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UNDERCOVER POLICING AND POLITICAL VIOLENCE IN BRITAIN: BETWEEN NECESSITY AND LEGITIMACY

STEFANO BONINO

Police infiltration of political groups posing a threat to the British State and society has been the subject of intensive coverage by national media outlets for the past four years. Central to media stories have been some unethical techniques employed, and several controversial activities carried out, by two units working for the Metropolitan Police Service, namely the Special Demonstration Squad (1968-2008) and the National Public Order Intelligence Unit (1999-2011). Institutional investigations into these two police units continue to be conducted. Meanwhile, the Home Secretary Theresa May recently announced the terms of reference of an independent public inquiry into undercover policing in England and Wales that will examine ‘historical police failings’ and ensure that ‘unacceptable practices’ are not repeated in the future. On Tuesday this week, Lord Justice Pitchford, who leads the Inquiry, delivered his opening remarks and warned that ‘both creditable and discreditable conduct, practice and management’ will likely be exposed during the course of his investigations.

An in-depth evaluation of the Special Demonstration Squad and the National Public Order Intelligence Unit

recently published in *Studies in Conflict and Terrorism* highlights both the key role played by British police in disrupting several violent political groups operating across the ideological spectrum (from the far-right to the far-left) and the social, moral and procedural ambiguities that made these two units so controversial. A thorough analysis of various sources, ranging from several institutional investigations into the two units to revelations made by former undercover officers, suggests that some police action was indeed legitimate and reduced the threat of serious violence faced by the British public. In over forty years of activity, undercover police officers rendered ineffective a range of violent extremist groups, including but not limited to: Animal Liberation Front, Combat 18, Angry Brigade, Free Wales Army, Revolutionary Communist Party, Class War, Red Action, National Front and many others. By way of example, it is thanks to the intelligence obtained by the Special Demonstration Squad that, in 1993, violent demonstrators were prevented from executing a criminal plan to set ablaze the office of the British National Party (BNP) – a plan that would have trapped and killed BNP activists inside the building.

Police infiltration of less or nonviolent ‘radical’ groups is politically and procedurally more problematic and its legitimacy largely depends on whether such infiltration was necessary and proportionate to the threat that such groups posed to society. The targeting of these groups indicates that the future-oriented approach of intelligence gathering, namely reducing risks that may or may not happen at some point in the future, is fraught with conceptual imprecisions and operational complications. The blend of political and criminal intelligence that the British police collected on over 450 groups in forty years of activity demonstrates the various public and private interests that law enforcement agencies are expected to serve and the ways in which criminal and/or political threats (or none of them) can fall prey to the potentially distorted interpretations of different actors (for example: the police, activists, and so on).

Police infiltration of Reclaim the Streets (RTS) is a telling example. RTS is an anti-globalisation, anti-capitalist and anarchist movement that normally engages in minor public disorder but that has sporadically been involved in more serious violent activities. The RTS-sponsored Global Carnival Against Capitalism that took place in London in 1999 and that escalated into violent riots comparable in scale to the notorious Poll Tax Riots (unrelated to RTS) in 1990 represents only one instance in which a peaceful ‘radical’ group has been hijacked by riotous activists. The fact that peaceful groups may consciously or unconsciously host violent and dangerous activists makes it hard to gauge whether such groups tacitly approve and support serious public disorder or whether they are exploited by individuals who want to plan criminal activities within the boundaries of legally protected political activity. The targeting of both violent and less or nonviolent ‘radical’ groups in a highly successful democracy such as Great Britain represents the epitome of a Western ‘muscular’ political tradition that seeks to prevent both real *and* perceived risks to the State and society. Within a State that operates as a largely conservative and pragmatic (rather than idealistic) actor, such a political culture works through security measures that turn to action and stability over

inaction and uncertainty – and the expansion of agencies of mass surveillance, such as the Government Communications Headquarters (GCHQ) and the National Security Agency (NSA), is a case in point.

