Between 1968 and 2010 more than one thousand groups and many more individuals on the left of the political spectrum were targeted by intrusive police surveillance. This intervention gives an overview of what has become known as the Spycops scandal and the active role of the grassroot movements that were spied on, while focusing on the authors’ own organisation, the Undercover Research Group. It explores how a critical approach to the Undercover Policing Inquiry had been productive, while conceding that misgivings about engagement are understandable and valid as well. This paper also considers how the impact of this mode of policing are still being felt today and discusses whether the current hostile environment for protesters makes a reoccurrence of these abuses more likely.

**Key words** surveillance • undercover policing • public inquiry • activism • secrecy • transparency and accountability

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**Introduction**

On 12 March 2014, Theresa May, the then Home Secretary announced that an inquiry into undercover policing would take place (May, 2015). The public inquiry was called in response to controversies surrounding undercover policing into political campaigners which reached the public domain in early 2011 (Evans and Lewis, 2015). Most directly, it was following a report by Mark Ellison QC which raised concerns about the family of murdered black teenager Stephen Lawrence being surveilled (Ellison, 2014).

That report also suggested potentially hundreds of criminal convictions of activists might be unsafe due to the undisclosed involvement of Undercover Police Officers (UCOs). Another issue which had been raised by activists and the media was the use of
the undercover police to provide information to private companies for blacklisting firms (Smith, 2020). In addition, the fact that the officers adopted the identities of children who had died in infancy was an obvious cause for concern (Evans and Lewis, 2015).

However, perhaps the most prominent issue was the revelation that UCOs had engaged in long-term sexual relationships using their cover identities. It is now thought that over 50 non-informed sexual relationships between undercovers and – mostly female – activists took place (Police Spies Out of Lives, 2023).

These are the specific nodes of the scandal, but it needs to be recalled that the Inquiry is examining whether the undercover policing aimed at activists (and many others caught up in the dragnet) was justified at all.

It is pertinent to discuss these issues now, as the contemporary hyperbolic language used against protesters is converted into repressive legislation. For instance, not one but two laws have been passed to protect ‘our heritage’ – with an amendment to the Criminal Damages Act meaning that a maximum sentence of ten years can now apply for damaging of a statue or other public monument (Ministry of Housing et al, 2021; Home Office, 2022). Absurd and disproportionate as this might seem, it is representative of the increasingly severe penalties for protest-related offences. The more serious the offence, the easier that surveillance of those suspected of committing such offences will be deemed ‘proportionate’ (Regulation of Investigatory Powers Act, 2000).

**Spycops: a slow-burn scandal**

The Special Demonstration Squad (SDS) was founded in 1968 by the Special Branch of the Metropolitan Police as a response to the large demonstrations against the war in Vietnam and was disbanded in 2008 (Evans and Lewis, 2015). The National Public Order Intelligence Unit (NPOIU) was set up in 1999 to coordinate intelligence gathering across the UK, and reorganised into what is now called the Counter Terrorism Command in 2011, just after the first undercover officer had been exposed by activists (O’Driscoll, 2018).

Undercover officers lived the life of a campaigner for years, to gather intelligence about activists, their plans and personal lives. The information was shared with the police for supposed public order purposes, and to assist the Security Service (MI5) with ‘subversion’ related issues (MI5, 1968).

What would become known as the ‘Spycops scandal’ started with the exposure in early 2011 of Mark Kennedy who had been infiltrating a wide variety of activist groups across the UK and Europe. His exposure as police spy was quickly followed by the additional revelations of women, some of whom had already been investigating the men who abruptly disappeared from their lives and had finally found confirmation they had been undercover officers as well. The long process – decades for some of the women – can be found on the Police Spies Out of Live website – as well as in memoirs (Alison et al, 2022; McLean, 2022).

The Undercover Research Group (URG) was set up to support those with suspicions and to bring together the research experiences and very specific methods involved in this field of critical inquiry (Undercover Research Group, 2017).

