOMEONE
WHO IS JUST A CASUAL ACQUAINTANCE. I ALWAYS DRANK BLACK
AND TAN IN MY PUB. IT IS HALF BITTER AND EITHER GUINNESS OR
MACKESON. IT IS DIFFERENT AND THEY WILL REMEMBER.
YOU WILL PROBABLY DRINK IN THAT PUB FOR 6 MONTHS SOLD
THEN NEVER USE IT AGAIN, BUT WHEN THE WEARIES COME TO
MEET YOU IN YOUR PUB YOU WILL BE THE GOOD GUY!**

**THEY SAY IT IS A 4 YEAR POSTING BUT WHAT IF YOU MEET AN OLD
SCHOOL FRIEND AFTER 4 DAYS. ALWAYS HAVE A WAY OUT SORTED.
IF YOU HAVE A PARTICULAR SKILL OR TALENT USE IT. DONT
WAFFLE OR ALLUDE TO SOMETHING BECAUSE THESE GUYS WILL
CALL YOUR BLUFF.**

**LISTEN TO THE CURRENT MEMBERS OF THE FIELD BE A SPONGE
ASK ASK AND ASK AGAIN. SEEK ADVICE AS EVERYBODY LIKES TO
GIVE YOU THE BENEFIT OF THEIR WISDOM. I KEPT A "CONTACTS
BOOK" FOR THE FIRST 6 MONTHS. IT WAS A RECORD OF WHAT
CONVERSATIONS I HAD WITH EVERYONE I MET. IF YOU CLAIM TO
HAVE DONE SOMETHING OR BEEN SOMEWHERE THEY WILL
REMEMBER AND IT WILL COME BACK TO HAUNT YOU!
NOBODY KNOWS EVERYTHING BUT EVERYBODY KNOWS
SOMETHING. USE YOUR JUDGMENT BE A WINNER.**

**I TRIED TO ABIDE BY AN OLD SCOTTISH SAYING WHICH SERVED ME
WELL " IF YOU CANT BACK IT UP SHUT IT UP"**

THE END

APPENDIX D

[112]
APPENDIX D

A VIEW FROM THE STREET.

THIS IS A SUBJECT DISCUSSED SOME 3 YEARS AGO ENTITLED "A VIEW FROM THE STREET". THESE ARE THE VIEWS OF AN SDS FIELD OFFICER WHO FOUND HIMSELF IN A UNIQUE POSITION. HOPEFULLY THEY MAY BE OF USE TO SO12 OFFICERS INVOLVED IN COVERING PUBLIC ORDER SITUATIONS WHEN THEY ARE CALLED UPON TO BRIEF SENIOR UNIFORMED OFFICERS.

IT CANNOT BE EMPHASIZED TOO STRONGLY THAT ANARCHISTS AND SUPPORTERS OF THE EXTREME LEFT WING DETEST THE POLICE. THEY HATE THE BRITISH STATE AND ANYONE WHO REPRESENTS THAT IS AS THEY SEE IT A LEGITIMATE TARGET.

THE QUITE IDIOTIC SUGGESTION ESPOUSED BY SENIOR OFFICERS THAT A POLICE OFFICER COVERING A MARCH OR DEMONSTRATION SHOULD "ADOPT" A DEMONSTRATOR OR AT LEAST ATTEMPT TO ENGAGE THEM IN CONVERSATION DURING THE MARCH MAY WORK ON A SAVE THE WHALE MARCH OR A CND AMBLE BUT THIS TACTIC IS A COMPLETE WASTE OF TIME ON A FASCIST OR ANTI-FASCIST MARCH. THE PARTICIPANTS ON THESE MARCHES ARE HOSTILE AND SHOULD ALWAYS BE TREATED AS SUCH.

FROM PERSONAL EXPERIENCE GAINED WITHIN ANTI-FASCIST-ACTION(AFA) MOST ANARCHISTS/RED ACTION AND CRUSTIES HAVE CONVICTIONS FOR VIOLENCE. MOST WILL RISK PHYSICAL INJURY AND IMPRISONMENT FOR THEIR BELIEFS.

**IN THE CASE OF RED ACTION ALL THEIR MEMBERSHIP ARE 100%
PRO IRA OR IN LA. [113]**

**THEY HATE THE SECURITY FORCES AND DETEST THE BRITISH
STATE. THESE PEOPLE ARE TOTALLY DEDICATED TO THE CAUSE
AND HAVE NO LOYALTY OR FEELING FOR THE BRITISH STATE.
THE ONLY THING RED ACTION, ANARCHISTS, AND THE CRUSTIES
HAVE IN COMMON WITH BRITISH NATIONAL PARTY IS THAT THEY
RESPECT FORCE. ONE OF THE BASIC GROUND RULES IS THE ADAGE
THAT "MIGHT IS RIGHT" FOR EXAMPLE IF THE BNP TURN UP TO
THEIR MEETING WITH 50 PERSONS AND AFA HAVE 300-400 PERSONS
THE POLICE WILL STOP THE BNP MEETING AND REMOVE THEM.
THIS EXAMPLE WORKS BOTH WAYS AND THE POLICE ARE SEEN TO
HAVE PRESERVED THE QUEENS PEACE.**

**SOME OF THE TACTICS EMPLOYED BY THE LEADERSHIP OF AFA
ARE QUITE INTERESTING AND ALSO THE THINKING BEHIND THEM.
WHEN CONFRONTED BY THE POLICE IF THE POLICE LOOK LIKE
"BEAT BOBBIES THEY DO NOT POSE A THREAT TO AFA. THE ONLY
TREAT IS "RIOT COPS OR THE TSG" THIS IS NOT FOOLPROOF AS
TRAFALGAR SQUARE AND WATERLOO PROVED. POLICE HORSES
CAN AND WILL BE ATTACKED. AS LONG AGO AS LEWISHAM IN 1977
UNIFORMED SENIOR OFFICERS HAVE BEEN BRIEFED BY SDS
OFFICERS AND HAVE APPEARED NOT TO TRUST OR BELIEVE THE
INTELLIGENCE REPORTS. POLICE TACTICS DO NOT APPEAR TO
HAVE EVOLVED LIKE THEIR SHINY NEW EQUIPMENT. IN SERIOUS**

DISORDER SITUATIONS AND RIOT SCENARIOS THE OPERATIONAL
COMMANDER MUST BE ABLE TO THINK ON HIS FEET AND THIS
DOES NOT APPEAR TO BE THE MET'S STRONG SUIT.

THE POLICE ALWAYS APPEAR AS THE FALL GUYS OR AUNT SALLY'S.
THIS IS BECAUSE OF LACK OF DECISIVE ACTION AND LEADERSHIP.
MOST OF THIS COULD BE AVOIDED IF WE LOSE THE NOTION OF IT
WILL LOOK BAD IF WE APPEAR TO BE MOVING TOWARD A PARA-
MILITARY FORCE. ONCE A SITUATION BEGINS TO GET OUT OF
HAND THE "BEAT BOBBIES" ARE TAKEN AWAY TO DON THEIR RIOT
GEAR. IN THE EYES OF AFA THIS DOES NOT TURN THEM INTO
SUPERMEN OR RIOT COPS. ONCE THEY LEAVE THE SCENE THEY
LOSE THE INITIATIVE. THE POLICE MAY FEEL GOOD IN THEM
SELVES BUT TO THE MORE EXPERIENCED PROTESTER THEY ARE
JUST "BEAT BOBBIES " WHO HAVE DONNED PROTECTIVE
CLOTHING.

RIOT POLICE BEING PRESENT

THE PERCENTAGE OF DEMONSTRATORS WHO WOULD
IMMEDIATELY STEER CLEAR OF CRIMINAL AND ILLEGAL ACTS IS
ROUGHLY 70%, ANOTHER 20%, WOULD STAY INTERESTED IF THE
RIOT POLICE WERE IN SMALL NUMBERS. THE REMAINING 10% ARE
NOT INTIMIDATED AT ALL BUT MERELY BIDE THEIR TIME TO
STRIKE IF AND WHEN THE OPPORTUNITY ARISES. IF THIS STRIKE IS
SUCCESSFUL THE REACTION OF THE 20% IS IMMEDIATE AND SOME
25-30% OF THE OTHERS WILL JOIN THE FRAY. IT IS DIFFICULT TO

PORTRAY THE INTENSE HATRED OF THE POLICE FELT BY MOST OF THE AFOREMENTIONED GROUPS. WHEN THE CONDITIONS ARE RIGHT THE DEMONSTRATORS WILL UNITE INTO A MAELSTROM OF VIOLENCE DIRECTED AGAINST THE POLICE WHICH IS VIRTUALLY IMPOSSIBLE TO CONTAIN OR CONTROL. EVEN THE LESS VIOLENT GROUPS WILL ROUND ON A LONE POLICE OFFICER IF HE HAS BEEN GROUNDED OR ISOLATED.

FIELD CRAFT

IF AN EVENT IS WELL PUBLICIZED MOST OF THE SERIOUS AGITATORS WILL HAVE WALKED THE PROPOSED ROUTE. THEY WILL HAVE LOCATED WEAPON DROPS, AMBUSH SITES AND MOST IMPORTANTLY ESCAPE ROUTES. ON THE DAY OF THE EVENT MOST SERIOUS DEMONSTRATORS WILL TURN UP WITH TRAVEL CARDS MAPS AND MOBILE TELEPHONES. ON LARGE SCALE DEMONSTRATIONS OR MARCHES WHERE CONFRONTATION IS LIKELY AND EXPECTED BOTH SIDES WILL HAVE MOBILE AND FOOT SPOTTERS. A FAVORED METHOD IS THE APPRENTICE CABBY WITH THE HONDA 90 AND CLIPBOARD AND THE PUSH BIKE DISPATCH RIDER. THERE WILL NORMALLY BE A TELEPHONE MANNED WHERE ALL THE INTELLIGENCE OBTAINED IS FED INTO AND THEN DISPATCHED TO THE MOBILE TELEPHONES ON SCENE. THE USE OF SCANNERS IS NOW FAIRLY COMMONPLACE NOW SO BEWARE OF THE HOUSEWIFE WITH THE PUSHCHAIR. SENIOR AFA WOMEN

USUALLY ABANDON THEIR NORMAL DREARY GARB AND DRESS UP
AND ACTUALLY MINGLE WITH THE OPPOSITION. THE WAY THE
INTELLIGENCE IS DISSEMINATED IS NOVEL WHEN THE TELEPHONE
IS ANSWERED THE PERSON RECEIVING THE MESSAGE
IMMEDIATELY REPEATS THE MESSAGE SO THAT EVERYONE IS ABLE
TO HEAR WHAT IS HAPPENING SO THAT THERE ARE NO SECRETS
AND EVERYONE IS FULLY BRIEFED THE MOMENT THE
INFORMATION WAS RECEIVED. THIS IS A USEFUL TACTIC
ENSURING THAT NO-ONE IS LEFT OUT AND MADE TO FEEL THAT HE
OR SHE IS NOT TRUSTED.

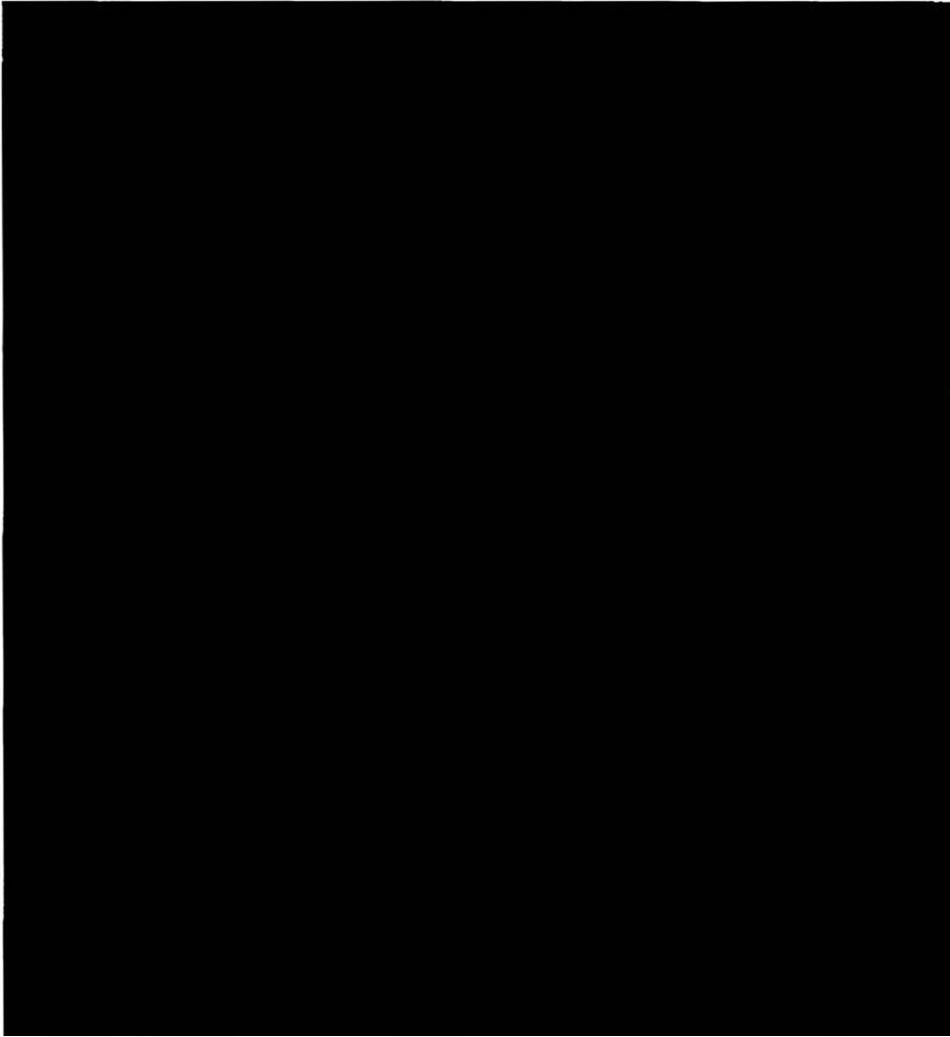
POLICE TACTICS

SOMEONE SOMEWHERE WILL HAVE TO DECIDE WHEN AND HOW TO
DEPLOY THE RIOT POLICE. I BELIEVE THAT RIOT POLICE READY
AND AVAILABLE ON SITE WILL DETER 85-90% OF POTENTIAL
TROUBLE MAKERS. SO WHY BE AFRAID TO DEPLOY THEM LIKE
THAT FROM THE START? THE REASON IS USUALLY INCOMPETENCE
AND COWARDICE ON THE PART OF THE SENIOR MANAGEMENT. AT
THESE TIMES OF DANGER AND DISORDER WHAT IS NEEDED IS
"DECISIVE INTELLIGENT POLICE ACTION", WHAT WE USUALLY
GET IS "INDECISION PARALYSIS AND INCOMPETENCE". THESE LAST
FEW LINES MAY APPEAR CONTROVERSIAL BUT HAVING
EXPERIENCED THE STRIFE AT GROUND LEVEL THE ONLY AMAZING
THING IS THAT A UNIFORMED COLLEAGUE HAS NOT DIED BECAUSE

OF THE AFOREMENTIONED INEPTITUDE OF SENIOR OFFICERS.

[114]





APPENDIX E

SURNAME ANALYSES

28. An assessment of the frequencies of names (surname, forename(s)/ initials) is essential if the name is to be used as a primary classification in an alphabetical index. Three investigations into the comparative size of surnames etc. are mentioned below. One took place in 1944 by the Organisation and Methods Division of H.M. Treasury (T.O.M.), the second one was undertaken in 1964 by the Post Office in connection with the introduction of a computer into the Post Office Savings Bank (P.O.S.B.), and the third by the Ministry of Social Security in 1966.