The secret political policing of ‘subversives’ is not a novelty within the British landscape. Its historical roots can be traced back to 1883, when Special Irish Branch was set up to tackle bomb attacks by Irish republicans in London. While Special Branch, now known as Counter Terrorism Command, has ceded many of its responsibilities to the Security Service, ‘invisible work’ continues to remain a core function of the British police. The accusations leveled at some ‘dirty’ aspects of undercover policing tactics and activities carried out by the Special Demonstration Squad and the National Public Order Intelligence Unit require a full appraisal. There is no doubt that, if such units consciously sought to undermine social justice campaigns, targeted entirely peaceful groups and produced intelligence that had no crime-fighting value, their legitimacy would be severely marred. But in a country that has suffered from far more vicious acts of State repression, deception and collusion during ‘The Troubles’ (1968-1998) in Northern Ireland, the recent undercover policing affair is a comparatively trivial matter. When moving our gaze onto the American experience, the questionable techniques employed by British undercover units utterly dwarf in comparison to the illegal methods used by the FBI’s COunter INTELligence PROgram (COINTELPRO). Through a series of highly controversial covert projects carried out between 1956 and 1971, COINTELPRO sought to neutralise a whole range of ‘subversive’ and ‘uncomfortable’ political groups via means that included snitch-jacketing, encouraging gang warfare and fabricating evidence.

The techniques employed by the Special Demonstration Squad and the National Public Order Intelligence Unit to penetrate into violent and less violent political groups borrowed as much from fiction as they did from reality. Undercover police officers relied on well-crafted personal stories (‘legends’) to bolster their credibility and

gain positions of trust within targeted groups. In order to create their ‘legends’, undercover officers took new identities from the birth certificates of dead children – a method inspired by Frederick Forsyth’s novel *The Day of the Jackal*. They proved their commitment to the political cause by turning into ‘deep swimmers’ and living with activists for years on end, for five or six days a week. They often fostered sexual relationships with activists out of operational necessity, passion or genuine love. Whilst not every police officer became fully embedded in the life of their target group, the undercover work conducted by the two units was premised upon longer and more intensive deployments (several years) compared to the standard, time-limited (several months) penetration of organised crime groups. Unlike the shorter infiltration of a criminal gang in order to gather evidence that can be passed onto prosecutors and can be used in courts, the targeting of political groups in order to gather intelligence requires a much longer period of time in which to prove one’s commitment to the political cause, adopt a lifestyle (for example: squatting), gain trust from fellow activists and acquire the necessary credentials to access the group’s plans. Needless to say, undercover officers put their lives at serious risk during their courageous infiltration of extremely violent groups (for example: anarchist, neo-Nazi and similar groups) and endured grave psychological traumas both during and after deployment.

At the heart of the negative public reaction to undercover policing rests the threat that secret police units can pose both to civil liberties and to the Peelian principle of

‘policing by consent’. Policing by consent is the philosophical and ethical notion enshrined in British policing that police action draws its legitimacy directly from the public, in exchange for transparency and accountability. British expectations that police officers operate as ‘citizens in a uniform’ and the democratic restraints placed upon police action are nowhere better encapsulated than in the recent refusal by the Home Secretary to allow the Metropolitan Police Service to employ water cannons to curb riots, on the grounds that using such weapons would undermine the very essence of policing by consent. The secrecy and deception that are axiomatic to undercover policing naturally prevent the public from scrutinising police action and can fuel perceptions that institutions operating in the name of the *res publica* are not fully accountable.

The public inquiry into the activities of the Special Demonstration Squad, the National Public Order Intelligence Unit and similar undercover units will unveil whether the police managed or failed to provide a public service that was necessary and proportionate to the criminal and political dangers faced by British society. The legitimacy of State and police action should continue to be under scrutiny to ensure that civil liberties are not unduly infringed. Equally, rights and liberties should not work as a safe haven for a minority of individuals who shield themselves behind the boundaries of legally protected political activity to plan and conduct criminal and/or subversive actions. The social contract may well be the best reminder of our collective commitment to a peaceful society.