Follow-up written evidence submitted by the Metropolitan Police

Consistency

1. **[Q100 Commander Messinger] You say the way Bridger interacted with candidates was different from the first time you had that responsibility, and that it was a little harder to drive consistency. Please could you expand on this, in terms of how interactions are different and why it was harder to drive consistency?**

In February 2024, the Defending Democracy Policing Protocol (DDPP) (Defending democracy policing protocol - GOV.UK (www.gov.uk)) was published, making several commitments on behalf of Policing, which would change and enhance the way that Bridger would operate, and who Bridger would apply to. Bridger had never applied to candidates in a General Election before. Hence the increase for 650 MPs to 4000+ candidates was a significant jump in the number of individuals Bridger needed to support, with the accompanying increase in briefings, intelligence and threat identification.

Operation Bridger has only ever previously applied to the cohort of 650 serving MPs. During any dissolution period, Operation Bridger would move to a reactive model, as opposed to a pro-active model, as all MPs either stand down or become candidates in a General Election. This is due to the requirements placed on Policing, and on Parliament, to remain impartial during the dissolution period. Any issues reported by candidates historically, have previously been referred to the dedicated Force Election SPOC, who is a subject matter expert in election crime, amongst other things.

For the General Election 2024, NPOCC set up a strategic co-ordination group to deliver Operation Offglide**,** which was the UK's response to planning for the General Election. Each Force has an Election SPOC that receives continuous professional development (CPD) from the national election lead (City of London Police) and the Electoral Commission. The Election lead developed nationwide communications in advance of the election (eg. a video for frontline staff) and legal guidance for officers and candidates, in conjunction with the CPS (eg. "When it Goes too Far"). These different areas of guidance advised candidates how to recognise and report incidents of interference and intimidation, and advised Police which legislation could be best applied, to address the specific behaviour that was being reported.

The communication and guidance for the election was developed by the Election lead, in conjunction with stakeholders. It was disseminated via the network of Force Election SPOCs. The Bridger network was used as an additional delivery arm into Forces. From a Bridger perspective, the guidance did appear to provide adequate tools to address the type of behaviour outlined at the two round tables.

2. **[Q102 DI Barnard] Once such training has been designed, would you support it being mandatory?**

I would not say mandatory for all police officers necessarily, certainly for frontline officers who may find themselves policing local/national elections.

3. **Would you support a more centralised, national approach to "policing democracy", to include matters relating to HAI as well as electoral law? If so, how could knowledge and understanding of local issues be retained?**

Lee Barnard: I would be supportive of a national support function to assist a wider network of SPOCs across the UK – emulating the Op Bridger concept – like is happening with Op Ford and the Force Elected Official Advisors. I would be reluctant to merge the 2 as I feel Op Ford and the 'other elected officials' issue is not fully understood. Op Bridger has matured over the last 4 years. There will be obvious 'smudging' with some threat actors who target both Councillors and MPs but the scale is unknown. A national Problem Profile should be commissioned and FEOAs utilised to report into an Op Ford Intelligence Hub their localised Problem Profiles. I believe Op Ford is likely to be much more 'in Force' focused than Op Bridger and whilst a national function can provide advice and guidance, resources will need to be dedicated locally to resolve the issues identified once outreach commences.

To consider merging Op Bridger and Op Ford now could significantly impact the effectiveness of the Op Bridger policing response – just as a new IT system is about to be rolled out and a more nominal focused approach adopted. I would respectfully suggest that Op Ford and the whole 'other elected officials' problem needs to be fully understood first.

Simon Messinger: I can see there is an opportunity here [joining NPCC portfolios for Bridger and Election], but also the 2024 general election was the first real time that Bridger had stepped into this arena. The two portfolios are now far more aligned and more aware of the cross over. This is something that will be worked through by 'policing' and the Home Office as part of the learning from the election.

The NPCC elections portfolio also has SPOC within each force. Perhaps, given that we now have Force Elected Official Advisors in place, a question can be posed if they are able (capacity) and the right individuals picked to be the elections SPOC at the right time?

Bryan Duffy: We can look to emulate Bridger with its network approach, but merging the 2 very separate cohorts and risk principles into one is a way off yet in my view.