(a) T.O.M. Survey

The analysis in the T.O.M. survey was based on a number of nominal indexes and records, some inside and some outside Government Departments, covering a total of sixty million names and varying in size from 200,000 to thirty million names. The data obtained from this analysis is as follows :-

- (i) Frequency of the initial letter of surnames.
- (ii) Frequency of the common surnames, in order of frequency.
- (iii) " " " " " , in alphabetical order.
- (iv) Frequency of the initial letters of the first forenames associated with common surnames.
- (v) Divisions into which nominal indexes and records of various sizes may be broken to give even distribution.

Tables setting out the analyses at (i), (ii), (iii) and (iv) above are in Appendices A, B, C and D respectively. The analysis for (v) above has not been reproduced as it covers some fifty quarto size pages.

(b) P.O.S.B. Survey

The P.O.S.B. required to know the accurate distribution of surnames and forenames in order to produce a file combining account number and name so as to allocate appropriate sized sub-divisions of the available number range to each alphabetic division, at the same time preserving the alphabetical sequence. The T.O.M. survey was not adequate for this purpose and so the P.O.S.B. decided in the first place to analyse the half million names making up the Civil Service Central Staff Record (C.S.C.S.R.) to produce a list of names and various name and coding systems. Secondly, it was proposed to analyse the alphabetical index of

account holders' names in the P.O.S.B. itself so that both analyses covering approximately 44 million people would provide sufficient detail to enable the P.O.S.B. to set up a combined file. In fact only the first stage (analysis of the C.S.C.S.R.) was completed before the idea of a combined file was dropped. Appendices B, C and D show in the surname order of the T.O.N. survey the frequency obtained from the T.O.N., C.S.C.S.R. and Social Security surveys.

One of the more important aspects of the P.O.S.B. survey was that it was aimed at a computer processed file, so that the C.S.C.S.R. index was analysed to show the results of six different methods of coding surnames. The results are reproduced at Appendix E.

(c) Ministry of Social Security

The Central Office of the Ministry of Social Security maintain an index slip for each person insured or in receipt of a pension under the National Insurance Acts. A count of the binders holding these slips was held in January 1966 and among the data obtained was :-

- (i) Frequency of initial letter of surname.
- (ii) Frequency of common surnames.

The tables are incorporated in Appendices A, B and C.

Appendix A.

FREQUENCY OF INITIAL LETTERS OF SURNAMES

	T.O.M. Survey	Ministry of Social Security
	%	%
A	4.0	2.9
B	10.6	10.3
C	7.7	7.8
D	5.4	4.8
E	2.7	2.2
F	3.8	3.5
G	4.8	4.9
H	7.8	8.8
I	0.5	0.5
J	2.3	3.1
K	2.6	2.4
L	5.0	4.1
M	7.0	9.3
N	2.3	1.6
O	2.3	1.4
P	4.8	5.4
Q	0.2	0.2
R	4.4	5.2
S	9.3	9.1
T	3.8	4.2
U	0.4	0.2
V	1.0	0.5
W	7.4	7.4
X	-	-
Y	0.3	0.4
Z	-	0.1

Appendix B.

FREQUENCY OF COMMON SURNAMES

(a) Arranged in order of frequency

Surname		Frequency %		
		T.O.M.	C.S.C.S.R.	Social Security
1.	Smith	1.76	1.33	1.37
2.	Jones	1.24	.99	1.07
3.	Brown	.83	.62	.67
4.	Williams	.82	.68	.65
5.	Taylor	.75	.59	.63
6.	Wilson	.57	.44	.44
7.	Davies	.56	.51	.54
8.	Johnson	.47	.32	.35
9.	Thomas	.44	.39	.34
10.	Evans	.44	.43	.43
11.	Wood	.43	.28	.23
12.	Walker	.41	.29	.28
13.	Wright	.40	.31	.30
14.	White	.37	.32	.29
15.	Roberts	.36	.36	.37
16.	Thompson	.35	.29	.33
17.	Robinson	.35	.29	.32
18.	Hall	.32	.29	.28
19.	Green	.32	.27	.27
20.	Hughes	.30	.28	.28
21.	Edwards	.30	.29	.27
22.	Martin	.30	.28	.27
23.	Turner	.29	.27	.25
24.	Harris	.28	.28	.44
25.	Lewis	.28	.28	.22

Surname		Frequency %		
		T. O. M.	C. S. C. S. R.	Social Security
26.	Cooper	.28	.23	.24
27.	Moore	.28	.23	.18
28.	Clarke	.28	.24	.25
29.	Hill	.27	.24	.21
30.	Scott	.27	.24	.24
31.	Jackson	.27	.24	.28
32.	Ward	.27	.21	.20
33.	Morris	.26	.22	.23
34.	Morgan	.25	.20	.21
35.	Clark	.25	.28	.26
36.	Watson	.25	.22	.19
37.	Harrison	.24	.19	.23
38.	Baker	.24	.24	.22
39.	King	.23	.24	.23
40.	Mitchell	.22	.21	.20
41.	Allen	.22	.21	.17
42.	Parker	.22	.18	.15
43.	Bell	.21	.18	.18
44.	Davis	.21	.19	.18
45.	Bennett	.20	.18	.19
46.	Shaw	.20	.16	.18
47.	Simpson	.20	.15	.17
48.	Phillips	.20	.21	.20
49.	Lee	.19	.15	
50.	Young	.19	.21	
51.	Miller	.19	.19	
52.	James	.19	.19	
53.	Anderson	.19	.21	

Appendix B. (contd.).

	Surname	Frequency %		
		T.O.M.	C.S.C.S.R.	Social Security
54.	Richardson	.18	.17	
55.	Cook	.18	.18	
56.	Cor	.18	.17	
57.	Marshall	.18	.17	
58.	Oriffiths	.17	.17	
59.	Bailey	.17	.16	
60.	MacDonald	.17	.18	
61.	Price	.17	.16	
62.	Wilkinson	.17	.13	
63.	Kelly	.17	.13	
64.	Carter	.16	.17	
65.	Stewart	.16	.16	
66.	Campbell	.16	.18	
67.	Collins	.16	.16	
68.	Adams	.16	.17	
69.	Gray	.15	.17	
70.	Webb	.15	.15	
71.	Kills	.15	.13	
72.	Ellie	.15	.15	
73.	Richards	.15	.14	
74.	Mason	.15	.13	
75.	Holmes	.14	.12	
76.	Elliott	.14		
77.	Foster	.14		
78.	Rogers	.14		
79.	Fletcher	.14		
80.	Murray	.14		

Appendix B. (contd.)

SURNAME	Frequency %		
	T.O.M.	G.S.G.S.B.	Social Security
81. Robertson	.14		
82. Murphy	.14		
83. Russell	.14		
84. Graham	.13		
85. Hunt	.13		
86. Chapman	.13		
87. Knight	.13		
88. Matthews	.13		
89. Harvey	.12		
90. Owan	.12		
91. Pearson	.12		
92. Jenkins	.12		
93. Palmer	.12		
94. Fisher	.12		
95. Powell	.12		
96. Lloyd	.12		
97. Howard	.12		
98. Stevens	.12		
99. Barker	.11		
100. Barnes	.11		
101. Gibson	.11		
102. Butler	.11		
103. Reid	.11		
104. Brooks	.11		
105. Booth	.11		
106. Watts	.11		
107. Pearce	.11		

Surname	Frequency %		
	T.O.M.	C.S.C.S.R.	Social Security
108. Bradley	.11		
109. Reynolds	.11		
110. Hunter	.11		
111. Dawson	.11		
112. Thomson	.10		
113. Saunders	.10		
114. Day	.10		
115. Henderson	.10		
116. Ross	.10		
117. Ford	.10		
118. Andrews	.10		
119. Dixon	.10		
120. West	.10		
121. Wells	.10		
122. Payne	.10		
123. Spencer	.10		
124. Hart	.10		
125. Johnston	.10		
126. Fox	.10		
127. Perry	.10		
128. Walsh	.10		
129. Lowe	.10		
130. Hudson	.09		
131. Marsh	.09		
132. Atkinson	.09		
133. Berry	.09		
134. Burns	.09		
135. Cole	.09		

Surname		Frequency %		
		T.O.M.	C.S.C.S.R.	Social Security
136.	Williamson	.09		
137.	Rees	.09		
138.	Lawrence	.09		
139.	Riley	.09		
140.	Burton	.09		
141.	Woods	.09		
142.	Ball	.09		
143.	Webster	.09		
144.	Hayes	.09		
145.	Hawkins	.09		
146.	Dunn	.09		
147.	Rose	.09		

Appendix C.

FREQUENCY OF COMMON SURNAMES

(b) Arranged in alphabetical order

Surname	Frequency %		
	T.O.M.	C.S.C.S.R.	Social Security
Adams	.16	.17	
Allen	.22	.21	.17
Anderson	.19	.21	
Andrews	.10		
Atkinson	.09		
Bailey	.17	.16	
Baker	.24	.24	.22
Ball	.09		
Barker	.11		
Barnes	.11		
Bell	.21	.18	.18
Bennett	.20	.18	.19
Berry	.09		
Booth	.11		
Bradley	.11		
Brooks	.11		
Brown	.83	.62	.67
Burns	.09		
Burton	.09		
Butler	.11		
Campbell	.16	.18	
Carter	.16	.17	
Chapman	.13		

Appendix C. (contd.).

Surname	Frequency %		
	T.O.M.	C.S. C.S.R.	Social Security
Clark	.25	.28	.26
Clarke	.28	.24	.25
Cole	.09		
Collins	.16	.16	
Cook	.18	.18	
Cooper	.28	.23	.24
Cox	.18	.17	
Davies	.56	.51	.54
Davie	.21	.19	.18
Dawson	.11		
Day	.10		
Dixon	.10		
Dunn	.09		
Edwards	.30	.29	.27
Elliott	.14		
Ellis	.15	.15	
Evans	.44	.43	.43
Fisher	.12		
Fletcher	.14		
Ford	.10		
Foster	.14		
Fox	.10		

APPENDIX II (continued)

Surname	Frequency %		
	T.O.M.	C.S.C.S.R.	Social Security
Gibson	.11		
Graham	.13		
Gray	.15	.17	
Green	.32	.27	.27
Griffiths	.17	.17	
Hall	.32	.29	.28
Harris	.28	.28	.44
Harrison	.24	.19	.23
Hart	.10		
Harvey	.12		
Hawkins	.09		
Hayes	.09		
Henderson	.10		
Hill	.27	.24	.21
Holmes	.14	.12	
Howard	.12		
Hudson	.09		
Hughes	.30	.28	.28
Hunt	.13		
Bunter	.11		
Jackson	.27	.24	.28
James	.19	.19	
Jenkins	.12		
Johnson	.47	.32	.35
Johnston	.10		
Jones	1.24	.99	1.07

Appendix G. (contd.).

Surname	Frequency %		
	T.O.M.	C.S.C.S.R.	Social Security
Kelly	.17	.13	
Zing	.23	.24	.23
Knight	.13		
Lawrence	.09		
Lee	.19	.15	
Lewis	.28	.28	.22
Lloyd	.12		
Lowe	.10		
MacDonald	.17	.18	
Marsh	.09		
Marshall	.18	.17	
Martin	.30	.28	.27
Mason	.15	.13	
Matthews	.13		
Miller	.19	.19	
Mills	.15	.13	
Mitchell	.22	.21	.20
Noore	.28	.23	.18
Morgan	.25	.20	.21
Morris	.26	.22	.23
Murphy	.14		
Murray	.14		
Owen	.12		

Surname	Frequency %		
	T.O.M.	C. S. C. S. R.	Social Security
Palmer	.12		
Parker	.22	.18	.15
Payne	.10		
Pearce	.11		
Pearson	.12		
Perry	.10		
Phillips	.20	.21	.20
Powell	.12		
Price	.17	.16	
Rees	.09		
Reid	.11		
Reynolds	.11		
Richards	.15	.14	
Richardson	.18	.17	
Riley	.09		
Roberts	.36	.36	.37
Robertson	.14		
Robinson	.35	.29	.32
Rogers	.14		
Rose	.09		
Rosa	.10		
Russell	.14		
Saunders	.10		
Scott	.27	.24	.24
Shaw	.20	.16	.18
Simpson	.20	.15	.17
Smith	1.76	1.33	1.37

Surname	Frequency %		
	T. O. M.	C. S. C. S. R.	Social Security
Spencer	.10		
Stevens	.12		
Stewart	.16	.16	
Taylor	.75	.59	.63
Thomas	.44	.39	.39
Thompson	.35	.29	.33
Thomson	.10		
Turner	.29	.27	.25
Walker	.41	.29	.28
Walsh	.10		
Ward	.27	.21	.20
Watson	.25	.22	.19
Watts	.11		
Webb	.15	.15	
Webster	.09		
Wells	.10		
West	.10		
Waite	.37	.32	.29
Wilkinson	.17	.13	
Williams	.82	.68	.65
Williamson	.09		
Wilson	.57	.44	.44
Wood	.43	.28	.28
Woods	.09		
Wright	.40	.31	.30
Young	.19	.21	

Appendix D

FREQUENCY OF INITIAL LETTER OF FIRST CHRISTIAN NAME ASSOCIATED
WITH COMMON SURNAMES

Initial of first Forename	SMITH		JONES		BROWN		WILLIAMS		TAYLOR	
	TOM	CSCSR	TOM	CSCSR	TOM	CSCSR	TOM	CSCSR	TOM	CSCSR
A	11.1	10.37	8.3	7.68	10.5	11.11	7.0	5.96	11.9	9.10
B	2.2	3.22	2.2	3.16	2.0	1.90	2.1	3.18	1.8	2.34
C	4.5	3.51	3.2	4.68	4.2	4.97	7.3	4.47	6.0	5.36
D	4.5	5.59	5.5	7.53	3.7	6.30	5.6	8.30	2.6	6.31
E	11.4	7.03	10.8	9.22	10.0	6.93	9.7	7.87	11.2	6.70
F	5.6	4.86	3.4	3.66	4.3	4.34	4.1	4.15	6.0	4.70
G	5.7	6.18	5.4	6.16	5.0	5.70	6.1	7.10	5.3	6.44
H	6.0	5.51	5.5	5.75	5.0	5.07	5.3	5.24	6.4	4.86
I	1.7	1.13	1.7	2.02	1.8	1.27	2.4	2.44	1.8	1.42
J	9.9	11.99	11.0	10.39	14.8	13.86	12.4	10.53	12.5	14.81
K	1.1	1.87	0.7	1.94	1.0	2.25	.8	2.07	1.0	2.30
L	3.9	3.51	3.7	3.37	3.4	3.39	3.4	2.98	3.5	3.52
M	7.8	5.74	6.4	5.99	6.9	6.46	6.4	6.44	6.7	6.08
N	1.4	1.21	1.5	1.41	1.0	1.43	1.4	1.44	1.0	1.42
O	.6	.37	.8	.93	.7	.38	1.2	.98	.7	.43
P	1.7	3.85	1.4	2.85	1.4	2.79	1.4	2.58	1.3	3.39
Q		.06								.04
R	5.3	7.27	6.1	8.06	5.8	7.47	6.0	8.27	4.8	6.67
S	3.6	3.94	3.3	3.52	3.0	3.11	2.6	2.41	3.5	3.48
T	2.8	2.66	5.6	3.70	3.4	2.69	5.6	4.18	3.1	2.70
U		.03		.04		.04				
V	1.2	1.55	1.2	1.27	1.4	1.62	1.1	1.35	.7	1.25
W	7.7	6.99	10.6	6.68	9.5	7.03	8.0	6.24	7.5	6.44
X										
Y		.12		.06				.03		.17
Z								.06		

