

# Operation Hibiscus

Investigation into the shredding of material  
potentially relevant to the planned  
Undercover Policing Public Inquiry

# Independent investigation report

## > Investigation information

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Investigation name:	Operation Hibiscus
IOPC <sup>1</sup> reference:	2016/066344
Investigation type	Conduct matter
IOPC office:	Croydon
Lead investigator:	Edward Parsons, then Dilvinder Norris
Case supervisor:	Dilvinder Norris
Director General delegate (decision maker):	Sarah Green
Status of report:	FINAL
Date finalised:	<b>17 November 2019</b>

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<sup>1</sup> On 8 January 2018, the Independent Police Complaints Commission (IPCC) became the Independent Office for Police Conduct (IOPC). We have referred to ourselves as the IOPC within this report.  
Version – Final

## > The investigation

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1. In 2014, as part of preparations for the anticipated undercover policing inquiry (UCPI), the Metropolitan Police Service (MPS) implemented a number of steps to ensure that relevant material was not deleted or inadvertently destroyed.
2. On 12 May 2014, staff and officers of the MPS counter terrorism unit, known as SO15, were sent a “command circulation” stating they should not delete or destroy any material that could be relevant to the upcoming inquiry. Responsibility for collating and sharing relevant material was passed to Operation Herne, an investigation established in 2011 following allegations regarding the activities of members of the Special Demonstration Squad and the National Public Order Intelligence Unit (NPOIU).
3. Officer B1 was a member of the National Domestic Extremism and Disorder Intelligence Unit (NDEDIU), a department within SO15. In December 2014, he informed a visiting officer from Operation Herne that he had seen a staff member from his office, Police Staff B2, preparing to shred a number of files some months earlier and that he believed these files had been within the inquiry’s scope. At that time, he could not recall exactly when this was, but believed this was a couple of weeks after the command circulation.
4. These allegations were forwarded from Operation Herne to the MPS Department for Professional Standards (DPS). Initially, the DPS did not appear to take any action to investigate these claims, although they would later be referred to the IOPC<sup>2</sup>.
5. During the course of the IOPC investigation, a reference was found in emails sent within the NDEDIU during June 2014 to a “crate” of material believed to relate to Mark Kennedy, one of the officers whose deployment and management is under scrutiny as part of the UCPI. The email chain did not identify what was ultimately done with this crate of material, and efforts to locate it have proved unsuccessful. Due to concerns that this crate may have been intentionally or accidentally destroyed, this has also been considered as part of this investigation.

## > Terms of reference

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6. The terms of reference for this investigation are as follows:

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<sup>2</sup> In January 2018, the Independent Police Complaints Commission (IPCC) changed its name to the Independent Office for Police Conduct (IOPC). While this investigation was initiated in 2016 under the IPCC, for consistency I will be referring to the IOPC throughout.

To investigate the shredding of documentation by NDEDIU in May 2014, contrary to a command circulation sent on 12 May 2014, ahead of the planned Undercover Policing Public Inquiry. In particular:

- a) The shredding of material by Police Staff B2 in May 2014, after the release of the command circulation, and the authorisation obtained for this;
- b) Whether there is any evidence to suggest the shredding of documentation within NDEDIU was in order to intentionally dispose of material relevant to the planned undercover policing public inquiry.

To examine the response of the MPS Directorate of Professional Standards officers to the allegation of documentation being shredded within NDEDIU in May 2014, specifically:

- a) The action and decisions of those aware of the allegation in relation to the actual and potential evidence available.

7. The evidence relating to each of these matters will be presented in this report.

## > Subjects

Name and role	Severity	Date notified
Officer B3	Gross misconduct	19 May 2017
Officer B4	Misconduct	23 April 2018

### > Officer B3

8. Officer B3 was served a notice of investigation outlining the allegation that he may have breached the standards of professional behaviour by requesting the destruction of documentation potentially relevant to the UCPI between May and June 2014, an act which directly contravened a command circulation and potentially frustrated the efforts of the UCPI.
9. Officer B3 was provided with a letter informing him that he was being investigated for the criminal offence of Misconduct in Public Office. However, on 20 April 2018, upon obtaining and reviewing further evidence, Officer B3 was informed that he was no longer under investigation for this offence.
- D35 10. Officer B3 was interviewed on 31 July 2017, where he provided a written response to the allegations and declined to answer any further questions put to him.
- D35 11. In his written response, Officer B3 denied any criminal offence or breach of professional standards. He stated that although he did not recall having received the command circulation, he had not overseen or authorised the destruction of any material related to the UCPI. Officer B3 stated he was aware some documents had

been destroyed as part of moving his team's office to another location but none of this, as far as he knew, had been related to the UCPI.

12. On 24 January 2019, Officer B3 submitted a further written statement addressing additional questions raised by the IOPC.
13. On 26 February 2019, after reviewing this response and completing additional lines of enquiry, the IOPC notified the MPS the allegations against Officer B3 had been reassessed as "no misconduct" and that on the strength of the current evidence he was no longer considered a formal subject of this investigation. Officer B3's conduct will, however, still be analysed in this report and a formal finding in relation to him will be included in the IOPC decision maker's accompanying document.

