



HM Inspectorate of Constabulary in Scotland
Improving Policing across Scotland

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PRESS RELEASE

HMICS publish Strategic Review of Undercover Policing in Scotland

Undercover policing is a legitimate policing tactic and although there has been public concern about its use across the UK, the necessary safeguards are in place to support its use by Police Scotland, states a report published today 7 February 2018.

This first scrutiny of undercover policing in Scotland to be carried out by HM Inspectorate of Constabulary was directed by the Cabinet Secretary for Justice.

It follows concerns about actions of undercover officers and a number of reviews in England and Wales including the Undercover Policing Inquiry (UCPI) which does not extend to Scotland.

HM Chief Inspector of Constabulary in Scotland, Derek Penman, said: "There is no doubt that undercover policing raises complex ethical questions and there has been legitimate public concern over its use in the past. Its use must therefore be tightly controlled in accordance with the law, with effective safeguards and robust supervision in place at all times.

"The use of undercover officers is a lawful and legitimate way of tackling the threats from serious organised crime, cyber and terrorism. This report highlights that officers who undertake this function volunteer for the role, often placing themselves in challenging and, occasionally, dangerous situations."

During the course of the review, HMICS spoke to every undercover officer in Police Scotland and found them to be professional with a clear understanding of their ethical responsibilities. The review also confirmed that undercover officers used by Police Scotland are operating within their powers.

Mr Penman added: "We are reassured that the current internal supervision and oversight measures in place in Scotland minimise any risk of an individual officer behaving in a manner that is unacceptable."

However the report did find that the use of undercover policing in Scotland has been limited and there is currently insufficient capacity to effectively support multiple undercover operations across Scotland. This means the use of the tactic by Police Scotland is underutilised.

Mr Penman said: "It is our assessment that Police Scotland's current capacity and capability to conduct undercover policing in support of online safety and serious organised crime is limited and needs to be further developed.

“Senior officers are aware of this and are building on the consolidation and progress made since 2013 to bring a consistency of approach and strengthen the various functions needed to support covert policing in Scotland.”

Since the establishment of Police Scotland in 2013, there have been 50 undercover operations focussed on drug dealing, child sex abuse and exploitation, human trafficking and serious organised crime.

In the thirteen year period prior to this (2000-2013), there were 373 undercover operations conducted by legacy Scottish police forces and the Scottish Crime and Drug Enforcement Agency (SCDEA).

The report also highlights the extent and scale of undercover policing operations carried out in Scotland by the National Public Order Intelligence Unit (NPOIU) and the Metropolitan Police Special Demonstration Squad (SDS). Whilst their activities in England and Wales are currently included within the terms of reference for the Undercover Policing Inquiry, their activities in Scotland are not.

HMICS identified that there is no recognised mechanism for Police Scotland to be advised if undercover officers from England and Wales are deployed in Scotland and recommends a formal process be put in place for notification of cross border operations.

A number of key findings have been highlighted in the report and 19 recommendations have been made which will drive improvement in this specialist area of policing. Police Scotland will be asked to create an action plan to address the recommendations and progress will be monitored by HMICS.

Ends

NOTES TO EDITORS

- The Strategic Review of Undercover Policing in Scotland was directed by the Cabinet Secretary for Justice and was provided to him by HMICS on 2 November 2017.
- The Cabinet Secretary for Justice laid a copy of the report before the Scottish Parliament on 7 February 2018 and it has since been published in full on the HMICS website at www.hmics.scot
- The report will be considered by Justice Sub Committee on Policing on 8 February 2018, when it is anticipated that Derek Penman, HM Chief Inspector of Constabulary will be invited to attend to give evidence.
- There will be no interview facility prior to the meeting of the Justice Sub Committee.

Ends