Initial of first Forename	WILSON		DAVIES		JOHNSON		THOMAS		EVANS	
	TOM	CSCSR	TOM	CSCSR	TOM	CSCSR	TOM	CSCSR	TOM	CSCSR
A	11.0	11.37	7.2	7.80	13.8	9.55	9.1	7.37	8.8	7.83
B	1.8	2.34	2.1	3.15	2.0	3.11	2.5	2.95	1.8	3.30
C	4.2	4.14	3.0	4.42	4.0	5.42	3.0	4.30	3.7	4.49
D	4.2	5.17	11.3	9.14	3.4	4.87	8.0	8.69	8.6	8.65
E	9.0	7.77	10.5	7.84	10.4	7.79	11.0	8.74	11.7	8.88
F	3.6	3.60	2.7	2.62	5.4	4.93	3.6	3.15	3.7	4.12
G	5.5	5.48	6.0	6.34	5.4	5.72	6.0	7.72	5.6	6.32
H	5.2	4.41	4.8	4.73	2.7	6.76	6.0	5.89	5.0	4.53
I	1.9	1.80	2.4	2.58	1.3	1.28	2.5	2.95	1.8	2.06
J	16.0	14.37	11.5	13.33	11.9	10.83	11.6	10.16	11.7	11.53
K	1.0	1.58	.8	1.81	.6	2.26	.6	1.88	.6	1.47
L	3.2	3.42	3.0	3.27	3.9	3.59	3.6	3.30	3.6	3.53
M	8.7	6.74	6.0	5.57	6.6	5.97	5.2	5.69	3.0	6.55
N	1.0	1.48	1.0	1.39	2.2	1.71	1.2	1.53	1.2	.83
O	.5	.18	.8	.66	.1	.31	.6	.61	1.2	.74
P	1.5	3.60	1.4	3.50	1.6	4.32	1.2	3.05	1.2	2.20
Q										
R	6.0	7.91	5.8	6.34	3.8	7.18	5.4	7.16	4.3	6.91
S	2.8	3.82	2.5	3.04	3.5	3.90	2.4	3.10	3.0	3.12
T	3.6	3.46	6.0	4.73	3.0	2.44	4.9	3.25	6.0	4.12
U		.09		.04		.07		.06		
V	1.0	1.17	.8	1.12	.9	1.24	1.3	.97	1.2	1.15
W	8.0	6.65	9.0	6.76	11.4	6.88	10.2	7.31	9.6	8.33
X										
Y		.05		.08		.07				.10
Z										

Appendix D (Contd)

Initial of first Forename	WOOD		WALKER		WRIGHT		WHITE		ROBERTS	
	TOM	CSCSR	TOM	CSCSR	TOM	CSCSR	TOM	CSCSR	TOM	CSCSR
A	10.0	9.6	13.2	10.02	11.0	9.81	11.0	9.50	8.2	8.17
B	1.9	3.13	1.7	2.06	2.5	3.13	1.6	3.68	2.2	2.64
C	4.4	5.57	4.0	5.58	5.5	5.23	4.7	5.68	3.7	4.73
D	3.7	5.50	4.1	6.38	5.0	5.74	4.7	5.27	5.1	6.50
E	12.0	7.17	10.1	5.84	9.5	6.76	11.1	6.62	10.1	6.83
F	5.7	4.25	4.0	3.92	5.0	5.36	6.4	5.03	4.5	3.98
G	5.7	6.29	6.1	6.04	5.0	4.53	6.4	5.39	5.1	6.83
H	5.0	7.10	6.0	5.25	6.3	5.93	6.4	5.33	6.7	5.11
I	1.8	1.40	1.4	1.54	1.9	1.02	1.6	1.66	2.2	1.62
J	13.2	12.11	13.1	13.81	11.5	13.19	12.0	12.19	11.8	11.44
K	1.3	1.95	1.3	2.33	1.2	2.62	.8	1.96	1.5	1.94
L	4.9	3.34	3.7	2.92	3.7	3.38	4.0	3.80	3.7	2.74
M	7.5	5.99	5.9	6.91	7.3	5.81	5.5	6.01	5.8	6.99
N	1.9	1.53	1.7	1.14	1.9	1.41	.8	1.47	1.5	1.29
O	.6	.28	.8	.34	.6	.83	.8	.25	1.5	1.29
P	1.8	3.06	1.8	4.12	1.9	3.57	1.5	4.78	.7	2.80
Q										
R	4.9	8.70	4.5	7.84	4.1	6.31	4.7	8.15	6.7	7.79
S	3.1	4.32	3.0	4.19	3.0	4.15	4.0	3.92	3.9	3.60
T	2.4	1.81	3.7	2.46	3.3	2.36	3.4	2.58	3.7	3.80
U						.13		.07		.00
V	1.3	1.53	1.3	1.61	1.2	.77	.8	1.72	.7	1.24
W	7.5	5.57	9.8	6.78	7.5	8.35	7.1	4.90	8.9	6.80
X										
Y										
Z										

Appendix B(Contd.)

Initial of first Forename	THOMPSON		ROBINSON		SURNAME GENERALLY	
	TOM	CSCSR	TOM	CSCSR	(1) TOM	(2) CSCSR
A	8.1	11.12	9.8	8.90	10.0	9.4
B	1.5	2.39	1.5	2.58	2.0	2.8
C	4.6	3.82	3.9	4.62	4.3	5.0
D	3.0	4.78	3.0	5.71	5.0	6.0
E	12.0	6.89	10.0	6.52	10.6	7.2
F	4.0	4.92	5.3	4.35	4.5	4.5
G	7.0	5.39	6.9	6.73	5.8	5.7
H	6.1	4.92	6.1	6.05	5.5	5.1
I	1.5	1.27	1.5	.96	1.8	1.4
J	13.8	15.28	14.0	13.65	12.5	13.5
K	1.6	1.71	.7	2.45	1.0	2.0
L	4.8	2.87	4.5	3.20	3.8	3.5
M	7.0	5.62	6.0	4.96	6.6	6.3
N	1.6	1.98	1.5	1.97	1.4	1.5
O	1.6	.48	.8	.41	0.8	.4
P	2.2	4.58	1.5	5.03	1.5	3.6
Q						.02
R	5.3	8.26	4.6	6.59	5.2	7.5
S	2.3	3.76	3.9	4.01	3.1	3.5
T	2.9	2.05	3.9	3.54	3.9	2.9
U						.03
V	1.5	1.03	1.5	1.28	1.1	1.2
W	7.6	8.42	9.0	6.66	8.7	6.8
X						.00
Y				.07		.06
Z						.02

Note 1 - the average of 17 most popular names in the TOM Survey, covering 10.5% of population - 6,330,000.

Note 2 - whole of CSCSR sample 512,000.

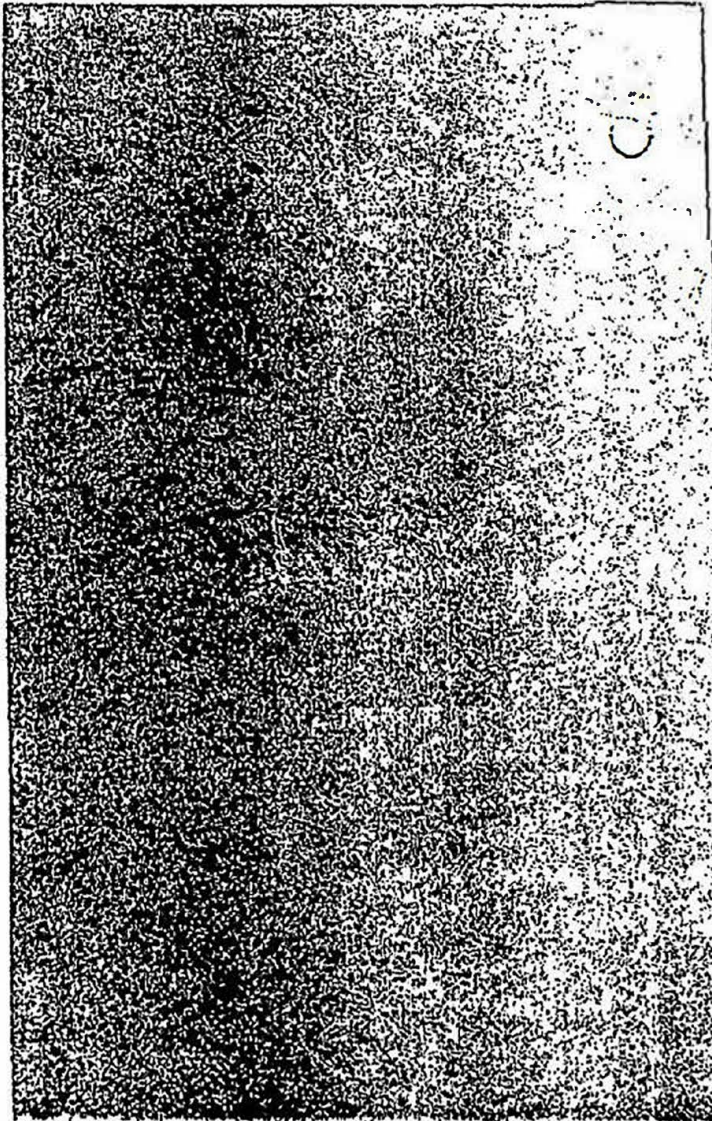
Appendix E

ANALYSIS OF SIX DIFFERENT METHODS OF CODING SURNAMES

Code	Characters used	No. of codes produced	No. of codes as a % total surnames	Average Persons per code	Average Surnames
1	1.2.3	2,948	7.02	173.8	14.3
2	1.2.3.4	13,010	30.98	39.4	3.4
3	1.2.3.4.5	26,257	62.52	19.5	1.6
4	1.2.3.4.5.6	35,561	84.67	14.4	1.2
5	1.3.5	6,400	15.24	80.0	6.6
6	1.2.3 Final	14,801	35.24	34.6	2.9

APPENDIX F

(8)



INSTRUCTION TO UNDERCOVER OFFICER 1

(1) A Police Officer must not act as an 'agent provocateur'. This means he must not
k nor procure...

a person, nor through that person anybody else... to commit an offence, nor an offence of a more serious character, which that person would not otherwise have committed.

(2) However, a Police Officer is entitled to join a conspiracy which is already in being, or an offence which is already "laid on", or, for example, where a person has made an offer to supply goods, including drugs, which involves the commission of a criminal offence.

(3) If, during the course of an investigation into an offence or series of offences, a person involved suggests that commission of, or offers to commit, a further similar offence (e.g., by offering to supply drugs unlawfully) a Police Officer is entitled to participate in the proposed offence. The officer must not incite such an offence.

(4) Police Officers are entitled to use the weapon of infiltration of groups or organisations. In such a case it is proper for the undercover officer to show interest in, and enthusiasm for, proposals made even though they are unlawful, but, in so doing, he must try to tread the difficult line between showing the necessary interest and enthusiasm to keep his cover (and pursue his investigation) and actually becoming an agent provocateur.

(5) Police Officers must obtain confirmation that the information they are acting on is accurate and reliable before becoming involved in undercover operations.

(6) Police Officers must bear in mind that, by virtue of Section 78 of the Police and Criminal Evidence Act 1984, a Judge may take into account the circumstances in which evidence was obtained in considering its adverse effect on the fairness of proceedings in Court.

Invariably this means you enter a criminal conspiracy or become part of a pre-arranged criminal offence.

Supervising Officer:

Date:

Time:

On . I was instructed by
as to the "Instructions to Undercover Officers" contained in this book.

Signed .

(Pseudonym)

APPENDIX G

[115]

[The first 12 pages of Appendix G have been redacted in full on a provisional basis.]

SDS END OF TOUR DEPARTURE STRATEGY

It will generally be regarded by field operatives that, regardless of many of the no doubt numerous difficulties encountered in the early stages of assimilation into the target group and then several years of maintaining an increasingly involved and often problematical existence, the real challenge presents itself when attempting to put into practice an operationally viable plan that is both thoroughly convincing to the target group and indeed to oneself, that is to say in keeping with all aspects of one's persona that will have become so familiar to many associates. If it is abundantly clear that all operatives will, by necessity, have their own unique suggestions as to what comprises their ideal method of departure, the importance of the success of this final episode in the SDS tour holds good for everyone concerned with this outfit and may be rationalised as follows:

1) The principal goal of any plan concerning the departure from the scene must be that as much as it is in anyone's control, the credibility of the operative is in no way tarnished. Indeed it would perhaps be fairer to suggest that from a purely professional point of view the credibility would ideally be enhanced by a carefully thought through set of circumstances be they related to a relatively abrupt or considerably protracted demise.

2) A disappearance that gives serious misgivings among the target group that the operative was indeed suspect is of course no different from the point of view of grounds for concern as to similar misgivings voiced during one's SDS tour. However, in the field, one is able to attempt to counter such suspicions by any number of proactive means [116]

Once departed, events are by and large outside the direct control of the operative and the verdict as to his or her credibility will be, if ever questioned, resolved on the strength of a combination of one's target group sponsors and allies and the genuine level of feeling among them as to their perception of the genuineness of the operative's existence over several years. With the most recent event of the nature of the disappearance being no doubt uppermost in their minds it goes without saying that an unconvincing, clumsy vanishing act will not only fuel any existing suspicions but, in the absence of any such misgivings, could easily give rise to newly founded apprehensions.

3) The inevitable naive and cynical comment that might be heard from a wide range of people not privy to the day to day operation of the current SDS team as to their seemingly needless obsession with end of tour procedure and the increasingly advanced steps taken to assist officers with their plan may really be dismissed without a second thought. The bizarre and unique nature of SDS work lends itself to a system of continual improvement with regards to best practice for the squad as a whole and anything that could be construed within operational parameters as improving the credibility of the individual within the eyes of the target group should of course be developed and introduced. (Suitable noteworthy examples within recent years being the ability to provide comprehensive financial packages, [117])

It is fair to say that it would be extremely rare to find an SDS operative that for professional, personal reasons or in many cases both, would be indifferent at some stage of his post SDS career to the revelation by his target group that he or she was in fact an infiltrator. Suffice to say that the impact of such an outcome on operatives is of course untested but the genuine concern is nonetheless

there no more so perhaps than immediately and within the first few months of one's disappearance. There can be little doubt then that any steps that can be taken to realise the successful implementation of the operative's plan will be directly proportional to allaying any apprehensions the officer will have as to his departure being viewed unfavourably and, by definition, greatly assist his or her rehabilitation period (for want of a better expression) prior to a return to 'normal' duties. The unpredictable repercussions for any operative that, but for all due assistance given with regard to his convincing removal from the target group, might manifest themselves at a later date in any manner of ways could not only be of potential harm to the SDS team itself but render all those concerned in the decision making process liable to well founded criticism.

