

Chief Constables' Council

Op. Elter Update – Report for the Undercover Policing Inquiry

7 October 2020

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1. PURPOSE

- 1.1. This purpose of this report is to provide Chief Constables Council with a summary the ongoing work of Operation Elter in relation to the National Public Order Intelligence Unit (NPOIU) and the completion of a report entitled 'The National Public Order Intelligence Unit: Formation, Function and Closure', which it is intended to be provided to the Undercover Policing Inquiry (UCPI).

2. BACKGROUND

- 2.1. The NPOIU was a national unit that existed between 1999 and 2011. Its purpose was to gather and develop intelligence to assist police in responding to the harm posed by criminal conduct or significant public disorder caused by political extremism or protest activity. The NPOIU was managed under the then ACPO TAM structures and also hosted and managed for several years in the MPS. The Home Office funded the NPOIU and they had representation on the Steering Group that was established to oversee the unit. Prior to its closure in 2011, it was returned to the MPS following the revelations about the conduct of some undercover officers which ultimately led to the demise of the unit.
- 2.2. At the NPCC Council meeting in January 2016, Chiefs were briefed on the UCPI, the emerging knowledge of the NPOIU and the risks to the service. Council supported the need for a review of the intelligence held by the NPOIU and agreed to resourcing the ongoing investigation into the NPOIU being undertaken by Operation Elter, based upon the substantial amount of information and intelligence held centrally about



the unit and its operatives and operations that has been recovered by Operation Elter and is described below.

- 2.3. In September 2016, Operation Elter was formally established in order to conduct the review of the NPOIU to ensure a consistent approach in gathering and assessing information in relation to the criminal allegations and associated misconduct and, to support disclosure to the UCPI through the NPCC co-ordination team. The investigation was initially led by CC Mick Creedon and now CC Andy Cooke on behalf of the NPCC.
- 2.4. Chiefs' Council has already been briefed about the workings of the NPOIU between 1999 and 2011 and the fact that the unit to a greater or lesser extent was active in every force in England and Wales including the Ministry of defence Police and the Civil Nuclear constabulary.
- 2.5. The NPOIU adopted some tactics and methodologies from the SDS and this included the use of deceased children's identities and long term intelligence deployments against identified high risk groups in areas such as animal rights, domestic extremism, political protest and climate change. The review of the NPOIU material was prompted by numerous allegations against officers from different Forces who were seconded to the NPOIU. These allegations mirrored those made against MPS SDS officers and include allegations of; inappropriate sexual relationships, serious criminality and miscarriages of justice. A number of parallel civil actions have also been lodged against a number of police forces and are yet to be resolved.

3. INVESTIGATION UPDATE

- 3.1. Operation Elter's work is unique in a number of ways, in particular because of the scale of the task – the examination of complex long-term covert operations and the governance of the entire unit has no comparable precedent in modern policing. Consequently every care has been taken to ensure Operation Elter discharges its responsibilities professionally through a proportionate and ethical investigation. Operation Elter has applied the standard major investigation principles and use of the HOLMES recording and management system. It must be noted that the investigation, in principle, is being conducted to an objective review standard and not a pure evidential standard. This is because of the voluminous amount of material subject to examination. However, where the material examined has generated concern, some specific cases have been subject of criminal or misconduct investigation.
- 3.2. The NPOIU material held within Operation Elter has now grown to encompass approximately 20,000GB of data which is approximately 15 times larger than the material Operation Herne held in relation to the SDS. This data includes 583 exhibits, of which 437 are technical devices. These include laptops, mobile phones, DVDs, CDs, hard-drives, back up tapes and USB sticks. There are also 117 boxes of paper records containing 3,088 documents. This material is held across a number of different auditable systems including CT HOLMES (11,395 documents) and the AD Lab Digital Media Forensic Toolkit (50 million files).
- 3.3. In order to build a comprehensive assessment of the NPOIU in the most expedient, thorough and efficient manner, the SIO's strategy was to prioritise research into the UCOs. An individual investigator was allocated to each UCO in order to research and profile their NPOIU career through the use of targeted search parameters against the immense quantity of material recovered. Investigators developed a continuity of knowledge and learned about all aspects of UCOs' deployments including their targets, operations, cover officers and management decisions. As investigators became familiar with the UCOs they were able to spot patterns of behaviour or matters that required further examination.
- 3.4. Investigators highlighted to the SIO any material they thought warranted further review or inquiry. This identified a number of emerging issues as the review progressed, these issues were then briefed to all Operation Elter personnel in order to ensure that everyone appreciated the need to identify all relevant material. Operation Elter has commenced 18 separate misconduct and criminal investigations as a result of this practice and reported on a further 10 separate enquiries.

