

Security Classification/Foi 2000	Official – Yes under FOI
Foi Requests on rationale	npcc.request@foi.pnn.police.uk
Author	CC Chris Haward
Force/organisation	Lincolnshire Police
NPCC Coordination Committee	National Surveillance Dashboard
Telephone number	01522 947454
Date created	20 October 2022



Abigail Scholefield
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Sent via email only: Abigail.Scholefield@fieldfisher.com

Dear Abigail,

I write in response to your letter dated 13th October 2022 seeking an update on a number of recommendations made by HH Clement Goldstone KC in the Jermaine Baker Public Inquiry (JBPI) report published in July this year.

I focus only on those recommendations relating directly to surveillance which fall within in my remit as the NPCC Lead for Surveillance.

Throughout the response I refer to the Surveillance Manual of Guidance 2019 (MOG) and, latterly, the Surveillance Manual of Standards 2021 (MOS). You will see relevant extracts are shown and, where amendments to these standards are made, these are highlighted in purple.

The change from 'Guidance' to 'Standards' in 2021 shifts the onus for forces and agencies to compliance with the standards rather than simple consideration of guidance. The MOS are currently being redrafted to ensure all aspects of the JBPI are appropriately reflected in the standards.

The actions and amendments made are:

15.11 - Only those officers who have received the requisite training and accreditation should be posted to a Covert Monitoring Post (CMP).

This recommendation was already covered by MOG and is carried into the MOS:

Covert Audio Intrusive Surveillance & Covert Monitoring Posts

Staffing

(Extract)

Monitoring covert surveillance devices is a specialist skill requiring appropriately trained and experienced staff.

Training

(Extract)

CMP staff **must** be occupationally competent and licensed/authorised.



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On completion of training, the staff member who is to fulfil the role must be able to:

- demonstrate the practical application of the equipment to be used in the CMP
- possess an in-depth knowledge of the procedures required for the conduct of a CMP as set out in Surveillance Manual of Standards: Covert Audio Intrusive Surveillance & Covert Monitoring Posts.

As a result of the recommendation made, the MOS has now been published on the College of Policing Learning Hub giving better access to CMP practitioners. This has been widely communicated with relevant parties to ensure everyone is aware of the requirements made in the MOS reinforcing the standards therein.

CMP staff must be competent to fulfil the roles assigned and will receive authorised or accredited training, with an ambition to move swiftly to a position where all training provision is provided by

- the College of Policing, accredited by the National Police Chief's Council (NPCC) or;
- via a recognised training provider.

Where the latter is commissioned it will be the responsibility of the commissioning force / organisation to ensure the course meets the National (Occupational) Learning Standards held by the College of Policing on behalf of the NPCC Lead.

15.12 - There should be clear and unequivocal written guidance for the CMP from the TFC as to the key information and intelligence that is being sought.

This recommendation is covered in the MOS which will be updated to reflect the recommendations made in the JBPI Report (shown in purple text)

Covert Audio Intrusive Surveillance & Covert Monitoring Posts

CMP Manager

(Extract)

The CMP manager acts as a liaison point for:

- Senior Investigating Officer
- Intelligence Officer(s)
- **Tactical Firearms Commander (TFC) - where operationally appointed**

and is also responsible for:

- Maintaining a CMP decision log



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CMP Decision Log

(Extract)

The CMP manager **will** maintain a CMP Decision Log, recording the day-to-day events relating to the management of the CMP, decisions taken within it and will include the time, date, and rationale of any decisions. **Where a TFC is operationally appointed, it will also contain clear and unequivocal written guidance from the TFC as to the key information and intelligence that is being sought.**

To be included in the General Decision Log Entries:

- **Information and intelligence passed between the CMP Manager and TFC.**

15.13 - The training referred to in paragraph 15.11 must emphasise the importance of Covert Monitoring Officers (CMOs) making accurate notes of: (a) what they have heard; and (b) what they have passed on.

This is already reflected in the previous MOG and current MOS. However, it will be strengthened to reflect this recommendation as shown below.

Covert Audio Intrusive Surveillance & Covert Monitoring Posts

Audio Monitoring Record

(Extract)

CMP staff are responsible for maintaining an **accurate**, bound and page-numbered / **electronic** contemporaneous monitoring record throughout the monitoring and recording period of:

- (a) What they have heard**
- (b) What they have passed on**

The Audio Monitoring Record (AMR) provides a chronological record of events summarising the product of the covert surveillance device.

Consideration **must** be given to the need for the SIO / **TFC** or CMP Manager to have **immediate** access to important sections of the record while monitoring or transcription is in progress. **This may be passed on for briefing purposes by the use of a carbon copy form or digital platform at the required Government Security Classification.**

See also 15.15 response about recording information and decisions.

15.14 - CMPs should not be established without the appointment of a properly trained CMP Manager, whose responsibility it should be to appoint a team of CMOs, once satisfied from proper assessment as to their qualifications and ability.



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The previous MOG and MOS do have relevant sections in relation to this recommendation but, again, have been strengthened as shown here:

Covert Audio Intrusive Surveillance & Covert Monitoring Posts

Staffing

(Extract)

Where a CMP is to be established for monitoring the product of a technical audio surveillance device, a CMP manager **must** be appointed. The CMP manager will be occupationally competent and licensed/authorised.

Additional Responsibilities

The following paragraph is being broken down to clarify the responsibility in relation to staff competency alongside health and safety requirements:

(Extract)

- Implementing relevant staff health and safety requirements, including annual hearing tests prior to deployment and **ensuring that all staff are occupationally competent and licensed/authorised.**

The new MOS will read:

- **Ensure all staff deployed in the CMP are occupationally competent, licensed and authorised.**
- **Ensure Health and Safety requirements including annual hearing tests prior to deployment are in place.**

15.15 When a CMP is being used to gather evidence or intelligence, the MPS (and other forces) should consider developing an SOP to ensure that the information is adequately recorded to provide a clear audit trail.

A number of digital platforms are currently in use within UKLE to record information / intelligence flow and resultant decision making.

Two solutions, Situational Awareness system and a Decision and Case Management System, are currently being developed to better record and manage decision making within proactive operations (SIO / TFC). The Situational Awareness system is currently in procurement and implementation whilst the Decision / Case Management System is still in design and development.

Yours sincerely,

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NPCC Lead for Surveillance



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