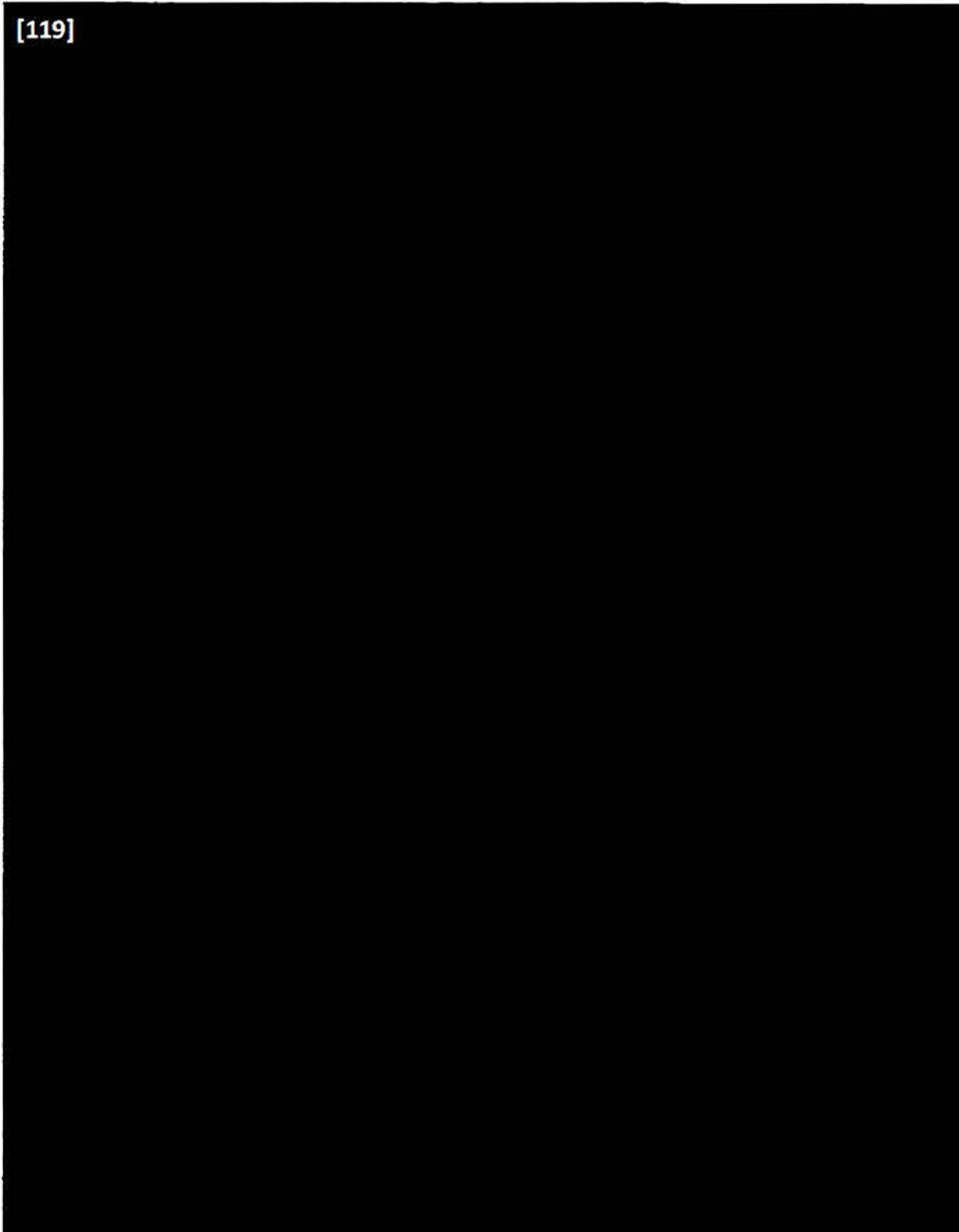
4) All operatives work in target groups forever on the lookout for those involved in state sponsored infiltration and monitoring of their activities of whatever nature. Leaving aside the obvious and inherent risks of SDS work itself in the event of the officer being fully compromised, the rather more widespread damage that would be done specifically to fellow field officers and indeed for successful future coverage of the field concerned is really incalculable. Even if in the aftermath of one's departure, the method and nature of the leaving gave grounds for doubting the authenticity of the operative, then this too would be distinctly damaging for existing or subsequent coverage. It is during the SDS tour that the operative uses a whole host of self initiated strategies to convince the target group of his trustworthiness (the real and only key to a successful SDS period) as well as benefiting from the invaluable assistance with complex scenarios from SDS office staff all of which combine to give a thoroughly convincing picture of the assumed character. Thus, any aspect of one's SDS career that allows the target group to be convinced that the operative is not who he purports to be, renders all such invaluable methods and schemes a good deal weaker for future operatives and, in some cases, more or less futile.

5) The importance attached then to leaving an environment that one has been an integral part of for a good deal of time is nothing short of the importance that one would attach in real life to a parallel situation if nothing more than for the professional well being of the officer concerned and that of the SDS itself. As for the methods used themselves, these will inevitably vary widely from one field operative to the next

Attached to this report is a summary of my own plan which details briefly the reasons for departing and what I intend will be a sufficiently convincing scenario for some of the closest associates in my target group.

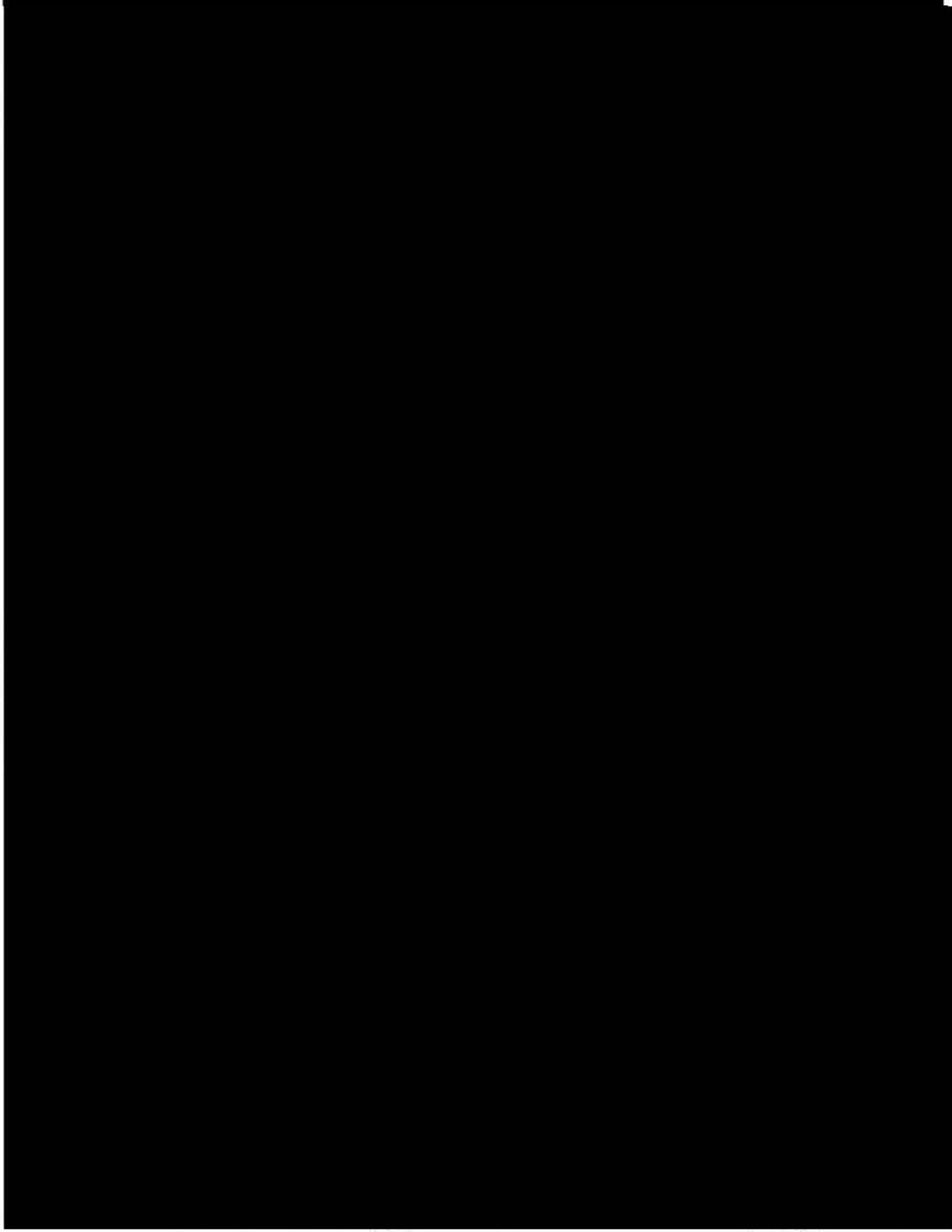
Outline of Departure Plan for [118]

[119]



[120]

[This two-page document (Appendix H to the manual) has been redacted in full.]



[121]

[A 21-page document (item 13 on the Contents page) has been removed pending further consideration of its relevance and necessity.]

1a

**SPECIAL BRANCH
SOURCE UNIT**

23rd June 2002

BRANCH NOTE

**COVERT HUMAN INTELLIGENCE SOURCES
CODES of PRACTICE**

1. The attached Codes of Practice, which have been obtained in advance from SO10, are currently now before Parliament and barring any unforeseen last minute changes are expected to be approved in this form in the near future.
2. While broadly similar to the draft public consultation document, which has served as the Codes of Practice since RIPA became law in October 2000 (available on Forum under RIPA), there are a number of points that are worth highlighting.
3. The first is the 'tone' of the Codes, which is somewhat less police orientated in its use of language than the earlier draft. This is principally designed to make it more 'user friendly' for the various other public authorities who are authorised to conduct CHIS operations under RIPA (see Annexe 'A' to the Codes).
4. The second, and probably most important issue, is the question of criminal participation of sources. It was this issue above all others which has led to the delay in completing the Codes as the home Office attempted to reconcile the different approaches, procedures and interpretations of the various public authorities involved. The solution is to effectively leave participation out all together. Paragraph 1.4 of the new Codes states,

"Neither Part II of the 2000 Act or this code of practice is intended to affect the practices and procedures surrounding criminal participation of sources".
5. The only other mention in the new Codes is at paragraph 2.10 which states,

".....an authorisation under Part II may, by virtue of sections 26(7) and 27 of the 2000 Act, render lawful conduct which would otherwise be criminal, if it is incidental to any conduct falling within section 26(8) of the 2000 Act which the source is authorised to undertake."
6. Essentially this recognises the legal position in that criminal participation, when authorised, is just another form of 'conduct' and that it is for the authorising public authority, whether police or otherwise, to satisfy itself that the tests of necessity and proportionality are met when authorising an individual case. The effect of all this is that for the police service the original tests laid down in HO Circulars 97/1969 and 35/1986 (copies attached) are still the ones to be applied.

7. The Codes are silent on what liaison arrangements should be in place between different bodies in participation cases. It should also be noted that paragraph 2.10 goes on to mention the need for the relevant authority to consider seeking the advice of their own legal advisers when contemplating such activity.. [121A]
[REDACTED]
8. Other issues include the fact that the Codes maintain the distinction between agents, informants and officers working under cover (paragraph 4.2). [121B]
[REDACTED]
9. The issue of who may authorise cases on the grounds of national security remains unchanged. The explanatory note which accompanies Paragraph 4.7 retains the status quo in that only the Security Service can authorise operations or investigations which fall within the responsibility of the Service, the exception being those carried out by a Special Branch.
10. The Codes emphasise the need for regular reviews (paragraph 4.19). A theme reinforced by the Surveillance Commissioners Inspectorate when they visited SO12.
11. In conclusion the new Codes are, as previously mentioned, broadly similar to the draft with which we have all been working since October 2000 and which in turn was based on the voluntary ACPO codes produced in 1999. While SO12's procedures and systems do comply a further review will need to be carried out once the Codes have actually been approved by Parliament.

[122]

Detective Inspector



COVERT HUMAN INTELLIGENCE SOURCES

CODE OF PRACTICE

*Pursuant to Section 71 of the
Regulation of Investigatory Powers Act 2000*

Government

This code applies to every authorisation of the use or control by public authorities of covert human intelligence sources carried out under Part 1 of the Regulation of Investigatory Powers Act 2000 which begins on or after the day on which this code comes into effect.

CONTENTS

Chapter 1: BACKGROUND

Chapter 2: GENERAL RULES ON AUTHORISATIONS

Chapter 3: SPECIAL RULES ON AUTHORISATIONS

Chapter 4: AUTHORISATION PROCEDURES FOR COVERT HUMAN INTELLIGENCE SOURCES

Chapter 5: OVERSIGHT

Chapter 6: COMPLAINTS

THE HISTORY OF
MRSA

1.1 In this code the:

- "1989 Act" means the Security Service Act 1989;
- "1994 Act" means the Intelligence Services Act 1994;
- "1997 Act" means the Police Act 1997;
- "2000 Act" means the Regulation of Investigatory Powers Act 2000;
- "RIP(S)A" means the Regulation of Investigatory Powers (Scotland) Act 2000;

1.2 This code of practice provides guidance on the authorisation of the use or conduct of covert human intelligence sources ("a source") by public authorities under Part II of the 2000 Act.

1.3 The provisions of the 2000 Act are not intended to apply in circumstances where members of the public volunteer information to the police or other authorities, as part of their normal civic duties, or to contact numbers set up to receive information (such as Crimestoppers, Customs Confidential, the Anti Terrorist Hotline, or the Security Service Public Telephone Number). Members of the public acting in this way would not generally be regarded as sources.

1.4 Neither Part I of the 2000 Act or this code of practice is intended to affect the practices and procedures surrounding criminal participation of sources.

1.5 The 2000 Act provides that all codes of practice relating to the 2000 Act are admissible as evidence in criminal and civil proceedings. If any provision of the code appears relevant to any court or tribunal considering any such proceedings, or to the Investigatory Powers Tribunal established under the 2000 Act, or to one of the Commissioners responsible for overseeing the powers conferred by the 2000 Act, it must be taken into account.

General extent of powers

1.6 Authorisations can be given for the use or conduct of a source both inside and outside the United Kingdom. Authorisations for actions outside the United Kingdom can only validate them for the purposes of proceedings in the United Kingdom. An authorisation under Part II of the 2000 Act does not take into account the requirements of the country outside the United Kingdom in which the investigation operation is taking place.

1.7 Members of foreign law enforcement or other agencies or sources of those agencies may be authorised under the 2000 Act in the UK in support of domestic and international investigations.

1.8 Where the conduct authorised is likely to take place in Scotland, authorisations should be obtained under RIP(S)A unless the authorisation is being obtained by

2000). Additionally, any authorisation granted or renewed for the purposes of national security or the economic well-being of the UK must be made under the 2000 Act. This code of practice is extended to Scotland in relation to authorisations made under Part II of the 2000 Act which apply to Scotland. A separate code of practice applies in relation to authorisations made under RIP(S)A.

Use of material in evidence

1.9 Material obtained from a source may be used as evidence in criminal proceedings. The proper authorisation of a source should ensure the suitability of such evidence under the common law, section 78 of the Police and Criminal Evidence Act 1984 and the Human Rights Act 1998. Furthermore, the product obtained by a source described in this code is subject to the ordinary rules for retention and disclosure of material under the Criminal Procedure and Investigations Act 1996, where those rules apply to the law enforcement body in question. There are also well-established legal procedures that will protect the identity of a source from disclosure in such circumstances.

1-1-2000
10:00 AM
WIP(S)A

2 GENERAL RULES ON AUTHORISATIONS

2.1 An authorisation under Part II of the 2000 Act will provide lawful authority for the use of a source. Responsibility for giving the authorisation will depend on which public authority is responsible for the source.