It took a further three years of campaigning, alongside the steady drip of more exposures of undercover officers until the pressure came too much for the government to resist – and a public inquiry was called (Lubbers, 2019).
It is therefore important for historical accuracy to reiterate that the first initiatives against this injustice were not brought about by the state. In fact, the police and their witnesses continue to do everything they can to stop the full facts reaching the public domain. For instance, by delaying the Inquiry’s procedures, refusing to cooperate, hiding their identity behind anonymity restrictions and the shredding of evidence (Hadjimatheou, 2017; Brian, 2020).

Although the Undercover Policing Inquiry (UCPI) was originally due to finish in 2018, after a variety of such delays it is now not expected to report to the Home Secretary until at the earliest 2026. An interim report on the first ‘tranche’ covering the period 1968–1982 is supposed to come out in June 2023.

The dilemma of engaging with a secretive state inquiry

For very good reasons many people impacted by the Spycops scandal were reluctant to engage with the UCPI, and many more have chosen not to. Public inquiries after all function to repair the ‘broken’ image of state institutions and justifies their repressive and ideological character (Burton and Carlens, 1979). Also, a public inquiry into secret policing seems a contradiction in terms – people were rightly sceptical of what and how much information would be released into the public domain. Covert surveillance is by definition secret – and the State always wishes to keep it that way.

Even among many who initially registered as UCPI ‘core participants’ (UCPI, nd) many have stopped engaging with the Inquiry, worn down by the delays, secrecy, and the lack of disclosure. For instance, the withholding of many real and cover names of the UCOs have alienated many from the Inquiry. Put alongside an establishment and police-minded Chair in former Garrick Club member Sir John Mitting, who seems as about as in touch with contemporary sensibilities as Jacob Rees-Mogg, this excessive secrecy leads even those who did engage with the Inquiry to question this decision (BBC, 2018).

While appreciating this widely shared reluctance, URG understood the Inquiry as a unique opportunity as well. Without the perspectives of those spied upon and their dogged persistence, the UCPI would certainly have been a whitewash. After eight years and having covered only one third of the time the Spycops operated, we do – however – have more detail in some respects than we anticipated.

Our campaigning and research work, alongside that of others, was vital in achieving concessions and insights that many thought to be unlikely. For instance, Phil Scraton (2003) believes that disclosure of documents is crucial for justice. But not – as he says – without running campaigns alongside official inquiries as an important way of getting at the truth. Within the context of the Spycops scandal the campaigns were up and running before it was even announced – in fact the Inquiry can be seen as a response to and a result of these.

Campaigning by individuals like Baroness Doreen Lawrence (Press Association, 2014) and Sukhdev Reel (Rachel Williams, 2014) are two examples – both of whom had been spied upon for simply fighting for justice for their sons. Furthermore, the campaign groups Police Spies Out of Lives by women deceived into relationships and the Blacklist Support Group raised the profile of issues effectively. As an umbrella organisation, the Campaign Opposing Police Surveillance has coordinated some (though not all) of these groups and individuals. Dozens of trade union branches and other groups are affiliated with the campaign as well.
Conferences and demonstrations have been organised (Campaign Opposing Police Surveillance, 2019). In protest at the virtually inaccessible first ‘public’ hearings, a programme with actors voicing the transcripts of the proceedings was broadcast – which embarrassed the Inquiry into making them more accessible (Police Spies Out of Lives, 2020).

**Undercover Research Group: disrupting the state narrative**

Many of the core members and other contributors to the Undercover Research Group’s work have lived experience of state or corporate surveillance (Brian, 2021; Jessica, 2020; O’Driscoll, 2020; Lubbers, 2019). This informs our approach to the subject matter, as we are not just carrying out the work of intelligence historians or surveillance analysts but have close connections to those who have most been impacted by this intrusive surveillance.

Our research then is to: ‘… empower activists, defend the right to protest, to fight for transparency, and an end to the secrecy enabling political policing’ (Lubbers, 2019). While we operate independently, our research is geared to be supportive of the campaigns mentioned above. Our role before the UCPI began was as a pacesetter for disclosure: revealing undercover officers’ names and shocking details about their deployments.

