

High Court ruling: Met Police cannot maintain blanket 'NCND' to cover up "gross abuses" of intimate relationships while undercover.

2nd July 2014

Today, in a devastating blow to the Metropolitan Police's attempts to cover up gross abuses of women by undercover police, the High Court ruled that the Met could not use 'Neither Confirm Nor Deny' as a blanket response to all the fully pleaded claims of women affected.

Mr Justice Bean handed down judgment in the pre-trial hearing concerning five of the women who were deceived into long term intimate relationships with undercover policemen who were infiltrating environmental and social justice campaigns.

He held that there was no legitimate public interest in the Met Police asserting NCND in respect of the general allegations that undercover officers had engaged in long term intimate sexual relationships with those whose activities the MPS were monitoring; and that this was authorised or acquiesced in by senior management.

The Judge noted that "The Chief Constable conducting the Operation Herne investigation has expressed in trenchant terms the view that if this did happen it was a "gross abuse": I believe that most people would agree with him."

This came after the Met Police were forced to acknowledge during the hearing on 5-6th June, that if the allegations by the women were true, the police could not argue that the officers were acting appropriately. The Judge further stated that "there can be no public policy reason to permit the police neither to confirm nor deny whether an illegitimate or arguably illegitimate operational method has been used as a tactic in the past."

Referring to individual undercover officers, the Judge noted that Jim Sutton / Boyling had "been publicly named as an UCO by the Commissioner in person" and as such "reliance on the NCND policy to avoid admitting that he was an UCO is simply unsustainable" and similarly that NCND can no longer be relied on in relation to Bob Robinson / Lambert as "he has not only self-disclosed, but has been publicly named by the IPCC as a former MPS Officer".

In relation to other officers whose identity had not so far been publicly confirmed, the Judge found that the Claimant RAB, "by a great deal of what may be summarised as detective work of her own she has established, in my view, a clear *prima facie* case that Mark Cassidy was in fact an undercover officer called Mark Jenner" and further stated that Helen Steel was in a similar position in relation to John Barker / Dines.

However, he then disappointingly held that as there had been no official confirmation, "the Commissioner should not be required to admit or deny whether either of them is an undercover officer or has the real name alleged". He went on to say "This may only postpone the day of reckoning, in the sense that if the case proceeds and no evidence is adduced to challenge that put forward by RAB and Helen Steel respectively, it appears likely that the respective factual cases put forward by them will be accepted".

Helen Steel, former McLibel defendant and one of the five Claimants, said "We welcome the finding that there is no legitimate public interest in the Met covering up the existence of these abusive undercover relationships. It is very disappointing, however, that despite the overwhelming evidence our former partners John Dines and Mark Jenner were also undercover SDS officers, the Judge has allowed the Met to continue to hide the truth about them."

Harriet Wistrich, solicitor for the Claimants stated, "The police have been on notice of this case for three and a half years and until this judgment, they have wilfully refused to engage in any meaningful way with the most serious allegations put to them. Their ongoing refusal in the face

of an overwhelming body of evidence in the public domain has greatly aggravated the distress caused to my clients, who want answers from the police as well as justice and accountability."

The Met Police have been given 28 days to amend their Defence in order either to admit or deny that: (a) officers of the MPS, as part of their work as undercover officers and using false identities, engaged in long term intimate sexual relationships with those whose activities the MPS wished to observe; (b) this was authorised or acquiesced in by senior management; (c) Jim Sutton was such an officer; and (d) Bob Robinson was such an officer, and that "if the Commissioner fails to deal with them in an Amended Defence served within 28 days he will be taken to admit them."