2.2 Part II of the 2000 Act does not impose a requirement on public authorities to seek or obtain an authorisation where, under the 2000 Act, one is available (see section 80 of the 2000 Act). Nevertheless, where there is an interference by a public authority with the right to respect for private and family life guaranteed under Article 8 of the European Convention on Human Rights, and where there is no other lawful authority, the consequences of not obtaining an authorisation under the 2000 Act may be that the action is unlawful by virtue of section 6 of the Human Rights Act 1998.

2.3 Public authorities are therefore strongly recommended to seek an authorisation where the use or conduct of a source is likely to interfere with a person's Article 8 rights to privacy by obtaining information from or about a person, whether or not that person is the subject of the investigation or operation. Obtaining an authorisation will ensure that the action is carried out in accordance with law and subject to stringent safeguards against abuse.

Necessity and Proportionality

2.4 Obtaining an authorisation under the 2000 Act will only ensure that the authorised use or conduct of a source is a justifiable interference with an individual's Article 8 rights if it is necessary and proportionate for the source to be used. The 2000 Act first requires that the person granting an authorisation believe that the authorisation is necessary in the circumstances of the particular case for one or more of the statutory grounds in section 29(2) of the 2000 Act.

2.5 Then, if the use of the source is necessary, the person granting the authorisation must believe that the use of a source is proportionate to what is sought to be achieved by the conduct and use of that source. This involves balancing the intrusiveness of the use of the source on the target and others who might be affected by it against the need for the source to be used in operation. The use of a source will not be proportionate if it is excessive in the circumstances of the case or if the information sought could reasonably be obtained by other less intrusive means. The use of a source should be carefully managed to meet the objective in question and sources must not be used in an arbitrary or unfair way.

Collateral intrusion

2.6 Even if authorising the use or conduct of a source, the authorising officer should also take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the operation or investigation (collateral intrusion). Measures should be taken, wherever practicable, to avoid unnecessary intrusion into the lives of those not directly connected with the operation.

2.7 An application for an authorisation should include an assessment of the risk of any collateral intrusion. The authorising officer should take this into account when considering the proportionality of the use and conduct of a source.

2.8 Those tasking a source should inform the authorising officer if the investigation or operation unexpectedly interferes with the privacy of individuals who are not covered by the authorisation. When the original authorisation may not be sufficient, consideration should be given to whether the authorisation needs to be amended and reauthorised or a new authorisation is required.

2.9 Any person granting or applying for an authorisation will also need to be aware of any particular sensitivities in the local community where the source is being used and of similar activities being undertaken by other public authorities which could impact on the deployment of the source. Consideration should also be given to any adverse impact on community confidence or safety that may result from the use or conduct of a source or of information obtained from that source. In this regard, it is recommended that where the authorising officers in the National Criminal Intelligence Service (NCIS), the National Crime Squad (NCS) and HM Customs and Excise (HMCE) consider that conflicts might arise they should consult a senior officer within the police force area in which the source is deployed. Additionally, the authorising officer should make an assessment of any risk to a source in carrying out the conduct in the proposed authorisation.

2.10 In a very limited range of circumstances an authorisation under Part II may, by virtue of sections 26(7) and 27 of the 2000 Act, render lawful conduct which would otherwise be criminal, if it is incidental to any conduct falling within section 26(8) of the 2000 Act which the source is authorised to undertake. This would depend on the circumstances of each individual case. Consideration should always be given to seeking advice from the legal adviser within the relevant public authority when such activity is contemplated. A source that acts beyond the limits recognised by the law will be at risk from prosecution. The need to protect the source cannot alter this principle.

Combined authorisations

2.11 A single authorisation may combine two or more different authorisations under Part II of the 2000 Act. For example, a single authorisation may combine authorisations for intrusive surveillance and the conduct of a source. In such cases the provisions applicable to each of the authorisations must be considered separately. Thus a police superintendent can authorise the conduct of a source but an authorisation for intrusive surveillance by the police needs the separate authority of a chief constable, and in certain cases the approval of a Surveillance Commissioner will also be necessary. Where an authorisation for the use or conduct of a covert human intelligence source is combined with a Secretary of State authorisation for intrusive surveillance, the combined authorisation must be issued by the Secretary of State. However, this does not preclude public authorities from obtaining separate authorisations.

Directed surveillance against a potential source

2.12 It may be necessary to deploy directed surveillance against a potential source as part of the process of assessing their suitability for recruitment, or in planning how best to make the approach to them. An authorisation under this code authorising an officer to establish a covert relationship with a potential source could be combined with a directed surveillance authorisation so that both the officer and potential source could be followed. Directed surveillance is defined in section 26(2) of the 2000 Act. See the code of practice on Covert Surveillance.

Central Record of all authorisations

2.13 A centrally retrievable record of all authorisations should be held by each public authority and regularly updated whenever an authorisation is granted, renewed or cancelled. The record should be made available to the relevant Commissioner or an Inspector from the Office of Surveillance Commissioners, upon request. These records should be retained for a period of at least three years from the ending of the authorisation.

2.14 Proper records must be kept of the authorisation and use of a source. Section 5 of the 2000 Act provides that an authorising officer must not grant an authorisation for the use or conduct of a source unless he believes that there are arrangements in place for ensuring that there is at all times a person with the responsibility for maintaining a record of the use made of the source. The Regulation of Investigatory Powers (Source Records) Regulations 2000; S No: 2725 details the particulars that must be included in the records relating to each source.

2.15 In addition, records or copies of the following, as appropriate, should be kept by the relevant authority:

- a copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorising officer;
- a copy of any renewal of an authorisation, together with the supporting documentation submitted when a renewal was requested;
- the reason why the person renewing an authorisation considered it necessary to do so;
- the authorisation which was granted or renewed orally (in an urgent case) and the reasons why the case was considered urgent;
- any risk assessment made in relation to the source;
- the circumstances in which tasks were given to the source;
- the value of the source to the investigating authority;

- a record of the results of any reviews of the authorisation;
- the reasons, if any, for not renewing an authorisation;
- the reasons for cancelling an authorisation.
- the date and time when any instruction was given by the authorising officer to cease using a source.

2.16 The records kept by public authorities should be maintained in such a way as to preserve the confidentiality of the source and the information provided by that source. There should, at all times, be a designated person within the relevant public authority who will have responsibility for maintaining a record of the use made of the source.

Retention and destruction of the product

2.17 Where the product obtained from a source could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements for a suitable further period, commensurate to any subsequent review.

2.18 In the cases of the law enforcement agencies (not including the Royal Navy Regulating Branch, the Royal Military Police and the Royal Air Force Police), particular attention is drawn to the requirements of the code of practice issued under the Criminal Procedure and Investigations Act 1996. This requires that material which is obtained in the course of a criminal investigation and which may be relevant to the investigation must be recorded and retained.

2.19 There is nothing in the 2008 Act which prevents material obtained from properly authorised use of a source being used by other investigators. Each public authority must ensure that arrangements are in place for the handling, storage and destruction of material obtained through the use of a source. Authorising officers must ensure compliance with the appropriate data protection requirements and any relevant codes of practice produced by individual authorities in the handling and storage of material.

The intelligence services, MOD and HM Forces

2.20 The heads of these agencies are responsible for ensuring that arrangements exist to ensure that no information is stored by their authorities, except as necessary for the proper discharge of their functions. They are also responsible for arrangements to control onward disclosure. For the intelligence services, this is a statutory duty under the 1989 Act and the 1994 Act.

3 SPECIAL RULES ON AUTHORISATIONS

Confidential Information

3.1 The 2000 Act does not provide any special protection for 'confidential information'. Nevertheless, particular care should be taken in cases where the subject of the investigation or operation might reasonably expect a high degree of privacy, or where confidential information is involved. Confidential information consists of matters subject to legal privilege, confidential personal information or confidential journalistic material.

3.2 In cases where through the use or conduct of a source it is likely that knowledge of confidential information will be acquired, the deployment of the source is subject to a higher level of authorisation. Annex A lists the authorising officers for each public authority permitted to authorise such use or conduct of a source.

Communications Subject to Legal Privilege

3.3 Section 88 of the 1987 Act describes those matters that are subject to legal privilege in England and Wales. In Scotland, the relevant description is contained in section 33 of the Criminal Law (Consolidation) (Scotland) Act 1995. With regard to Northern Ireland, Article 12 of the Police and Criminal Evidence (Northern Ireland) Order 1989 should be referred to.

3.4 Legal privilege does not apply to communications made with the intention of furthering a criminal purpose (whether the lawyer is acting unwittingly or culpably). Legally privileged communications will lose their protection if there are grounds to believe, for example, that the professional legal adviser is intending to hold or use them for a criminal purpose. But privilege is not lost if a professional legal adviser is properly advising a person who is suspected of having committed a criminal offence. The concept of legal privilege applies to the provision of professional legal advice by any individual, agency or organisation qualified to do so.

3.5 The 2000 Act does not provide any special protection for legally privileged information. Nevertheless, such information is particularly sensitive and any source which acquires such material may engage Article 8 of the European Convention on Human Rights as well as Article 8. Legally privileged information obtained by a source is extremely unlikely ever to be admissible as evidence in criminal proceedings. Moreover, the mere fact that use has been made by a source to obtain such information may lead to any related criminal proceedings being stayed as an abuse of process. Accordingly, action which may lead to such information being obtained is subject to additional safeguards under the code.

3.6 In a general application for the use or conduct of a source which is likely to result in the acquisition of legally privileged information should only be made in exceptional and compelling circumstances. Full regard should be had to the particular proportionality issues such use or conduct of a source raises. The application should include, in addition to the reasons why it is considered necessary for the use or conduct of a source to be used, an assessment of how likely it is that information subject to legal privilege will be acquired. The application should clearly state

whether the purpose (or one of the purposes) of the use or conduct of the source is to obtain legally privileged information

3.7 This assessment will be taken into account by the authorising officer in deciding whether the proposed use or conduct of a source is necessary and proportionate for a purpose under section 29 of the 2000 Act. The authorising officer may require regular reporting so as to be able to decide whether the authorisation should continue. In those cases where legally privileged information has been acquired and retained, the matter should be reported to the relevant Commissioner or Inspector during his next inspection and the material should be made available to him if requested.

3.8 A substantial proportion of the communications between a lawyer and his client(s) may be subject to legal privilege. Therefore, any case where a lawyer is the subject of an investigation or operation should be notified to the relevant Commissioner or Inspector during his next inspection and any material which has been retained should be made available to him if requested.

3.9 Where there is any doubt as to the handling and dissemination of information which may be subject to legal privilege, advice should be sought from a legal adviser within the relevant public authority before any further dissemination of the material takes place. Similar advice should also be sought where there is doubt over whether information is not subject to legal privilege due to the 'to furtherance of a criminal purpose' exception. The retention of legally privileged information, or its dissemination to an outside body, should be accompanied by a clear warning that it is subject to legal privilege. It should be safeguarded by taking reasonable steps to ensure there is no possibility of it becoming available, or its contents becoming known to any person whose possession of it might prejudice any criminal or civil proceedings related to the information. Any dissemination of legally privileged material to an outside body should be notified to the relevant Commissioner or Inspector during his next inspection.

Communications Involving Confidential Personal Information and Confidential Journalistic Material

3.10 Similar consideration must also be given to authorisations that involve confidential personal information and confidential journalistic material. In those cases where confidential personal information and confidential journalistic material has been acquired and retained, the matter should be reported to the relevant Commissioner or Inspector during his next inspection and the material be made available to him if requested. Confidential personal information is information held in confidence relating to the physical or mental health or spiritual counselling concerning an individual (whether living or dead) who can be identified from it. Such information, which can include both oral and written communications is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence, or it is subject to a restriction on disclosure or an obligation of confidentiality contained in existing legislation. Examples might include consultations between a health professional and a patient, or information from a patient's medical records.

3.11 Spiritual counselling means conversations between an individual and a Minister of Religion acting in his official capacity, where the individual being counselled is seeking or the Minister is imparting forgiveness, absolution or the resolution of conscience with the authority of the Divine Being(s) of their faith.

3.12 Confidential journalistic material includes material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence, as well as communications resulting in information being acquired for the purposes of journalism and held subject to such an undertaking.

Vulnerable individuals

3.13 A vulnerable individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation. Any individual of this description should only be authorised to act as a source in the most exceptional circumstances. In these cases, the attached table in Annex A lists the authorising officer for each public authority permitted to authorise the use of a vulnerable individual as a source.

Juvenile sources

3.14 Special safeguards also apply to the use or conduct of juvenile sources: that is sources under the age of 18 years. On no occasion should the use or conduct of a source under 18 years of age be authorised to give information against his parents or any person who has parental responsibility for him. In other cases, authorisations should not be granted unless the special provisions contained within The Regulation of Investigatory Powers (Juveniles) Order 2000, SI No. 2793 are satisfied. Authorisations for juvenile sources should be granted by those listed in the attached table at Annex A. The duration of such an authorisation is one month instead of twelve months.

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4 AUTHORISATION PROCEDURES FOR COVERT HUMAN INTELLIGENCE SOURCES

4.1 Under section 26(8) of the 2000 Act a person is a source if:

- a) he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph (b) or (c);
- b) he covertly uses such a relationship to obtain information or to provide access to any information to another person; or
- c) he covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship

4.2 A source may include those referred to as agents, informants and officers working undercover

4.3 By virtue of section 26(9)(b) of the 2000 Act a purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if and only if, the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.

4.4 By virtue of section 26(9)(c) of the 2000 Act a relationship is used covertly, and information obtained as mentioned in paragraph 4.1(c) above is disclosed covertly, if and only if it is used or, as the case may be, disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

4.5 The use of a source involves inducing, asking or assisting a person to engage in the conduct of a source or to obtain information by means of the conduct of such a source

4.6 The conduct of a source is any conduct falling within section 29(4) of the 2000 Act, or which is incidental to anything falling within section 29(4) of the 2000 Act.

Authorisation procedures

4.7 Under section 29(3) of the 2000 Act an authorisation for the use or conduct of a source may be granted by the authorising officer where he believes that the authorisation is necessary:

in the interests of national security.

¹ One of the functions of the Security Service is the protection of national security and in particular the protection against threats from terrorism. These functions extend throughout the United Kingdom, save that, in Northern Ireland, where the legal responsibility for investigating the threat from terrorism relates to the affairs of Northern Ireland lies with the Police Service of Northern Ireland. An authorising officer in another public authority should not issue an authorisation under Part II of the 2000 Act where the operation or investigation falls within the responsibilities of the Security Service.

- for the purpose of preventing and detecting³ crime or of preventing disorder;
- in the interests of the economic well-being of the UK;
- in the interests of public safety;
- for the purpose of protecting public health⁴;
- for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department; or
- for any other purpose prescribed in an order made by the Secretary of State⁵.

4.8 The authorising officer must also believe that the authorising use or conduct of a source is proportionate to what is sought to be achieved by that use or conduct.

4.9 The public authorities entitled to authorise the use or conduct of a source are those listed in Schedule 1 to the 2000 Act. Responsibility for authorising the use or conduct of a source rests with the authorising officer and all authorisations require the personal authority of the authorising officer. An authorising officer is the person designated under section 29 of the 2000 Act to grant an authorisation for the use or conduct of a source. The Regulation of Investigatory Powers (Prescriptions of Offices, Ranks and Positions) Order 2000, No: 2417 designates the authorising officer for each different public authority and the officers entitled to act only in urgent cases. In certain circumstances the Secretary of State may be the authorising officer (see section 30(2) of the 2000 Act).