## > Officer B4

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14. Officer B4 was served a notice alleging he had been alerted to the potential destruction of material relevant to the UCPI as early as February 2015, in the form of two statements from Officer B1 and Officer B5, but had failed to act upon this information or conduct any form of investigation.
- D40 15. Officer B4 retired from MPS in {redacted} and his notice was served in April 2018.
- D40 16. On 16 May 2018, Officer B4's representative submitted a written response to notice via email. In this, Officer B4 stated he had no recollection of the two officers involved or of the incident described and did not recall ever having received the statements referred to. He stated that his role was purely focussed on covert investigations and that he had no direct involvement with any overt matters, so could not understand why officers or statements relating to an overt investigation would have come to him.

## > Background information

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17. In this section, I have summarised information which I believe will provide the reader with a better understanding of the wider context of the report.

### > The National Domestic Extremism and Disorder Intelligence Unit

- D38 18. In 2010 three national police units merged to become the National Domestic Extremism Unit (NDEU). This was a single unit with responsibility for collecting intelligence from forces nationwide about domestic political groups considered to be "extremist". In January 2011, the ACPO Chief Constables' Council ratified the

decision for the MPS to become the lead force for the NDEU under the governance of SO15.

19. On 1 May 2013, the NDEU was re-named the National Domestic Extremism and Disorder Intelligence Unit (NDEDIU). It has since had several name changes and is currently National Counter Terrorism Policing Headquarters (NCTPHQ). In this report this unit will be referred to as the NDEDIU as this was the name of the unit at the relevant time (June 2014).
20. The NDEDIU was responsible for receiving, storing, interpreting, analysing and disseminating domestic extremism related intelligence to local police forces. The NDEDIU also supported local police forces in relation to domestic extremism matters and provided a strategic overview to police forces and Her Majesty's Government about domestic extremism in the UK. Unlike its predecessor the NDEU, the NDEDIU did not directly conduct undercover policing operations.
21. Officer B3 worked in the Strategic Sensitive Intelligence Unit (SSIU), now known as The National Humint Team (NHT), which formed part of the NDEDIU. The role of the SSIU was the co-ordination, strategic direction, de-confliction, tasking and funding of national Domestic Extremism Confidential Human Intelligence Sources (CHISs). Such CHISs did not and do not include undercover police officers (UCOs). The SSIU was not involved in undercover policing operations.

## > The command circulation of 12 May 2014

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- D5  
D9  
D17
22. On 12 May 2014, a command circulation was distributed to all SO15 employees via the email groups of 'SO15 – Police Officers; SO15 – Police Staff etc etc'. This command circulation was titled '*Positive Retention Policy*' and read as follows:

*'Officers and staff will have seen recent reporting about Operation Herne and the Ellison report to the Home Secretary about the Lawrence Enquiry and the unrelated allegations of Police Corruption. The Home Secretary has announced that a Public Inquiry is to be held to investigate undercover policing and the operation of the SDS. She also announced a review of successful prosecutions where investigations involved undercover officers. A criticism aimed at the MPS by Ellison was that files had been destroyed or deleted and that this had obstructed the Inquiry by Mr Ellison QC.*

*We are now aware of a public enquiry and review being on the horizon. In order to ensure that this Command can be shown to be supporting these enquiries and to ensure complete transparency, this Command will adopt a positive information retention strategy concerning these issues.*

*We need to ensure that we do not delete any files or records which could be relevant to these matters. Until we have any guidance to the contrary, the following directions are given as a holding policy:*

- No member of this Command or Digital Policing, should delete from any SO15 Information system any registered files, records or electronic information of possible relevance to these matters (paper, electronic or other) without the authority of Commander SO15.
- No member of this Command or Digital Policing, should delete from any corporate system any SO15/ SO13/ SO12 related material of possible relevance to these matters from any other information system, any registered files, records or information (paper, electronic or other) without the authority of Commander SO15.

This direction will be reviewed in three months time

Officer B6 {redacted}

- D32 23. Officer B6 outlined in a statement provided to the investigation that command circulations were used as a primary method of communication within SO15 and would be sent via email in order to reach over 1800 officers spread across multiple sites. They would be sent for a variety of reasons, including *'new instructions or directions from the Senior Leadership Team'*. He stated that due to the size and geographical stretch of the officers within SO15, this was the only realistic method to disseminate information.
- D32 24. Officer B6 explained *'The Standards of Professional Behaviour (Schedule 2 of the Police (Conduct) Regulations 2012) state "police officers abide by police regulations, force policies and lawful orders"'*. He *'intended and believed'* the command circulation sent in May 2014 *'Police Staff B2d equal weight to any lawful order issued verbally'*.
- D32 25. Officer B6 explained that although he did not have direct line management of the NDEDIU, this would not preclude his orders and instructions from carrying weight over the officers employed within the NDEDIU.
- R2  
D34 26. As part of this investigation, the IOPC has reviewed the frequency and nature of command circulations within SO15. It has been identified that between 6 January and 12 May 2014, there were 73 command circulations sent out to staff.
- R2 27. Having viewed the 73 command circulations available to the IOPC, they can be split into eight broad categories. All are detailed in a table below, which records how many relating to each category were sent each month.

Month	Retirement /Funeral	Training/ Lectures	Job opportunity /promotion	Pay/pension /staff survey	Charity fundraising/ memorabilia	Infrastructure	Recap	Essential for work	Total	Work related
Jan-14	4	5	1	0	0	5	0	4	19	9
Feb-14	2	3	5	2	1	9	0	4	26	13
Mar-14	2	3	6	4	2	11	3	10	41	21
Apr-14	4	1	7	1	2	12	3	8	38	20
May-14	0	1	1	0	0	4	2	6	14	10

28. From these, it is apparent that command circulations were used for a number of purposes in addition to distribution of work essential information. Between January and April 2014, for example, just over half of the command circulations sent directly related to work related matters, while the remainder addressed staff or social matters.