- 3.5. Operation Elter has now completed the vast majority of nominal profiles. These include UCO profiles, cover officer profiles and senior management profiles. They have also identified and reported on the involvement of other UCOs deployed alongside or in support of the NPOIU.
- 3.6. In view of the complexities involved, the increasing costs and extended length of the investigation, CC Andy Cooke commissioned an external force progress review of Operation Elter which was completed in January 2020 by Police Scotland. As previously reported to Council the review found that Operation Elter had met and continued to meet its defined terms of reference and was providing 'value for money' in respect of mitigating potential operational and reputational risk.
- 3.7. The Police Scotland review also made 31 recommendations which have been accepted and have formed the basis of a template for the next steps of the operation. Following assessment of the projected workload moving forward coupled with the continuing demands of the UCPI, the IPT and Civil litigation the opinion of the Review Team was that the investigative capability/capacity of Operation Elter should remain in place but on a much reduced scale retaining current HOLMES and Adlab IT capability. The Review Team have recommended that once Operational Elter has been scaled down to a leaner investigation entity it should be merged with the NPCC UCPI Co-ordination Team and it is not anticipated that any further requests for funding for Operation Elter in its current format will be made to council.
- 3.8. In August 2020 Operation Elter completed a detailed 141 page report entitled 'The National Public Order Intelligence Unit: Formation, Function and Closure'. The report, which is classified as 'Secret', details the understanding gained from the analysis of the substantial amount of centrally held material and seeks to answer the 161 questions identified by the UCPI in its Module One NPOIU Issues List it published in February 2019. Whilst the document is focussed on how and why the NPOIU was formed, how it operated and how and why it was finally disbanded, it also highlights the investigations that Operation Elter has/is undertaking as part of its examination into the NPOIU and the outcomes to date.

4. CONCLUSION

- 4.1. Following the Police Scotland Review at the beginning of 2020 Operation Elter has significantly reduced in its establishment by approximately sixty percent to a size commensurate with its ongoing tasks and investigations. These include the completion of the five ongoing criminal and misconduct investigations, supporting the MPS response to matters currently before the Investigatory Powers Tribunal and providing ongoing support to the NPCC in response to the continuing requirements of the UCPI. Operation Elter is now in the process of being merged with the NPCC UCPI Co-ordination Team.
- 4.2. The NPOIU continue to be a main focus of the UCPI and there are numerous 'Core Participants' with a declared interest in the unit. The UCPI continues to scope the vast quantities of centrally held material recovered Operation Elter, alongside NPOIU related material held within Forces, to gain a better understanding of the NPOIU and determine what documents are relevant to the Inquiry. The UCPI have now requested disclosure of both the Operation Elter NPOIU report and Police Scotland Review report which will provide a greater understanding of the issues involved. Both reports will be made available to the relevant NPCC business leads and are available to Chief Constables on request.

5. DECISIONS REQUIRED

- 5.1. Council to note the content of the report.
- 5.2. Council to note the on-going work of Operation Elter and its merger with the NPCC Co-ordination Team.
- 5.3. Council to note the forthcoming disclosure to the UCPI of the Operation Elter report entitled 'The National Public Order Intelligence Unit: Formation, Function and Closure' and the Police Scotland Review report.

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National Crime Co-ordination Committee