4.10 The authorising officer must give authorisations in writing, except that in urgent cases, they may be given orally by the authorising officer or the officer entitled to act in urgent cases. In such cases, a statement that the authorising officer has expressly authorised the action should be recorded in writing by the applicant as soon as is reasonably practicable.

as set out above, except where it is to be carried out by a Special Branch or where the Security Service has agreed that another public authority can authorise the use or conduct of a source which would normally fall within the responsibilities of the Security Service.

² HM Forces may also undertake operations in connection with a military threat to national security and other operations in connection with national security in support of the Security Service, the Police Service of Northern Ireland or other Civil Powers.

³ Detecting crime is defined in section 81(5) of the 2000 Act.

⁴ This could include investigations into infectious diseases, contaminated products or the illicit sale of pharmaceuticals.

⁵ This could only be for a purpose which satisfies the criteria set out in Article 8(2) of the ECHR.

4.11 A case is not normally to be regarded as urgent unless the time that would elapse before the authorising officer was available to grant the authorisation would, in the judgement of the person giving the authorisation, be likely to endanger life or jeopardise the operation or investigation for which the authorisation was being given. An authorisation is not to be regarded as urgent where the need for an authorisation has been neglected or the urgency is of the authorising officer's own making.

4.12 Authorising officers should not be responsible for authorising their own activities, e.g. those in which they, themselves, are to act as the source or in tasking the source. However, it is recognised that this is not always possible, especially in the cases of small organisations. Where an authorising officer authorises his own activity the authorisation record (see paragraphs 2.13 - 2.15) should highlight this and the attention of a Commissioner or Inspector should be invited to it during his next inspection.

4.13 The authorising officers within the police, NCIS and NCS may only grant authorisations on application by a member of their own force, Service or Squad. Authorising officers in HMCE may only grant authorisations on application by a customs officer.

Information to be provided in applications for authorisation

4.14 An application for authorisation for the use of conduct of a source should be in writing and record:

- the reasons why the authorisation is necessary in the particular case and on the grounds (e.g. for the purpose of preventing or detecting crime) listed in section 29(3) of the 2000 Act;
- the reasons why the authorisation is considered proportionate to what it seeks to achieve;
- the purpose for which the source will be tasked or deployed (e.g. in relation to an organised serious crime, espionage, a series of racially motivated crimes etc);
- where a specific investigation or operation is involved, nature of that investigation or operation;
- the nature of what the source will be tasked to do;
- the level of authority required, or recommended, where that is different;
- the details of any potential collateral intrusion and why the intrusion is justified;

As defined in section 81(1) of the 2000 Act

- the details of any confidential information that is likely to be obtained as a consequence of the authorisation; and
- a subsequent record of whether authority was given or refused, by whom and the time and date

4.15 Additionally, in urgent cases, the authorisation should record (as the case may be).

- the reasons why the authorising officer or the officer entitled to act in urgent cases considered the case so urgent that an oral instead of a written authorisation was given; and/or
- the reasons why it was not reasonably practicable for the application to be considered by the authorising officer

4.16 Where the authorisation is oral, the detail referred to above should be recorded in writing by the applicant as soon as reasonably practicable

Duration of authorisations

4.17 A written authorisation will, unless renewed, cease to have effect at the end of a period of twelve months beginning with the day on which it took effect.

4.18 Urgent oral authorisations or authorisations granted or renewed by a person who is entitled to act only in urgent cases will, unless renewed, cease to have effect after seventy-two hours, beginning with the time when the authorisation was granted or renewed.

Reviews

4.19 Regular reviews of authorisations should be undertaken to assess the need for the use of a source to continue. The review should include the use made of the source during the period authorised, the tasks given to the source and the information obtained from the source. The results of a review should be recorded on the authorisation record (see paragraphs 2.183-2.16). Particular attention is drawn to the need to review authorisations frequently where the use of a source provides access to confidential information or involves collateral intrusion.

4.20 In each case the authorising officer within each public authority should determine how often a review should take place. This should be as frequently as is considered necessary and practicable.

Renewals

4.21 Before an authorising officer issues an authorisation, he must be satisfied that a review has been carried out of the use of a source as outlined in paragraph 4.19.

4.22 If at any time before an authorisation would cease to have effect, the authorising officer considers it necessary for the authorisation to continue for the purpose for which it was given, he may renew it in writing for a further period of twelve months. Renewals may also be granted orally in urgent cases and last for a period of seventy-two hours.

4.23 A renewal takes effect at the time at which, or day on which the authorisation would have ceased to have effect but for the renewal. An application for renewal should not be made until shortly before the authorisation period is drawing to an end. Any person who would be entitled to grant a new authorisation can renew an authorisation. Authorisations may be renewed more than once, if necessary, provided they continue to meet the criteria for authorisation. The renewal should be kept/recorded as part of the authorisation record (see paragraphs 2.13 - 2.15).

4.24 All applications for the renewal of an authorisation should record:

- whether this is the first renewal or every occasion on which the authorisation has been renewed previously;
- any significant changes to the information in paragraph 4.14;
- the reasons why it is necessary to continue to use the source;
- the use made of the source in the period since the grant or, as the case may be, latest renewal of the authorisation;
- the tasks given to the source during that period and the information obtained from the conduct of the work;
- the results of regular reviews of the use of the source;

Cancellations

4.25 The authorising officer who issued or renewed the authorisation must cancel it if he is satisfied that the use or conduct of the source no longer satisfies the criteria for authorisation or that satisfactory arrangements for the source's case no longer exist. Where the authorising officer is no longer available, his liability will fall on the person who has taken over his duties and responsibilities as the person who is acting as authorising officer. The Regulation of Investigatory Powers (Cancellation of Authorisation) Order 2004 (SI No. 2784) where necessary, the safety and welfare of the source should continue to be taken into account after the authorisation has been cancelled.

MANAGEMENT OF SOURCES

Tasking

4.26 Tasking is the assignment given to the source by the persons defined at sections 29(5)(a) and (b) of the 2000 Act asking him to obtain information, to provide access to information or to otherwise act incidentally, for the benefit of the relevant

public authority. Authorisation for the use or conduct of a source is required prior to any tasking where such tasking requires the source to establish or maintain a personal or other relationship for a covert purpose.

4.27 The person referred to in section 29(5)(a) of the 2000 Act will have day to day responsibility for:

- dealing with the source on behalf of the authority concerned;
- directing the day to day activities of the source;
- recording the information supplied by the source; and
- monitoring the source's security and welfare;

4.28 The person referred to in section 29(5)(b) of the 2000 Act will be responsible for the general oversight of the use of the source

4.29 In some instances, the tasking given to a person will not require the source to establish a personal or other relationship for a covert purpose. For example a source may be tasked with finding out purely factual information about the layout of commercial premises. Alternatively, a trading standards officer may be involved in the test purchase of items which have been labelled misleadingly or are unfit for consumption. In such cases, it is for the relevant public authority to determine where, and in what circumstances, such activity may require authorisation.

4.30 It is not the intention that authorisations be drawn so narrowly that a separate authorisation is required each time the source is tasked. Rather, an authorisation might cover, in broad terms, the nature of the source's work. If this changes, then a new authorisation may need to be sought.

4.31 It is difficult to predict exactly what might occur each time a source is working with a source takes place, or the source meets the subject of an investigation. There may be occasions when unforeseen action or undertakings occur. When this happens, the occurrence must be recorded as soon as practicable after the event and, if the existing authorisation is insufficient it should either be updated and reauthorised (for minor amendments only) or it should be cancelled and a new authorisation should be obtained before any further such action is carried out.

4.32 Similarly where it is intended to task a source in a new way or significantly greater way than previously identified, the persons defined at section 29(5)(a) or (b) of the 2000 Act must refer the proposed tasking to the authorising officer, who should consider whether a separate authorisation is required. This should be done in advance of any tasking and the details of such referrals must be recorded.

Management responsibility

4.33 Public authorities should ensure that arrangements are in place for the proper oversight and management of sources, including appointing individual officers as required in section 29(5)(a) and (b) of the 2000 Act for each source.

4.34 The person responsible for the day-to-day contact between the public authority and the source will usually be of a rank or position below that of the authorising officer.

4.35 In cases where the authorisation is for the use or conduct of a source whose activities benefit more than a single public authority, responsibilities for the management and oversight of that source may be taken up by one authority or can be split between the authorities.

Security and welfare

4.36 Any public authority deploying a source should take into account the safety and welfare of that source, when carrying out actions in relation to an authorisation or tasking, and to foreseeable consequences to others of that tasking. Before authorising the use or conduct of a source, the authorising officer should ensure that a risk assessment is carried out to determine the risk to the source of any tasking and the likely consequences should the role of the source become known. The ongoing security and welfare of the source, after the cancellation of the authorisation, should also be considered at the outset.

4.37 The person defined at section 29(5)(a) of the 2000 Act is responsible for bringing to the attention of the person defined at section 29(5)(b) of the 2000 Act any concerns about the personal circumstances of the source, insofar as they might affect:

- the validity of the risk assessment;
- the conduct of the source; and
- the safety and welfare of the source.

4.38 Where deemed appropriate, concerns about such matters must be considered by the authorising officer, and a decision taken on whether or not to allow the authorisation to continue.

ADDITIONAL RULES

Recording of telephone conversations

4.39 Subject to paragraph 4.40 below, the interception of communications sent by post or by means of public telecommunications systems or private telecommunications systems attached to the public network may be authorised only by the Secretary of State, in accordance with the terms of Part 1 of the 2000 Act. Nothing in this code should be taken as granting dispensation from the requirements of that Part of the 2000 Act.

4.40 Part 1 of the 2000 Act provides certain exceptions to the rule that interception of telephone conversations must be authorised under that Part. This includes, where one party to the communication consents to the interception, it may be authorised in

accordance with section 48(A) of the 2000 Act provided that there is no interception warrant authorising the interception. In such cases, the interception is treated as directed surveillance (see chapter 4 of the Covert Surveillance code of practice).

Use of covert human intelligence source with technical equipment

4.41 A source, whether or not wearing or carrying a surveillance device and invited into residential premises or a private vehicle, does not require additional authorisation to record any activity taking place inside those premises or vehicle which take place in his presence. This also applies to the recording of telephone conversations other than by interception which takes place in the source's presence. Authorisation for the use or conduct of that source may be obtained in the usual way.

4.42 However, if a surveillance device is to be used, other than in the presence of the source, an intrusive surveillance authorisation and if necessary an authorisation for interference with property should be obtained.

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5 OVERSIGHT BY COMMISSIONERS

5.1 The 2000 Act requires the Chief Surveillance Commissioner to keep under review (with the assistance of the Surveillance Commissioners and Assistant Surveillance Commissioners) the performance of functions under Part III of the 1997 Act and Part II of the 2000 Act by the police (including the Royal Navy Regulating Branch, the Royal Military Police and the Royal Air Force Police and the Ministry of Defence Police and the British Transport Police), NCIS, NCS, HMCE and of the 2000 Act the other public authorities listed in Schedule 1 and in Northern Ireland officials of the Ministry of Defence and HM Forces

5.2 The Intelligence Services Commissioner's remit is to provide independent oversight of the use of the powers contained within Part II of the 2000 Act by the Security Service, Secret Intelligence Service (SIS), the Government's Communication Headquarters (GCHQ) and the Ministry of Defence and HM Forces (excluding the Royal Navy Regulating Branch, the Royal Military Police and the Royal Air Force Police, and in Northern Ireland officials of the Ministry of Defence HM Forces)

5.3 This code does not cover the exercise of any of the Commissioners' functions. It is the duty of any person who uses these powers to comply with any request made by a Commissioner to disclose or provide any information he requires for the purpose of enabling him to carry out his functions.

5.4 References in this code to the performance of review functions by the Chief Surveillance Commissioner and other Commissioners apply also to Inspectors and other members of staff to whom such functions have been delegated.

6 COMPLAINTS

6.1 The 2000 Act establishes an Independent Tribunal. This Tribunal will be made up of senior members of the judiciary and the legal profession and is independent of the Government. The Tribunal has full powers to investigate and decide any case within its jurisdiction.

6.2 This code does not cover the exercise of the Tribunal's functions. Details of the relevant complaints procedure can be obtained from the following address:

Investigatory Powers Tribunal
PO Box 33220
London
SW1H 9ZQ

☎ 020 7273 4544

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Annex A

Authorisation levels when knowledge of confidential information is likely to be required or when a vulnerable individual or juvenile is to be used as a source

Government Department / Public Authority	Authorisation level for when knowledge of Confidential Information is likely to be acquired	Authorisation level for when a vulnerable individual or a juvenile is to be used as a source
Police Forces - Any police force maintained under section 2 of the Police Act 1966 (police forces in England and Wales outside London).	Chief Constable	Assistant Chief Constable
Police Forces - Any police force maintained under or by virtue of section 1 of the Police (Scotland) Act 1967.	Chief Constable	Assistant Chief Constable
The Metropolitan police force	Assistant Commissioner	Commander
The City of London police force	Commissioner	Commander
The Police Service of Northern Ireland	Deputy Chief Constable	Assistant Chief Constable
The Royal Navy Regulating Branch	Provost Marshal	Provost Marshal
Royal Military Police	Provost Marshal	Provost Marshal
Royal Air Force Police	Provost Marshal	Provost Marshal
National Criminal Intelligence Service (NCIS)	Director General	Assistant Chief Constable or Assistant Chief Investigation Officer
National Crime Squad (NCS)	Director General or Deputy Director General	Assistant Chief Constable
Serious Fraud Office	Director or Assistant Director	Director or Assistant Director
The Intelligence Services: Government Communications Readjustment Security Service Secret Intelligence Service	A Director of GCHQ Deputy Director General A Director of the Secret Intelligence Service	A Director of GCHQ Deputy Director General A member of the Secret Intelligence Service not below the equivalent rank to that of a Grade 5 in the Home Civil Service)
HM Forces: Royal Navy Army Royal Air Force	Rear Admiral Major General Air Vice Marshal	Rear Admiral Major General Air Vice Marshal

Government Department / Public Authority	Authorisation level for when knowledge of Confidential Information is likely to be acquired	Authorisation level for when a vulnerable individual or a juvenile is to be used as a source
HM Customs and Excise	Director Investigation or Regional Heads of Investigation	Band 11 (Intelligence)
Inland Revenue	Deputy Chairman of Inland Revenue	Head of Special Compliance Office
Department for the Environment, Food and Rural Affairs		
DEFRA Investigation Branch	Immediate Senior Officer of Head of DEFRA Prosecution Division	Head of DEFRA Prosecution Division
Horticultural Marketing Inspectorate	Immediate Senior Officer of Head of DEFRA Prosecution Division	No
Plant Health and Seed Inspectorate	Immediate Senior Officer of Head of DEFRA Prosecution Division	No
Egg Marketing Inspectorate	Immediate Senior Officer of Head of DEFRA Prosecution Division	No
Sea Fisheries Inspectorate (SFI)	Immediate Senior Officer of Head of DEFRA Prosecution Division	No
Centre for Environment, Fisheries & Aquaculture Science (CEFAS)	Immediate Senior Officer of Head of DEFRA Prosecution Division	Head of DEFRA Prosecution Division
Ministry of Defence	Director General or equivalent	Director General or equivalent
Department for Transport, Local Government and the Regions		
Vehicle Inspectorate		No
Transport Security (TranSec)	Director of Transport Security	Deputy Director of Transport Security
Department of Health		
Medical Devices Agency	Chief Executive	No
Medicine Control Agency	Chief Executive	Head of Division for Inspection and Enforcement
Welfare Trade Policy Unit	Deputy Chief Medical Officer	No
Directorate of Counter Fraud Services (DCFS)	Director of Counter Fraud	Director of Counter Fraud

BUILDING A SAFE, JUST AND TOLERANT SOCIETY

Government Department/ Public Authority	Subordinate level for	Authorisation level for
	Confidential information is likely to be released	when a vulnerable individual or a juvenile is to be used as a source
	Services	Services
Home Office:		
HM Prison Service	Deputy Director General	Area Managers
Immigration Service	Chief Inspector	Director
Department of Work and Pensions:		
Benefits Agency	Chief Executive	Head of Fraud Investigation
Department of Trade and Industry:		
Radio Communications Agency	No	No
British Trade International	No	No
Coal Health Claims Unit	Director of Coal Health Claims Unit	No
Companies Investigation Branch	The Inspector of Companies	The Inspector of Companies
Legal Services Directorate D	The Director of Legal Services D	The Director of Legal Services D
National Assembly for Wales	Health - Director, NHS Wales Agriculture - Head, National Assembly for Wales Agriculture Department	Health - Director, NHS Wales Agriculture - Head, National Assembly for Wales Agriculture Department
Local Authorities	The Head of Paid Service or (in his absence) a Chief Officer	The Head of Paid Service or (in his absence) a Chief Officer
Environment Agency	Chief Executive	Executive Managers
Financial Services Authority	Chairman	Chairman
Food Standards Agency	Head of Group, Deputy Chief Executive and Chief Executive	Head of Group, Deputy Chief Executive and Chief Executive
The Intervention Board for Agricultural Produce	Chief Executive	Legal Director
Personal Investment Authority	Chairman	Chairman
Post Office	Director of Security	Head of Corporate Security/Head of Security for the Royal Mail/Head of Security for Counter Business

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[This seems to have been detached from the other I sent you (CHIS Code, ... Manual). It was ... your retention (use ... template for SDS?)]