## > Evidence and analysis

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29. During this investigation, a volume of evidence was gathered. After thorough analysis of all the evidence, I have summarised that which I think is relevant and answers the terms of reference for my investigation. As such, not all of the evidence gathered in the investigation is referred to in this report.

### > The alleged shredding of material by Police Staff B2 in May or June 2014 and the authorisation given for this.

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#### > The concerns raised by Officer B1

- D16  
S5 30. In his statement of December 2014, Officer B1 alleged he had seen Police Staff B2, a staff member in the NDEDIU, standing next to a shredder with *'a substantial quantity of papers'* which were *'approximately 2 inches high'*. He could not recall exactly when this was, but thought it was approximately two weeks after the command circulation relating to the UCPI, which would have been late May 2014.
- D16  
S5 31. Officer B1 stated he was unable to see what these documents were as they were *'closed in paper files'*, however, he did notice that one of the files was titled *'NPOIU Covert Policing Policy'* or similar. Officer B1 recalled he was concerned this document fell under the remit of the command circulation and informed Police Staff B2 of this. He recorded Police Staff B2 appeared unaware of the command circulation and told him she had been asked to shred the documents by *'the DCI'*. He outlined *'She did not clarify who this was but, at the time the NDEDIU had Officer Bravo and Officer Charlie – either of whom could have been the officer she was referring to.'*
- D16 32. Officer B1 stated he *'reiterated to Police Staff B2 that she had to cease any shredding, and seek proper direction'*. They both parted at this point. Officer B1 outlined that he *'did not witness'* Police Staff B2 conduct *'any shredding at that time'*.
- D16  
S5  
S6 33. Officer B1 further stated that after his interaction with Police Staff B2, he informed Officer B7 of what he had witnessed. In his statement to the IOPC, Officer B7 recalled that he himself had seen a person who he thought was *'from the Admin dept'*, shredding documents from a file near to where he sat. Officer B1 approached him and informed him he had had a conversation with the woman and *'noticed that the file was concerning something which would/might fall under material related to a direction not to destroy material'*. Officer B7 further recalled *'I think he said that he had told her*

*that she should possibly not be shredding it, and that she had told him she was asked to do it – but I can't remember whether a name was mentioned. I think Officer B1 said he had asked her to go back and check or something similar."*

- D15,  
D16
34. Officer B1 did not take any action in relation to what he had seen at the time beyond speaking to Officer B7. On 15 December 2015 however, Officer B1 spoke to Officer B5, a member of Operation Herne visiting the NDEDIU. At Officer B5's prompting, both he and Officer B1 prepared statements that day – in Officer B1's case giving his recollection of his interaction with Police Staff B2, and in Officer B5's providing a record of the circumstances in which Officer B1 made his disclosure.
35. In his statement, Officer B5 noted Officer B1 had told him he had seen '*Abbreviated first name of Police Staff B2*' (believed to be Police Staff B2) actually in the act of shredding documents, and that on being challenged she had told Officer B1 '*Abbreviated first name of Officer Charlie*' had asked her to do it. It is unclear who the 'abbreviated first name' referred to in this statement is, although reference is made earlier in the document to Officer Charlie.
- D16
36. The statements of Officer B5 and Officer B1 appear to have been passed through Officer B5's management and then to Officer B8, a senior officer in Operation Herne. Officer B8 then disclosed these documents to the DPS.

> **Police Staff B2' recollection of shredding documentation in May 2014**

- D14
37. Police Staff B2 had provided witness statements to both the MPS and the IOPC in relation to this investigation. In her statement to the MPS, she confirmed she had been asked to shred documents by staff in the NDEDIU around the period of May 2014 but could not recall an incident in which she had been interrupted by Officer B1.

- D14
38. One incident in particular was noted by Police Staff B2:

*'An incident which sticks in my mind occurred in May 2014 (00/05/2014). On that day I remember going into the SSIU office and seeing Officer B3 there. I was also struck by a large crate in the corner of the room. This was overflowing with files and dockets. I was asked by an officer present to help shred the material, which I did. My belief was that I was being given a legitimate instruction by this officer to assist him and the unit legitimately manage their paperwork. I assumed they were having a clear out. It could have been 'Abbreviated first name Officer B3' but it could also have been one of the other officers who used this room. They were Officer B9, Officer B10, Officer B11 (from West Yorks) and Officer B12. I should clarify that it most likely that I would have spoken to 'Abbreviated first name Officer B3' or 'first name Officer Delta' over the shredding. It would have been someone of rank, i.e. DS or above. 'Abbreviated first name Officer B3' was most often around and it was around his desk so he seems the most likely person.'*

- D14  
S1
39. Police Staff B2 described the material she was shredding as follows:

*'There were also loose-leaf documents in the pile, wire combed files. I remember lots of {redacted}, meeting minutes, operational names, {redacted}, police officer details. Some of the documents were stamped NPOIU, other NDET (National Public Order Intelligence Unit and National Domestic Extremism Unit)...'*

*'There was secret and confidential material, emails. There were policy documents. I remember seeing the years 1996, 1997 on it. Some of it was quite old. There was more recent stuff too. I think I saw the year two thousand and onwards.'*

*'further to my previous statement I can add that I recall two Op names being on documents – Op Cathedral and Op Herne. There were police officers names, intel logs etc. I do not recall anything further to that which I have stated.'*

D5  
D14  
D17 40. In her statement, Police Staff B2 also described how command circulations were regularly sent around the office but could not recall one relating to the UCPI. She noted that command circulations were frequent and sometimes dealt with non-critical issues, such as officers changing posts or bake sales.