This included working with journalists and writing detailed profiles of the undercover officers and the units they worked for (Undercover Research Group, 2015). However, during this formative period in the scandal, founding members of the group Eveline Lubbers and Dónal O’Driscoll also had the unenviable task of informing people who were unaware that some of whom they thought were friends were in fact state agents.

Since 2021, when the UCPI finally started hearing evidence, our main task has shifted to interpreting and giving the broader context to the evidence presented at the Inquiry. However, we still of course respond to contemporary concerns about possible state surveillance – in fact a ‘Spycops’ scandal has just broken in Spain which the aforementioned groups are supporting (Rodríguez et al, 2023).

More broadly, we correct the biased state narrative by providing the wider story of the social movements targeted – as opposed to just the infiltration of the groups. Prior to the UCPI’s substantial disclosures, the National Archives were scoured for the little that had been released to tell these hidden histories, alongside eliciting micro-oral histories from dozens of activists (Lubbers et al, 2016). Additionally, our research supports the legal representatives in the UCPI. The poor funding level of the legal representations for the non-state side makes this a necessity.

The fight for the release of secret state documents has been a thread which runs through this scandal. In fact, one of the catalysts for the public exposure of Mark Kennedy was the failure to declare his involvement in a court case (O’Driscoll, 2018). Several of the 23 civil cases brought by women who had such relationships were delayed by the police’s refusal to disclose evidence (Hadjimatheou, 2017). URG provided valuable background information for these cases.

The delays in disclosure were due to the police organisations fighting a rearguard action to stop the release of evidence of covert policing involvement. To date, the withholding of evidence in cases involving undercover officers from the Special Demonstration Squad (SDS)\(^1\) or National Public Order Intelligence Unit (NPOIU)\(^2\)
has resulted in 60 protesters having their convictions quashed or prosecutions against them dropped (Gillet, 2014; R v Bard (Theo) and Ors, 2014; Hodge et al, 2023). During the hearings of Tranche 1, two older instances were discussed in which the police interfered with court cases (Metropolitan Police Service Branch, 1978; Greenhall, 2023).

Another case in which police reluctance and intransigence to disclose resulted in a ten-year-long legal battle was only concluded in 2021. This was brought by Kate Wilson against both the Metropolitan Police and the National Police Chiefs Council. Kate was deceived into a relationship by Kennedy but was also spied upon by five other undercover officers. In 2021, the Investigatory Powers Tribunal (IPT) handed down its damning ruling in her human rights claim (Investigatory Powers Tribunal, 2021; 2022). Kate commented that the judges:

... identified a formidable list of breaches of fundamental human rights by the Met, including inhuman and degrading treatment, sexist discrimination and interference with my rights to hold political opinions and to freedom of expression and association... (Wilson, 2021).

What makes this judgement even more noteworthy is that Wilson was denied legal aid for part of the court case and had to present her complicated legal arguments (with the assistance of a group of friends including the URG).

At another level, the work of the Undercover Research Group and the campaigning around the Spycops scandal can be understood as a corrective to the way the British secret state likes to be perceived.

The standard narrative shows how the British surveillance apparatus is both constructed and distorted via the officially sanctioned histories and carefully crafted archival releases (Andrew, 2010; Wilson and Adams, 2015). In short, the public relations of how useful MI5 and the derring-do of the Special Operations Executive (SOE) were during World War II has acted as a figleaf for the less savoury aspects of the secret state since the beginning of the Cold War.

The myth that the surveillance was only directed at existential threats to the UK has been shredded by the disclosure made by the Inquiry. Even so, while the official history of MI5 concedes that political subversives were targeted, it leaves out the depth and breadth of that surveillance.

Before the UCPI, we had understood that MI5 and Special Branch had distinct and separate areas of work concerning the surveillance of left-wing groups. However, what has emerged from the UCPI are two organisations with largely overlapping missions. For instance, a large proportion (if not all) of the reports that the SDS officers filed were copied to MI5.

There were two parallel filing systems – one run by Special Branch and the other by MI5 – which collected data on tens of thousands of the same people and groups who were thought to be of some threat to the state (Metropolitan Police Special Branch, 1966; Andrew, 2010).