- [...MINUTE NUMBER...]-

Det. Supt. [...AUTHORISING OFFICER...]

I am satisfied the proposed operation detailed in the application indexed at [...e.g. 2A...] meets the criteria set out in the '*Regulation of Investigatory Powers Act 2000*' and '*Use of Covert Human Intelligence Sources, Codes of Practice*' for the authorisation for the use and conduct of a 'source' participating in crime.

The operation falls within the criteria set out in the Codes of Practice at paragraph 4.7 in that it is necessary in respect of: -

- * Prevention or detection of National Security
- * Prevention or detection of Crime or Disorder
- * Economic well-being of the country
- * Protection of Public Health
- * Interest of Public Health
- * Interest of Public Safety
- * Assessing/collecting taxes
- * For other purposes prescribed in an order made by the Secretary of State

The desired result of the authorisation cannot reasonably be achieved by less intrusive means. The risk of collateral intrusion has been properly considered. I am satisfied the authorised use and conduct of the source is on specific grounds, it is appropriate, proportionate and necessary to what it seeks to achieve and that satisfactory arrangements exist for the management of the source.

Authority is given for [...CODE NAME...] to be deployed as a 'Covert Human Intelligence Source' to the extent described in the application at [...e.g. 2A and 5A ...].

[124]

[and doubles as authorising officer with SDS applications]

As this operation progresses the Authorising Officer, Controller and Handlers are to ensure there is a constant review of the risk assessment and welfare issues to ensure the safety and welfare of the source.

I note the comments indexed at [...e.g. 3B...] concerning an investigation being conducted into [...CODE NAME...] by [...AGENCY / UNIT...]. Once the outcome of this investigation has been determined, this authority must be reviewed in light of that decision.

I note in the application indexed at [...MINUTE...], [...CODE NAME...] has been involved in conduct which, if the actions or undertakings had been foreseen, would have needed authorisation. However, the circumstances dealt with, clearly show this conduct was unavoidable in order for * [...CODE NAME...] to maintain their cover * in the interest of justice * to lawfully pursue the investigation * a justifiable reason. My authority is granted for the above previous activity.

[...CONTROLLER...] is to ensure that a report reviewing the operation and justifying the continued use and conduct of the source and including an updated risk assessment is submitted through [...AUTHORISING OFFICER...] to myself by [...DATE...].

My authority expires on [...DATE...]. This Participating Informant Authority covers the tasking of [...CODE NAME...] to become involved in [...AS DETAILED IN APPLICATION...]. If further conduct by the source outside of this activity is sought or there is a significant change to the risk assessment or there is a significant development requiring additional authority, a further report is to be submitted immediately.

Where there is no longer a requirement for the authorisations to continue, a report must be submitted immediately.

Special Branch
[...DATE...]

Roger Pearce
Commander
Head of Special Branch

METROPOLITAN POLICE

COPY

MEMORANDUM

To: Supl. B Squad

From: CI [126]
SO12 Source Unit

[125]

Date: 21.11.2002

Tel No: [127]

[128]

Thought you might be interested to see the attached, which were passed to me by [129]
on E Squad.

The main section is the text of the Surveillance Commissioner's speech to this year's
national conference on cover policing.

Please return when finished.

[130]

[131]

[Thank you. We need to discuss how our practices and our aspirations
e.g. RIPA secretariat match the OSC expectations of good practice.]

[132]

[133]

[Please see in particular "X" on page 1 of attachment. It would seem
that recommendations are not up for debate! Please return papers
to me. They have been separately copied across "S" Squad.]

[134]

LA

COVERT POLICING FROM 2000 TO 2003

My task is to tell you briefly how the Office of the Surveillance Commissioners (OSC) views the progress of covert activities from the advent of RIPA until 2003. Like you, we keep a low profile and are known to few. But in this closed session I can say that, of the Surveillance Commissioners, five were Appeal Court judges: three from England & Wales, one from Scotland and one from Northern Ireland. One of the other two is still sitting as a judge in Scotland. There are also three Assistant Surveillance Commissioners, who were Circuit Judges. To preserve our independence, each of us is removable only by address in both Houses of Parliament. We are backed by the Secretary to OSC and a diligent support staff, who are always ready to help you when they can. RIPA added five Surveillance Inspectors. The Chief Inspector was [135]

[136]
[RIPA does not dictate staffing arrangements]

[135] in the Police Complaints Commission. The other four Inspectors were senior police officers. They are poachers named gamekeepers, who know the tricks of the trade.

Before RIPA covert surveillance other than property interference was undertaken by amateurs, whether gifted or not. Although surveillance was regulated from an internal point of view, it was not validated externally. The function of RIPA is of course to try to ensure that rights under Art. 8 of ECHR are not transgressed. But its purpose is also to protect those who conduct surveillance so long as their applications are properly authorised and the conditions of the authorisations complied with. Now that there is external regulation, there is a certain amount of form-filling to be done. I expect that, like the Home Secretary, you call it bureaucracy. It does not matter what you call it. Its purpose is twofold: to provide an evidential basis when you want to rely in Court on the product of surveillance, and to afford protection to operatives by rendering lawful what would otherwise be tortious. The OSC is not concerned with phone-tapping, probably because its product cannot be used in evidence. Instead, RIPA extended my duties to keeping under review all public authorities in their conduct of covert activities, including the inelegantly named CHIS. I intend to set a competition for a better title than CHIS, with a more punchy acronym. Meanwhile I offer you Surveillance Personnel in Entertaining Situations. I think I hear a few pebbles dropping.

As part of my duty to keep all covert activities under review, inspections are carried out. After each the Inspector sends me a report. I send a copy to the Chief Officers concerned. So far, all but two have received it in the spirit in which it was proffered. Those two became defensive. They explained why they thought their force had been misunderstood by the Inspector, and they insisted that, contrary to appearances, their senior officers were committed to the effective implementation of RIPA. They then sought to refuse one or two of the recommendations before assuring me that all the others would soon be attended to. Those two Chief Constables misapprehended the purpose of review. The report is intended to be helpful. It need be seen by no one else but Chief Officers and me. Usually they thank me for it and assert that they will implement it at once. In most cases that is what happens. But in a few they sit on their hands, and a year later the same Inspector has to repeat the same recommendations, with others added. In cases of conspicuous failure to do what is required I shall not hesitate in future to use my statutory power to make a special report to the Prime Minister.

X
*

The basic requirements that the Inspectors look for relate to policy, procedure and training. Forces must have policies for covert surveillance and CHIS activities, which include formal reviews and a centralised system for the management, supervision and retention of records. They must have detailed procedures for the processing of all covert surveillance operations which ensure proper compliance with the legislation. Also necessary is the establishment of dedicated, structured training, including refresher training.

The model forms put out by the National Crime Squad have lately been revised. I was shown copies, while they were still in draft. I was, I suppose, not surprised by the predilection for checking boxes. It represents an unthinking approach to forms. Any fool can check a box or recite formulae that have no real significance. But that approach disregards the essential purpose of the forms which is to provide contemporaneous evidence that the applicants, and more importantly the authorising officers, have applied their minds to the relevant considerations in relation to each application. The predilection for checking boxes has, however, been curbed; the forms are useful now; and the Director General is still smiling.

The commonest faults in applications are failure sufficiently to describe the offence under investigation, and not answering all the questions in the form. In authorisations the commonest faults are failure to strike out whichever of two alternatives is inapplicable, failure to provide all the information required by statutory instrument, and entering incorrect terminal dates. The commonest kind of fault in cancellations is the failure to specify technical equipment deployed, product obtained and the details required by statutory instrument. Commonest in renewals is the failure to particularise product obtained, changes since authorisation, and reasons why it is necessary for surveillance to continue.

The Codes of Practice are a hobby horse of mine. You have them now. Or at least you should have. They resolve some problems. Others remain unanswered. Now that we can see where we are, I have issued some guidance about practice and procedure, including interpretational guidelines, which summarise the Commissioners' approach to 30 or 40 points of law. One of them concerns crime hotspots. It is a controversial topic. The key to it is provided by section 26(2) of RIPA, which refers to the obtaining of information about a person whether or not one specifically identified for the purposes of the investigation. It is not restricted to an *intention* to gain private information because the subsection refers to covert surveillance carried out "in such manner as is *likely* to result in the obtaining of private information." Surveillance of persons while they are actually engaged in crime in a public place is not likely to result in the obtaining of information about them which is properly to be regarded as 'private'. But surveillance of persons who are not, or who turn out not to be, engaged in crime is more likely to result in the obtaining of private information. What is called for, I fear, is the exercise of judgement. It is not a problem that can be solved by attaching a label, such as 'crime hotspot'. An authorisation for directed surveillance is required whenever there is a real possibility that the manner in which it is proposed to carry out particular surveillance will result in the obtaining of private information about a person, whether or not that person is or becomes a subject of the operation.

I have three comments about that. First, one purpose of RIPA is to safeguard privacy. The obtaining of information not in the public domain is an invasion of privacy. The recent case of Connor in the Scottish Appeal Court should not encourage unauthorised surveillance, because in that case no information was directly gleaned from the appellant. Secondly, the subsection is concerned not merely with whether private information will be obtained but with whether the manner in which the surveillance is carried out makes it likely that private information will be obtained about any person. In other words, the focus is upon the closeness and particularity of the surveillance to which individuals will be exposed. Thirdly, you as well as the Surveillance Commissioners should incline in favour of a need for authorisation, since if we did otherwise, and an operation was invalidated through lack of it, we would all be at fault for having adopted a regime in which authorisation was disregarded.

"If in doubt, apply" is a sound general rule. But it should never be applied unthinkingly. Section 80 of RIPA is careful to say that "Nothing in any of the provisions of this Act by virtue of which conduct of any description is or may be authorised by any warrant, authorisation or notice, or by virtue of which information may be obtained in any manner, shall be construed ... as making it unlawful to engage in any conduct of that description which is not otherwise unlawful under this Act and would not be unlawful apart from this Act." Sometimes it is also worth bearing in mind what principle of the ECHR the Act is seeking to uphold.

Covert surveillance for the purpose of investigating allegations of sex with girls under the age of 13 is an example of that. The offence, which carries a maximum sentence of life imprisonment, must almost always be of the seriousness required by statute. The consent of the girl is immaterial. I do not consider that the right of the child to privacy can play a significant part in the decision whether for her own protection to mount covert surveillance in order to prevent or detect an offence, though no doubt considerable sensitivity is called for, and would be observed, in the handling of evidence so obtained. Because the criminal legislation is for the protection of the girl, it would be a strange result if the investigation of such an offence were to be inhibited or defeated by her consent to the commission of it or by an overriding concern for her privacy. In most cases a further safeguard is provided for the Human Rights of the child by the need for the prior approval of a Surveillance Commissioner. But it is difficult to imagine circumstances in which a child could be left in peril while surveillance took place. A more realistic situation arises when a prisoner holds a hostage in his cell. The conduct of covert surveillance in those circumstances without authorisation is not an interference under Art. 8 with the private lives of either victim or hostage taker, and such action is in any event necessary in a democratic society for the prevention of crime.

Because directed surveillance is less invasive than other forms of surveillance, it tends to raise more problems. One case decided during the year deserves mention. The Queen v Sutherland and others was a criminal trial, which Keir Starmer will be analysing for you later. Mr Justice Newman found that after defendants had been arrested in order to be questioned, police officers deliberately listened to privileged conversations between the defendants and their solicitors, but obtained no useful information. He nevertheless stayed the proceedings on the ground that the surveillance was unauthorised, holding that it was not necessary for the defendants to show either that the trial had been rendered unfair or that some use would be

made of the relevant material. The surveillance was unauthorised because the only authorisation was for directed surveillance of the defendants' conversations by means of listening devices in the communal cell areas of a police station, whereas it was carried out in the exercise yard in relation to conversations with their solicitors. It is a cautionary tale for all who are tempted to carry out surveillance in excess of what has been authorised. Unauthorised surveillance of that kind is often difficult to detect, and therefore represents a true test of the efficacy of internal monitoring systems. Every police force can usefully ask itself whether its own system would have detected the misconduct, and if not, what can be done to ensure that it would. The judge also remarked that those who carry out covert surveillance should be shown a copy of the authorisation; and that is indeed good practice.

The year ahead will offer two particular challenges. First, you are likely to have added to your store of accountable practices the need to conduct encryption in accordance with Part III of RIPA. I shall have to keep those practices under review, including directions notified to me by law enforcement agencies that disclosure requirements can only be complied with by disclosure of the actual keys to the protected information, and the arrangements in relation to tipping off and for the protection of keys. I am not yet an expert on Part III myself, but, one way or another, I am sure you are all about to improve my education.

Secondly, with regard to directed surveillance I look forward to a year in which authorising officers describe precisely what they are authorising, when collateral intrusion is adequately addressed, when home-made concepts like 'non-directed surveillance' are a thing of the past, and when authorisations are seen by those who carry them out. As for CHIS, let us see no more CHIS passed off as 'confidential contacts', no more part-time controllers, no more superficial risk assessments, and no more retention of true identities in working files.

During the year my Office will update from time to time the examples of bad and good practice which we disseminate to all law enforcement agencies, so that you all may continue to learn from each other. Bad practices that we find include inadequate or non-existent policy documents, failure to review or cancel authorisations, inadequate applications and authorisations, authorisations that extend beyond their statutory limit, poor accountability for technical equipment, inadequate training, poor knowledge of the legislation, and no central record of authorisations. Good practices are mostly the other side of the penny from the bad. They include excellent, detailed force guidance, first-rate central authorities bureaux which provide both oversight and quality control, exemplary reviews of force practice, frequent internal checking and dip-sampling, adoption of the ACPO best practice model for the management of CHIS, detailed risk assessments, and well-directed and imaginative training.

In my Annual Reports I intend to name forces that are notable for their good practices. Perhaps I should also shame those notable for their bad practices. Either way, I look forward to keeping your practices under review. It simplifies my task that most of those responsible for covert activities are keen to get them right. For that, and for listening to me without audible dissent, my heartfelt gratitude is both necessary and proportionate.