D5  
D17  
D18 41. Searches on the emails received by Police Staff B2 confirm that she, as a staff member at SO15, did receive the command circulation, although it cannot be confirmed that she had read it.

## > Review of Emails

D17  
D18 42. A review of the email accounts of the NDEDIU has identified a number of occasions in which Police Staff B2 and other staff discussed shredding documents during the first half of 2014. During this period, the office was being moved to another location which appears to have necessitated the clearance of a substantial amount of old files and pieces of equipment. Notable items from the emails include:

- Emails dated 7 March 2014 from Police Staff B13 of SO15 (Police Staff B2's line manager), requesting assistance from a colleague and permission to do weekend work to complete shredding of documents. This request was approved by Officer Delta.
- An email dated 21 March 2014 from Officer B14 of SO15, discussing the need to review and either destroy or relocate "historic NDET" documents held in the office. The NDET was a precursor team to the NDEDIU.
- An email dated 30 April 2014 from Police Staff B2 to Officer Foxtrot of SO15, discussing preparations for the upcoming clear desk policy and the work need to implement it.
- An email of 1 May 2014 from Police Staff B2 to Officer Delta, discussing clearing the cupboards at the SSIU and asking what volume of shredding is expected.
- An email dated 12 May 2014 from Police Staff B2 to Officer B15, requesting advice on retaining and storing "non-registered record files".

- An email dated 11 June 2014 from Officer B3 to Police Staff B13, requesting “*Police Staff B2*” assist with some shredding.

T44

T59 43. Police Staff B2 stated that she recalled two Op names being on documents – Op Cathedral and Op Herne. At the request of the IOPC, MPS officers on Op Elter team conducted searches on their systems for the term “Op Cathedral” and “Op Herne.” The IOPC was informed by MPS that Op Cathedral is linked to Op Pegasus and the deployment of Mark Kennedy. One “hit” on the term referred to a paedophile investigation linked to Op Ore and therefore not relevant to this investigation. The term “{redacted}” showed positive hits dozens of times across a number of cases. It refers to {redacted}.

T45

44. Officer B1 stated that the documents were in files and he noticed that one of the files was titled ‘*NPOIU Covert Policing Policy*’ or similar. At the request of the IOPC, MPS conducted searches on Op Elter for the terms “NPOIU Covert Policing Policy” and “NPOIU – Covert Deployments.” No documents were found.

T45

T55

T56

45. In addition, MPS conducted searches on the terms “Covert Policing” and “Covert Deployments” on other IT systems. These included Adlab, Altia and Holmes (Op Elter) and Holmes (Op Herne) accounts. A Boolean search was used giving parameters of the two words appearing within 5 words of each other. The term “covert policing” identified 34,102 hits and “covert deployments” had 7,523 hits. In the light of the limited description that Police Staff B2 and Officer B1 provided of the material shredded, and the large number of positive results identified above, the results of these individual searches were not viewed as it would not have been possible to identify specifically the documents referred to by the two individuals.

## > Officer B3’s Role and Response

46. During the IOPC’s investigation, one line of enquiry explored was whether Officer B3 had requested or instructed Police Staff B2 to destroy material that should have been retained as per the command circulation of 12 May 2014.

47. This was considered as a possibility on the basis of Police Staff B2’s own identification of Officer B3 as likely to have been the person who would have instructed her in any shredding work in that office and due to the email of 11 June 2014 noted above where Officer B3 requested the loan of “*Abbreviated first name of Police Staff B2*”, believed to be Police Staff B2, to assist with shredding. This is the only email identified where a request for shredding was made after the date of the command circulation.

D35

48. In Officer B3’s initial written response to notice, he denied having requested any documentation relevant to the public inquiry be destroyed. During his interview with the IOPC, Officer B3 was asked if he had requested Police Staff B2 complete

shredding work of any nature at any time, but responded he had nothing further to add.

- D35 49. Officer B3 outlined in his prepared statement that the unit had been informed that they were moving to Empress State Building and there would be limited storage. Lockers and pedestals would therefore need to be cleared of non-essentials, including documents, copies of emails and reports printed from police systems.
- D35 50. Officer B3 also noted that the SSIU office was the only secure office on the fourth floor of 10 Victoria Street and quite often individuals would use the office as a '*dumping ground*' for any material they thought may have been sensitive.
- D35 51. Officer B3 stated that he did not recall receiving the command circulation of 12 May 2014 and was away from the office between 8 – 17 May 2014 when the command circulation was distributed.
- D17  
D18 52. As with Police Staff B2, it appears from email records that Officer B3 was one of the recipients of the command circulation, although it is not possible to say whether he read it or not.
- D35 53. Regarding the UCPI, while Officer B3 maintained he would have shared anything he considered relevant to the inquiry with Operation Herne, he did not believe much of his own work was within the scope of the UCPI, as he dealt with {redacted}
- D46  
T64 54. In his statement to the IOPC of 24 January 2019, written in response to additional questions, Officer B3 explained that if he had identified any documents or similar that he believed relevant to the public inquiry, he would have forwarded them to Operation Herne via the point of contact he had been given, Officer B16.
- D46 51. As Officer B3 had stated he did not recall receiving the command circulation, but did seem aware of his obligation to retain material for the inquiry, he was asked how he had been informed of this. In his statement of 24 January 2019, Officer B3 recorded that he could not recall how this had been communicated to him.
- D46 52. In the same statement, Officer B3 clarified that some shredding had taken place in the office during this period, including that referred to in the email of 11 June 2014, but that this had been done to prepare for the move of the office to a new building and would have included only items such as personal emails. He restated that he would not have requested the destruction of any documents that he knew to be related to the UCPI. He also stated that requests for help from Police Staff B2 would have been through her line manager, Police Staff B13, and that he did not recall ever directly asking her to assist in shredding or similar tasks.