However, it also seemed to be that Special Branch were the junior partners. For instance, MI5 ordered the police to spy on ‘subversive’ school children (MI5, 1975) and requested the membership lists of left-wing parties and their branches (Evans, 2022).

This is a long way from what most people might think of as ‘defending the realm’ (Regnum Defende – MI5’s Latin motto). We now have a fair idea why MI5 wanted
the names of SWP members – so they could put them on civil service blacklists. The same senior civil servants at the Home Office, who signed the funding of the SDS, also sat on secret Cabinet Committees which worked out strategies to keep tabs on and occasionally even undermine supposed subversives.

The long-held suspicion of the links between the various secret Whitehall Committees and the spying is now even shared by the lawyer who acts on behalf of the UCPI (Counsel for the Inquiry, 2023). It is only the combination of the activist-led research and campaigning, coupled with the Inquiry’s ability to retrieve secret files that have allowed us to obtain these insights.

**From subversion and domestic extremism – to aggravated activism?**

Through the collective memory of the activists spied upon and our research we are continually drawing attention to the problematic nature of the evidence given by both individual police officers and state agencies. The official narrative will no doubt attempt to draw lines between the ‘good’ and ‘bad’ activist, and the ‘reasonable’ and ‘excessive’ use of undercover policing. And definitely the conclusion will aim to convince us that the investigated abuse is unlikely to still happen today.

It suits the police and the state to consign the wrongdoing by these police units as ‘historical’. Labelling it as such serves this rhetorical purpose. There are several reasons why the issues are not restricted to the past. Not least that the hurt and damage caused by the undercover policing operations are being felt now – both by the women who had relationships and the seeds of mistrust sown in others (Griffin, 2020).

One of the movements that was targeted between 2006 and 2008 was that of the Camp for Climate Action. No less than three undercover police officers infiltrated this campaign for climate justice. Although there were other factors at play in its dissolution, certainly a core of people involved in its organisation was heavily impacted by the deployments of Mark Kennedy, ‘Marco Jacobs’ and ‘Lynn Watson’ (Undercover Research Group, 2018a; 2018b; 2018c). We now see a renewed climate action movement – but what momentum was lost by the impact of undercover policing?

Another factor that makes the issues addressed by the UCPI highly relevant today is the common thread running through the surveillance that we know about: the use of catch-all concepts to justify the spying: ‘subversion’, ‘domestic extremism’ and the latest: ‘aggravated activism’. The new ‘aggravated activism’ adds to the legislation described above as the government attempts to delegitimise political dissent. Individuals are placed in a ‘matrix’ – where their actions are accorded the labels ‘lawful activism’ or ‘low level/high level aggravated activism’ (Intelligence and Security Committee, 2022). However, actions are not the only factors that will put activists on the wrong end of the spectrum. If you hold radical political viewpoints (for example, anarchist) this makes whatever protest crime someone may be guilty of more serious – and may gain the attention of Counter Terror Policing or MI5.

**Conclusion**

The political backdrop of 2023 is vastly different from that of 1968. However, both eras share a rhetoric that sought, and seeks, to target dissent. In 1968, this gave authorities
the confidence that they had the permission to enact a surveillance regime that would impact British society for over half a century. When looking at the current political narrative it is not unrealistic to see how injustices and abuses of equal consequence might be thought justified by those in power today.

Notes
1 The Special Demonstration Squad was formed in 1968 by the Metropolitan Police Special Branch. The SDS stopped operating in 2006. It only infiltrated groups with a presence in the London area.
2 The National Public Order Intelligence Unit formed in 1999 and operated across England. It acted under the command of the Association of Chief Police Officers (now the National Police Chiefs Council).
3 Although financial damages and legal costs were awarded to Wilson in 2022.
4 Secret Committees monitoring communism and subversion in the UK were hosted by The Cabinet, Home, and Foreign Offices between 1948 and 1987.
5 Although this report mainly concerns ideological extremism on the right of the political spectrum it also applies to those designated as Left, Anarchist and Single-Issue Terrorism (LASIT). See this video resource provided produced by Education Against Hate on so-called LASIT: https://www.youtube.com/watch?v=p8Tg5D_G9uk

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