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authorities can show that other measures short of detention – such as taking the individual home – were considered but rejected as insufficient. (*Llana v Poland*, para. 78 – blind person taken into detention to sober up after it was alleged that he was drunk in a post office)

1.6 PROPORTIONALITY

Key ECHR cases

Handyside v UK (1976) 1 EHRR 737, ECtHR
Informationsverein Lentia v Austria (1993) 17 EHRR 93, ECtHR
Lehideux and Isorni v France (23 September 1998), ECtHR

ECHR principles

- Any restriction on Convention rights must be proportionate.
- For qualified rights, this requirement flows from the use of the phrase 'necessary in a democratic society' in Articles 8 to 11.
 - ... every 'formality', 'condition', 'restriction' or 'penalty' imposed in this sphere must be proportionate to the legitimate aim pursued. (*Handyside v UK*, para. 49)
- A restriction will be proportionate only if the objective behind the restriction justifies interference with a Convention right, there is a rational connection between the objective and the restriction in question and the means employed are not more than is necessary to achieve the objective.
- In making this assessment, the following factors are relevant:
 - (a) whether relevant and sufficient reasons have been advanced for the restriction;
 - (b) whether there was a less restrictive, but equally effective, way of achieving the same objective;
 - (c) whether sufficient regard has been paid to the rights and interests of those affected; in some cases (e.g. in family cases) those affected should be consulted;
 - (d) whether safeguards exist to guard against error or abuse (e.g., in secret surveillance cases);
 - (e) whether the restriction in question destroys the very essence of the Convention right in issue.
- Evidence from other Council of Europe countries will often be relevant to the question of whether a restriction is proportionate.

Finally, and above all, it cannot be argued that there was no equivalent, less restrictive, solution: it is sufficient by way of example to cite the practice of certain countries which either issue licences subject to specified conditions of variable content or make provision for forms of private participation in the activities of the national corporation (*Informationsverein Lentia v Austria*, para. 39 – public broadcasting monopoly inconsistent with Article 10)

- The passage of time may be relevant to the question of proportionality:

As time passes, the appropriate response to certain types of publication changes. The lapse of time makes it inappropriate to deal with some remarks 40 years on with the same severity as 10 or 20 years previously. This forms part of the efforts that every country must make to debate its own history openly and dispassionately. (*Lehideux and Isorni v France*, para. 43 - applicants convicted for publication of material about Marshal Pétain, suggesting that his policies when head of the Vichy government might have been right, or, at least, well intentioned)

Relevant Canadian cases

R v Edwards Books and Art [1986] 2 SCR 713

R v Oakes [1986] 1 SCR 103

- Four criteria must be satisfied before a restriction on Charter rights and freedoms can be justified:

- (a) There must be a sufficiently important objective.
- (b) There must be a rational connection between the restriction and the objective.
- (c) The restriction must impair the right in question no more than is necessary to accomplish the objective.
- (d) The restriction must not have a disproportionately severe effect on the person to whom it applies.

Although the nature of the proportionality test will vary depending on the circumstances, in each case courts will be required to balance the interests of society with those of individuals and groups. There are, in my view, three important components of a proportionality test. First, the measures adopted must be carefully designed to achieve the objective in question. They must not be arbitrary, unfair or based on irrational considerations. In short, they must be rationally connected to the objective. Second the means, even if rationally connected to the objective in the first sense, should impair 'as little as possible' the right or freedom in question. Third, there must be a proportionality between the effects of the measures which are responsible for limiting the Charter right or freedom, and the objective which has been identified as of 'sufficient importance' (*R v Oakes*, per Dickson CJ, pp. 138-9)

... their effects [the limiting measures] must not so severely trench on individual or group rights that the legislative objective, albeit important, is nevertheless outweighed by the abridgement of rights. (*R v Edwards Books and Art*, per Dickson CJ, p. 762)

1.7 THE MARGIN OF APPRECIATION

Key ECHR cases

Buckley v UK (1996) 23 EHRR 101, ECtHR

Handyside v UK (1976) 1 EHRR 737, ECtHR

ECHR principles

- The doctrine of the 'margin of appreciation' is part of the jurisprudence of the ECtHR. The ECtHR has frequently acknowledged that, by reason of their direct and continuous contact with the vital forces of their countries, the national

~~CONFIDENTIAL~~

Declassified

HOME OFFICE

Horseferry House, Dean Ryle Street, LONDON S.W.1

Telex: 24986

Telephone: 01-832 6655, ext.

Our ref: POL/69 1050/1/1
 Your ref: _____

12th May, 1969

Dear Chief Constable,

HOME OFFICE CIRCULAR NO. 97/1969
Informants who take part in crime

The Home Secretary's attention has been drawn to judicial comment in the appeals of Cork, Colman and Macro and to criticism of police action in several other cases involving police use of informants who took part in crime. He sought information about police practice from the Commissioner of Police of the Metropolis and through H.M. Inspectors of Constabulary. The Central Conference on 6th March gave an opportunity for a general discussion of practices and principles.

2. The Conference fully recognised that informants, properly employed, were essential to criminal investigation and that, within limits, they ought to be protected. The risks attached to their employment were obvious, however, and safeguards were needed before use was made of an informant taking part in crime. The Conference appreciated that circumstances varied so widely that it was difficult to establish rules of general application; but the discussion identified the principles listed in the next paragraph.

3. The Conference in general agreed on the following points.

(a) No member of a police force, and no police informant, should counsel, incite or procure the commission of a crime.

(b) Where an informant gives the police information about the intention of others to commit a crime in which they intend that he shall play a part, his participation should be allowed to continue only where:-

(i) he does not actively engage in planning and committing the crime;

(ii) he is intended to play only a minor role; and

(iii) his participation is essential to enable the police to frustrate the principal criminals and to arrest them (albeit for lesser offences such as attempt or conspiracy to commit the crime, or carrying offensive weapons) before injury is done to any person or serious damage to property.

The informant should always be instructed that he must on no account act as agent provocateur, whether by suggesting to others that they should commit offences or encouraging them to do so, and that if he is found to have done so he will himself be liable to prosecution.

/(c)

The Chief Constable

(c) The police must never commit themselves to a course which, whether to protect an informant or otherwise, will constrain them to mislead a court in any subsequent proceedings. This must always be regarded as a prime consideration when deciding whether, and in what manner, an informant may be used and how far, if at all, he is to be allowed to take part in an offence. If his use in the way envisaged will, or is likely to, result in its being impossible to protect him without subsequently misleading the court, that must be regarded as a decisive reason for his not being so used or not being protected.

(d) The need to protect an informant does not justify granting him immunity from arrest or prosecution for the crime if he fully participates in it with the requisite intent (still less in respect of any other crime he has committed or may in future commit).

(e) The handling of informants calls for the judgment of an experienced officer. There must be complete confidence and frankness between supervising officers and subordinates, and every chief officer of police should ensure effective supervision of his detectives; a decision to use a participating informant should be taken at senior level.

(f) Payment to informants from public funds should be supervised by a senior officer.

(g) Where an informant has been used who has taken part in the commission of a crime for which others have been arrested, the prosecuting solicitor, counsel, and (where he is concerned) the Director of Public Prosecutions should be informed of the fact and of the part that the informant took in the commission of the offence, although, subject to (c) above, not necessarily of his identity.

(h) Careful instruction should be given to detectives in training.

4. The Home Secretary fully endorses these broad principles. He feels sure that they are already widely applied in the police service; but in view of recent public interest he thinks it right to bring them to the notice of all chief officers of police. He asks that you will find means of commending them to everyone who may be concerned in your force. He has instructed H.M. Inspectors of Constabulary to pay particular attention, in the course of their inspections, to the arrangements made in police forces for supervision and training in these matters.

Yours sincerely

[139] Philip Cullen



HOME OFFICE
Queen Anne's Gate London SW1H 9AT

Down line 01-113
Switchboard 01-113 3000

Please reply to The Under Secretary of State
Your reference

The Chief Officer of Police

Our reference POL/83 1169/2/22

Date 30 December 1986

Dear Sir

HOME OFFICE CIRCULAR NO. 35/1986
CONSOLIDATED CIRCULAR TO THE POLICE ON CRIME AND KINDRED MATTERS

I enclose a 1986 reprint of the Consolidated Circular to the police on Crime and Kindred Matters.

The changes to the 1977 Edition (as revised by 17 sets of amendments) take account of relevant Home Office Circulars issued between 1 April 1982 and 31 December 1985 together with some issued in 1986, and include additional minor amendments such as changes of addresses and telephone numbers. However this reprint has been made necessary principally because of the major changes brought about by the Police and Criminal Evidence Act 1984. The 1984 Act amendments are extensive but it is hoped to be able to refine and, where appropriate, reorganise this material at a later date. It has not been possible to include certain necessary changes including those to Section 2 (and related Appendices) to take account of the Crown Prosecution Service. Those amendments and others will be made as soon as possible.

The attention of Chief Officers is drawn to the fact that in Section 1, the guidance on the interpretation of "premises" given in paragraph 1.12 e.ii has been revised from that given in paragraph 52 of Appendix A to Home Office Circular 894/85.

Home Office Circulars 143/1977 (Police Enquiries involving Deaf Persons) and 74/1978 (Criminal Law Act 1977: Section 62) may now be cancelled.

The 1977 Edition (as amended) of the Consolidated Circular should be destroyed locally. No account should be taken of the numbers at the bottom of the pages of the reprint: these are for printers' collation purposes only.

Sufficient sets of the new material are being sent to match the numbers of the Consolidated Circular which you already have.

Enquiries about the Consolidated Circular can be addressed to [141] Room 524
(telephone number [142])

Yours faithfully

[143]

Paragraphs 1.84-1.92

1.84 Requests for information other than addresses should always be made to the appropriate local social security office of the Department.

Tracing missing persons under 18 years

1.84A The Department of Health and Social Security will also assist the police in trying to trace the whereabouts of missing persons under the age of 19 years. In the case of a person under 16 years of age only limited assistance may be possible since no separate record is kept and the only address likely to be held is that from which the child is missing, unless he is in the company of a parent or other adult. The procedures outlined in the paragraphs above should be followed. In cases, such as those involving wards of court, in which the missing child is thought to be in the company of a parent or other adult, as much information as possible should also be given about the accompanying adult. In a wardship case, the Department is prepared to give the last recorded address of the accompanying parent in confidence, on the undertaking that it will not be divulged to the other parent.

Tracing addresses of Commonwealth immigrants and aliens

1.85 The procedure described in paragraphs 1.80 to 1.83 above may also be followed where difficulty is experienced in tracing the address of an alien or Commonwealth citizen who is suspected of having entered the United Kingdom illegally or who has overstayed the period for which he was admitted. Enquiries should normally be addressed to the Manager of the appropriate local social security office rather than to the Department's Records Branch at Newcastle-upon-Tyne; and full identifying particulars should be given, including the national insurance number (if known), full names, date of birth and any addresses already known to the police. Such enquiries should not normally be made until the alien or Commonwealth citizen has been in the United Kingdom for at least a month. The Department have asked that discretion should be exercised in cases which have been outstanding for some time, and that not more than a few cases should be referred to any one office at the same time. The disclosure of an address known to the Department will be made in confidence to the police, and it will be for the police, not the Department, to confirm that the address given relates to the person sought.

1.86 Offices of the Department of Health and Social Security may themselves report to the police, on a confidential basis, any evidence of obvious malpractice by aliens or Commonwealth immigrants revealed during the course of departmental work: for example, when an application by one person on behalf of another for an insurance card suggests that the latter person is illegally in the United Kingdom.

Confidentiality

1.87 The fact that assistance has been given, or information has been passed, by the Department of Health and Social Security under the procedures described in paragraphs 1.79 to 1.86 above should, as far as practicable, remain confidential.

ENQUIRIES ABOUT EX-NAVAL RATINGS

1.88 Royal Naval Depots do not keep records of ratings' characters or of naval offences: all enquiries for the records and characters of ex-naval ratings who are being prosecuted by the police should be made to HMS Centurion, Pay and Pensions Division, Branch 13(iii), Grange Road, Gosport, Hants PO13 9XA (telephone: Portsmouth 22351 extension 2011).

1.89 - 1.91 Unaltered

INFORMANTS WHO TAKE PART IN CRIME

1.92 Informants, properly employed, are essential to criminal investigation and, within limits, they ought to be protected. The risks attached to their employment are obvious, however, and safeguards are needed before use is made of an informant taking part in crime. Circumstances vary so widely that it is difficult to establish rules of general application; but the following points have been agreed upon by the Central Conference of Chief Constables-

Paragraphs 1.92-1.94

- a. No member of a police force, and no public informant, should counsel, incite or procure the commission of a crime.
- b. Where an informant gives the police information about the intention of others to commit a crime in which they intend that he shall play a part, his participation should be allowed to continue only where -
 - i. he does not actively engage in planning and committing the crime;
 - ii. he is intended to play only a minor role, and
 - iii. his participation is essential to enable the police to frustrate the principal criminals and to arrest them (albeit for lesser offences such as attempt or conspiracy to commit the crime, or carrying offensive weapons) before injury is done to any person or serious damage to property.

The informant should always be instructed that he must on no account act as *agent provocateur*, whether by suggesting to others that they should commit offences or encouraging them to do so, and that if he is found to have done so he will himself be liable to prosecution.

- c. The police must never commit themselves to a course which, whether to protect an informant or otherwise, will constrain them to mislead a court in any subsequent proceedings. This must always be regarded as a prime consideration when deciding whether and in what manner, an informant may be used and how far, if at all, he is to be allowed to take part in an offence. If his use in the way envisaged will, or is likely to, result in its being impossible to protect him without subsequently misleading the court, that must be regarded as a decisive reason for his not being so used or not being protected.
- d. The need to protect an informant does not justify granting him immunity from arrest or prosecution for the crime if he fully participates in it with the requisite intent (still less in respect of any other crime he has committed or may in future commit).
- e. The handling of informants calls for the judgement of an experienced officer. There must be complete confidence and frankness between supervising officers and subordinates, and a decision to use a participating informant should be taken at senior level.
- f. Payment to informants from public funds should be supervised by a senior officer.
- g. Where an informant has been used who has taken part in the commission of a crime for which others have been arrested, the prosecuting solicitor, counsel, and (where he is concerned) the Director of Public Prosecutions should be informed of the fact and of the part that the informant took in the commission of the offence, although, subject to c above, not necessarily of his identity.

1.93 Unallocated.

POLICE DOGS

1.94 Two books about police dogs are complementary - the manual "Police Dogs: Training and Care" written by the Standing Advisory Committee on Police Dogs and published by HM Stationery Office, and "The Dogs Section Handbook" produced by the Metropolitan Police for the use of their dog handlers.

1.95 While police dogs have been used successfully to deal with rowdyism, there are special dangers in using dogs in handling even comparatively small crowds and it is important not to use them in such a way as to run any risk of calling in question their use for police work generally.

CO-OPERATION WITH OTHER SERVICES CONCERNED WITH CASES OF NON-ACCIDENTAL INJURY TO CHILDREN

1.96 Appendix 3 to this circular reproduces Home Office Circular 179/1976 entitled "Non-accidental injury to children: the police and case conferences", jointly issued on 18 November 1976 by the Home Office and the Department of Health and Social Security. The Annex to the circular sets out the roles of the organisations chiefly concerned with non-accidental injury to children. A circular (186/1976) on similar terms was issued on the same day jointly by the Home Office and the Welsh Office.