## > Accounts of other officers

53. As part of this investigation, additional accounts were requested from other officers based in the office, as named by Police Staff B2 in her statement.

- S3 54. Officer B12 stated he could not recall Police Staff B2 conducting any shredding from within the SSIU office and if this did happen, he believes he would have remembered it. He stated:
- 'I can say that I do not recall any shredding being taken from our office by Police Staff B2. I believe that if this did happen, and I was present, I would recall it due to the unusual nature of someone coming in and out of the office and removing documents. I do know who Police Staff B2 is and although she would periodically come in and out of our office, this was always on a social note and not work related – as far as I recall. Due to the nature of our work, it would be very unlikely that Police Staff B2 would be in our office in regards to a work related matter.'*
- S4 55. Officer B10 did not recall Police Staff B2 conducting any shredding from within the SSIU office. He stated:
- 'I do not recall the command circulation or any incidents of First name Police Staff B2 entering the SSIU office to remove paperwork/documents.*
- By May 2014 I believe it was an established practise that anyone entering the office would knock and wait to be invited in. Due to the nature of work, it was very much a private office, with the door closed and locked and the blinds down. It would be unusual for someone to be entering the office a number of times over a couple of days and removing paperwork and therefore this would more than likely stick in my memory.'*
56. Officer B9 did not provide an account as he had left the MPS prior to this investigation, and a letter sent to his last known address was returned. Officer B11, another officer in the unit, was on leave at the time of the incident and therefore unable to provide any evidence.
57. Accounts were also requested from Officer Delta and Officer Charlie. Both officers had, however, already retired prior this investigation and declined to assist.

## > Analysis

58. Police Staff B2 and Officer B1's accounts differ in a number of ways, although both seem to refer to a similar activity – that is, the shredding of documents some time in May or June 2014. The incident Police Staff B2 describes she recalls as having been May 2014, while Officer B1's account refers to within "a couple of weeks" of the 12 May command circulation – this would suggest either late May or early June.
59. The point on which they most obviously differ is that Police Staff B2 has no recollection of being stopped or interrupted by Officer B1 (or anyone else), while Officer B1 is clear that he had a conversation with her about the activity she appeared to be about to undertake.
60. Officer B1 is supported in this by the recollection of Officer B7, who recalled having spoken to Officer B1 about this conversation and having seen a female staff member standing next to the shredder with a pile of documents.

61. Further to this, Officer B1 does not recall seeing any actual shredding of documents, while Police Staff B2 has stated she actually went through with the shredding without interruption.
62. There are some similarities in the descriptions of the material due to be shredded – Officer B1 notes that one of the files was titled ‘*NPOIU Covert Policing Policy*’ or something similar, while Police Staff B2 says the paperwork to be shredded included “*policy documents*” as well as items that seemed to relate to covert operations.
63. Both Officer B1 and Police Staff B2 have provided sketch plans of the office indicating which machine they believe the shredding was taking place on. Both gave different locations for the machine, which could be indicative of two separate incidents.
64. On the information available, it is not possible to say whether or not both accounts refer to the same incident or to two separate episodes of shredding. As noted in the email referred to above, a number of requests for assistance with shredding were made of Police Staff B2 prior to the command circulation of 12 May 2014 and it is possible that her recollection refers either in whole or in some details to one of these.
65. In the period examined, only a single email requesting assistance with shredding *after* the date of the command circulation has been identified – the email from Officer B3 to Police Staff B13 dated 11 June 2014. This was sent almost exactly a month after the circulation. In his response to the IOPC, Officer B3 stated that this would only have involved personal emails or other documents and would not have included anything he believed to be within the scope of the inquiry.
66. Police Staff B2 has not been able to confirm exactly who instructed her to complete the shredding she described in her statement. She stated it was likely to have been Abbreviated first name Officer B3” or “first name Officer Delta”, someone of rank, DS or above. Police Staff B2 was unsure whom, noting only that Officer B3 *was most often around and it was around his desk so he seems the most likely person*. As noted in the email chain above, however, on at least one occasion in 2014 Officer Delta also discussed shredding with her.
67. Officer B1 has stated Police Staff B2 told him a “DCI” had asked her to do it. Officer B5, in his record of the initial conversation with Officer B1 about this incident in December 2014, records that he was told Police Staff B2 was acting on instructions of “First name of Officer Charlie”. This could refer to Officer Charlie of the same unit.
68. From the descriptions given, it has not been possible to establish exactly which documents may have been destroyed by Police Staff B2, and whether copies of these were registered or retained elsewhere. While the titles and descriptions given suggest probable relevance to the UCPI, if the items were duplicates or printouts of material already held by Operation Herne, their destruction would not necessarily have violated the command circulation. However, as set out above, searches conducted on MPS systems for material with titles provided by Officer B1 and Police Staff B2 have not identified any documents still existing with such titles.

69. As noted by Officer B3 in his response, and as evidenced in the email exchanges, the office was undergoing a significant amount of change at that time, as part of preparation for moving to a new building. This appeared to have included filing or destroying old paperwork and the implementation of a clear desk policy. Both could have involved a large volume of shredding and would not necessarily have been in breach of the command circulation.
70. Neither Police Staff B2, Officer B3 nor Officer B10 recall receiving the command circulation of 12 May 2014, despite all staff and officers of SO15 having been on the distribution list. As noted above, it appears command circulations were sent on a frequent basis within SO15 and did not always refer to work-essential, or even work related, matters.
71. It is of note that Officer B3 has recorded he did not believe the UCPI related directly to his area of work – {redacted} - and instead only dealt with the action of undercover police officers. The inquiry itself, however, is also looking at the broader issues of “infiltration” of particular activist groups by the police, and so use of informants and other sources could potentially fall within its remit.

### > The crate of “covert” material

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- D75 72. During this investigation, an email dated 14 June 2014 was identified from a search of the officers’ accounts. This was from Police Staff B13 to Officer Charlie, and relayed that Police Staff B13 had been asked to handle disposal of a crate of material which he believed related to covert operations, including those involving Mark Kennedy, one of the undercover officers whose actions led to the UCPI being established. In his email, Police Staff B13 noted that he wanted to make sure that the crate was not at risk of being lost, and so asked if he could submit it to MPS archives.
73. On 16 June 2014, Officer Charlie forwarded the previous email to Officer B3, adding “*Abbreviated first name Officer B3*’, can you liaise with ‘*First name Police Staff B13*’ please. Thanks.”
- R1b 74. As part of this investigation, the IOPC has attempted to establish whether the crate referred to in this email chain was actually placed into storage or not.
- S10 75. Police Staff B13 provided the IOPC with a statement in relation to his part in handling this crate, which he identified as “*being a cardboard box like the boxes you get given for desk moves. It was not like the larger plastic IT crates. I recall it had a label and that there were cable ties or security seals on it, I do not remember if I sealed it myself or if it was already sealed. Security seals are normally used when securing boxes for moves outside of the building. I acknowledge that my email mentions that it relates to Mark Kennedy. I may have looked at it to know this or that information may have been written on the top of the crate*”. He stated that he had located the crate while working over a weekend and had recognised it as something to be retained as potentially UCPI related.

- S10 76. Police Staff B13 stated that, as per the email from Officer Charlie, he handed the crate over to Officer B3 and did not know what was done with it subsequently. He did recall seeing a similar looking crate when passing through the door of the DCI offices in the same building but could not be sure it was the actual crate.
- D46 77. In his further statement to the IOPC, Officer B3 stated he did not recall discussing the crate with Police Staff B13 and that had he been asked to take it, he would have questioned why Police Staff B13 was not sending it to archives himself, as handling material of this sort was not a normal part of Officer B3's role. Officer B3 stated he was certain that he did not take possession of the crate from Police Staff B13.
- D46 78. Operation Herne have confirmed to the IOPC that they have no record of having received either a crate or individual items directly matching the description giving during this time period.
- R3  
T43  
T58 79. At the request of the IOPC, MPS conducted Boolean searches on various names and combinations of names. There were a number of positive hits on the Adlab system as follows: 'Abbreviated first name and surname Officer B3 – 774; First name and surname Officer B3 – 58; Surname Officer B3 and Mark Kennedy – 48; Police Staff B13 - 71; Surname Police Staff B13 and Mark Kennedy - 40; Rank and surname Officer B3 – 1266. IOPC staff attended premises of MPS and reviewed these but no relevant documents or emails were found to support that the crate of material found by Police Staff B13 was received by Operation Herne.
80. MPS were further requested to conduct searches on their systems for receipts of material from Victoria Street and/or Officer B3 or Police Staff B13 in June and July 2014 for reference to Mark Kennedy material and/or a crate.
- R3 81. A review of the MPS Altia system by IOPC staff based on the search parameters set identified various emails. A report of 11 December 2014 by Officer B17 states that the Op Herne team attended premises on 4 December to assess three boxes located by Officer Charlie. Two boxes related to Op Avocet. The third sealed box contained documents and references to Mark Kennedy; a bag labelled hard drives and memory sticks etc; and reports and logs relating to the deployment of undercover officers, names of operations etc.
- R3 82. The three boxes were collected by Officer B16 and Officer B18 on 18 December 2014 and registered on MPS Holmes system. The statement of Officer B18 notes there were two cardboard boxes and one large blue plastic storage box of NPIOU material. Inside the plastic box was a pink box file which was sealed with a signature RG, this box file contained hard drives and USBs. The boxes were designated numbers C299 and C305 (cardboard boxes) and C309 (blue box). A note of the contents of C309 indicated they are not relevant to this investigation.
- R4 83. C299 and C305 have been opened and the contents put into other boxes and given an Op Elter box number. Officer B8 has stated that boxes were routinely opened and contents decanted into other boxes. MPS records indicated material from C305 is now in Op Elter box 58 and this was viewed by IOPC staff. This box had a side of a cardboard box inside with handwritten notes stating the box had been opened and resealed on a number of occasions and by whom. One of the notes stated "Found

unsealed on top of cabinets in safe room by Officer B19. Contents checked and box sealed by Officer B19. All on 01/05/2018.” There were a number of folders relating to undercover policing. One was a red folder with the front page being a file note dated 09.08.2011 written by Officer D20 NDEIU.

R4

84. Material from C299 is now in Op Elter box 57 and this box had similar handwritten notes on the top detailing past openings and re-sealings. There were a number of documents and folders in the box. One was a red folder, the front page of documents was titled “ Operation Pegasus, table of contents” and point three entitled “PC Mark Kennedy”.

R3

85. An item from July 2015, over a year later, was identified by Operation Herne as possibly related to this matter as it was recorded as having been handled by both Police Staff B13 and Officer B3 and related to Mark Kennedy. A review of this item, however, indicated that it was retrieved from one of the safes of the senior leadership team at the NDEIU in 2015 and it does not appear to have been retained by either Officer B3 or Police Staff B13 from a larger batch of material. In response to questions about where this item might have been originated as part of the crate referred to in June 2014, Officer B3 noted that the safe it was found in was not one to which he would have had access and said he could not recall any other details about his involvement with this item.

R3

86. A later review of MPS Altia system identified further information relating to this. An email was sent to Officer B21 from Officer B3 dated 17 July 2015 in relation to “red folder named Op Pegasus” handed to him on 13 July 2015 by Police Staff B13. Officer B3 explained where the material had been found, and the fact the folder was marked confidential and related to Mark Kennedy. It was handed to Officer B21 and Officer B22 of Op Herne enquiry team on 17 July 2015.

R3

87. On 17 July 2015 Officer B21 sent an email to Police Staff B13 confirming receipt of the material from Officer B3 and asking where it had been found. Police Staff B13 gave the following explanation – he was doing a security review on all cabinets which began on 9 April 2015. This document - Pegasus docket - was found and decanted into another cabinet, the IT and Security cabinet. This was checked by Officer Delta and himself. Officer Delta was confident that this docket was not part of the early review and therefore it was placed in the cabinet from other security safes being cleared during this review period. He (Police Staff B13) could not confirm where the document originally came from, only that it had been found between the review period of 9 April and 12 July 2015.

R3

88. There is a statement of Officer B3 on 09 August 2017 relating to the collection of further material the previous year. Emails show that on 13 September 2016, Officer B3 emailed Officer B16 of Op Herne stating he had located some documents, notebooks etc which may be relevant to Op Herne material. On 14 September he handed these to Officer B23 of the Op Herne team. A statement of Officer B23 dated

17 October 2016 verifies that she collected the material which were books belonging to Officer B20.

## > Analysis

89. From the information provided, it has not been possible to determine where the material referred to in Police Staff B13's email to Officer Charlie of 14 June 2014 was sent and if it has been retained. Operation Herne, who would have been the appropriate party to take ownership of it, have no record of its receipt at this period of time and the central MPS archives records for this period have not been retained.
90. Police Staff B13 refers to the material as being in a crate but then states that it was more like a cardboard box, not like the larger plastic IT crates but had a label and cable ties or security seals on it as if being moved externally. He was unable to provide details of the material that he saw in the box/crate except that it referred to Mark Kennedy.
91. Two cardboard boxes were collected by Op Herne team but some six months later, on 18 December 2014 together with a blue plastic box. These boxes C305 and C299 have been opened and resealed on many occasions prior to being opened for viewing by IOPC. Officer B8 has stated that contents of boxes were opened and decanted into other boxes over time. This is evidenced by the fact that Op Elter box 58 contains a red folder "Op Pegasus" which would appear to be that referred to by Officer B3 in his email to Officer B21 of 17 July 2015 and had been located by Police Staff B13. This was only collected in July 2015 and not December 2014. These boxes are cardboard with lids, as one would use to move offices and have seals and records made on the boxes on each opening and closure with corresponding new seal numbers.
92. The timing and the description of this crate /cardboard box referred to by Police Staff B13 on 14 June 2014 makes it unlikely that this is the same "crate" of documents identified in May 2014 as referred to in Police Staff B2's account. Furthermore, as the Mark Kennedy case attracted a significant amount of publicity, it is unlikely that Police Staff B2 would fail to recognise or recall any mention of him in the material she handled.
93. No record has been identified of Police Staff B2 being instructed to perform any shredding subsequent to the date of this material being discovered. The only request sent by Officer B3 for Police Staff B2 to assist with shredding was sent two days before Police Staff B13's initial email and before Officer B3 had any involvement in any crate and its handling.
94. Evidence indicates that on at least two occasions subsequent to June 2014, Officer B3 contacted the Op Herne team directly drawing their attention to potentially relevant material. On 17 July 2015, Officer B3 was handed material that had been located by Police Staff B13 during a security review of cabinets in the period April to July 2015. He informed Officer B21 who arranged for its collection by Op Herne team. The

following year, Officer B3 notified the Op Herne team of material he had found in a safe in HUMINT offices and this was also collected by them.

**> The response of the MPS Directorate of Professional Standards officers to the allegation of documentation being destroyed within the NDEDIU**

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95. During the period that Officer B1 first made his allegations of failures to preserve UCPI related material by staff at the NDEDIU, DPS were already investigating similar complaints about other members of the same unit. These related to allegations by a whistle-blower that NDEDIU officers had intentionally destroyed material related to a member of the public, to disguise potentially problematic police surveillance and intrusion.
96. As of December 2014, this second set of allegations were already subject to a covert fact-finding exercise by DPS. This was being handled by Officer B4, who had responsibility for intelligence gathering within the DPS. In March 2015, this exercise would progress to an overt aspect, under the name YYCOLE, under Officer B24.
97. The allegations regarding material concerning the member of the public were eventually referred to the IOPC and subject to their own separate investigation.
98. On 14 December 2014, Officer B1 and Officer B5 passed their statements to their line manager, who in turn forwarded them to Officer B8, {redacted} officer of Operation Herne. Officer B8 in turn sent these on to the DPS, due to a concern that they might indicate further misconduct in the NDEDIU. As part of this investigation, Officer B8 has provided a timeline of her contact with the DPS in relation to these allegations and a supporting statement, in which she recorded that:
  - On 18 December 2014, she received a text message from Police Staff B25 of the DPS informing her that Officer B4 would be in contact with her in relation to these matters.
  - On 6 January 2015, she emailed Police Staff B25 to inform him she had yet to hear from Officer B4.
  - On 9 February 2015 she had a personal meeting with Officer B4 in relation to these allegations in which she provided him with a copy of Officer B5's statement.
  - On 12 March 2015, she attended a DPS investigation briefing with Officer B4 and other officers about allegations of deletion of material, both in this matter and those related to the member of the public. During this meeting she provided a further copy of Officer B5's statement to attendees.

D13  
S7

- Some weeks later, although she does not record exactly when, Officer B8 was contacted by Officer B24, who was taking over YYCOLE, and provided him with copies of these statements.

- S9 99. Officer B24 has also provided a statement to the IOPC as part of this investigation. In this, he recorded that he was briefed on taking over YYCOLE on 20 March 2015, by Officer B4 and Officer B26. During this meeting he was briefed on the allegations relating to the member of the public but was not informed of the issues raised by Officer B1.
- S9 100. Subsequent to this, although he could not be sure of the exact date, Officer B24 met with Officer B8 and she passed copies of both statements to him. Unsure whether or not these allegations should form part of his enquiries, he approached Officer B4 and Officer B26 for instructions and was told by both that he did not need to take any action as this was considered a separate matter and was being looked into by Operation Herne.
- S9 101. In his statement to the IOPC, Officer B24 noted he had subsequently been informed Officer B4 had copies of these statements in his possession well in advance of the 20 March 2015 briefing on YYCOLE, and that he did not understand why these were not shared with him at that time. Officer B24 has stated he considers this a failure of transparency and that in cases where the intelligence holder does not share relevant material with the investigating officer, opportunities can be missed.
- D40 102. Officer B4 was served a notice of investigation on the basis that he had failed to take effective actions on the allegations contained within Officer B1's statement and that he potentially inhibited effective investigation by not sharing these with Officer B24 and by instructing the latter not to pursue them. Officer B4 responded via his Federation Representative, who emailed the following to the IOPC:
- 'I have no recollection of the officers or the incident related by them. I do not believe they were members of the Intelligence Bureau so cannot understand why they would come to me. I do not recall receiving the statements from Operation Herne.'*
- 'As {redacted} for the DPS Intelligence Bureau my role was to lead intelligence collection regarding corrupt activity within the MPS. This intelligence product would have been developed and passed to {redacted} or other parts of the organisation for overt investigation or action. I did not become involved with overt investigations. In relation to information regarding the member of the public I was involved in a covert investigation to collect intelligence and evidence for overt action known as YYCole.*
- In or around April 2015 I transferred to {redacted} to lead the {redacted} Unit before retiring at {redacted}. Without further context regarding current activity of the IB / TSU in April 2015 I am unable to comment on whether I informed an officer to concentrate on another investigation if in fact I did.*

*It appears Operation Hibiscus was an overt investigation and thus I cannot understand why the officers or statements would have come to me for overt investigation unless the officers are mistaken.*<sup>3</sup>

## > Analysis

103. Prior to the briefing of Officer B24 on 20 March 2015, Officer B8's evidence indicates that Officer B4 was provided with copies of the relevant statements on as many as three occasions, but there is no indication he took any action in relation to them. At least one of these appears to have been a meeting with other officers in which both these allegations and those relating to the member of the public were discussed.
104. These allegations were not investigated as part of YYCOLE, impeding potential time sensitive lines of enquiry which may have led to investigative opportunities being lost.
105. As he has only provided a very limited account, it is not possible to determine exactly how or why Officer B4 might have believed that these allegations fell outside his remit, or his understanding of his role and his duty to refer these matters onwards.

## > Criminal offences

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106. On receipt of the report, the decision maker must decide if there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related.
107. If they decide that there is such an indication, they must decide whether it is appropriate to refer the matter to the CPS.
108. Early investigative advice was received from CPS in relation to what, if any, offences may have been committed. However, no officer was investigated criminally.

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<sup>3</sup> Ex-Officer B4 appears to have been operating under a misapprehension as to the relationship between the IOPC investigation Operation Hibiscus and YYCOLE. At the time of the incident he is discussing, Operation Hibiscus was not yet in operation as the matter had yet to be referred to the IOPC, so it appears he is referring instead to YYCOLE.