So before we get into a dedicated, funded approach similar to subjects like those covered by the NCA, we should look to enhance the forces consistency and standards by reinforcing democratic defence as a portfolio in a similar vein to VAWG (violence against women and girls) and managed through the NPCC (National Police Chiefs Council).

The 'back office function' between Bridger and Ford should share intelligence and profiles as nominals, methods and themes all blur lines at some stage (ECINS may help with this, as the foundation for a joint Threat Assessment Centre). An example would be the need to draw across intelligence on MPs from any previous elected official role where they may have had similar issues; this doesn't happen automatically.

<u>Legislation</u>

4. **[Q101 DI Barnard] You mention here the challenge of defining "grossly offensive", and later an offence in the RPA which refers to heckling vs repeated chanting. Please could you clarify what sections of the relevant legislation these are, and are there any other specific examples of where the legislation lacks clarity and requires interpretation from officers?**

Currently, office staff and Members themselves send through the offensive communications they receive and it is assessed to see if it meets a criminal threshold.

Malicious Communications Act 1988 section 1(1) (b) and (4) - Points to prove:

date and location
sent to another person an article
in whole/in part of an indecent/grossly offensive nature
for purpose of causing distress/anxiety to recipient/any other person
to whom you intended it/its contents/nature should be communicated

In the case of DPP v Bussetti [2021] EWHC 2140 (Admin), the Divisional Court held that, in order to cross the threshold for this offence, the message must have been "not simply offensive but grossly offensive. The fact that the message was in bad taste, even shockingly bad taste, was not enough".

Members/victims are often surprised by the very high bar set for an offence under this section and this is often where criticism over perceived police inaction arises.

Section 97 of the Representation of the People Act 1983 creates specific offences relating to disturbances at election meetings.

Section 97(1) A person who at a lawful public meeting to which this section applies acts, or incites others to act, in a *disorderly* manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice.

The following is taken from the guidance: There is no definition of 'disorderly', so it is a matter of fact for the magistrates to decide on. It has been held to mean 'an offence against good manners, a failure of good taste, a breach of morality, likely to cause a disturbance or to annoy others considerably', but there need be no threat or provocation of violence. It is thought that in the context of a meeting 'disorderly' would require more than a bit of ad hoc heckling - some form of loud and constant chanting and barracking would probably suffice.

5. **[Q102 DI Barnard] Please could you expand on the point about how ASB legislation could be used to tackle non-criminal incidents?**

We have previously sought legal advice when considering Parliament (and all of those who work within it to ensure that democracy is maintained – to include the House of Lords and all staff who support this function) as a Community – for the purposes of the Anti-social Behaviour, Crime and Policing Act 2014.

We would like to *consider* utilising ASB legislation more, to tackle the sub-criminal threshold harassment and intimidation of MPs and their staff.

Section 2 of the Anti-social Behaviour, Crime and Policing Act 2014 gives the meaning of 'anti-social behaviour'.

2(1) In this Part **anti-social behaviour** means -

(a) conduct that has caused, or is likely to cause, harassment, alarm or distress to **any person**,

This would then allow us to use Community Protection Warnings and Community Protection Notices to tackle persistent and repeated behaviour.

The legal tests that govern the use of the anti-social behaviour powers are focused on the impact that the behaviour is having, or is likely to have, on victims and communities. We must consider the effect that the behaviour in question is having on the lives of those subject to it. For example, agencies should recognise and consider the debilitating impact that persistent or repeated anti-social behaviour can have on its victims, and the cumulative impact if that behaviour persists over a period of time.

The notice could be issued to someone who can be held responsible for the anti-social behaviour – therefore irresponsible social media platforms - who effectively facilitate the abuse of others – *could* be the subject of a CPW/CPN.

If a person persists, then a court can impose a Criminal Behaviour Order. Civil Injunctions, Community Resolutions and Restorative Justice can all then be considered to tackle this kind of anti-social behaviour towards Members' and their staff.

Of course where a criminal offence is obvious from the outset, then a crime will be recorded and it will be progressed through traditional criminal justice pathways.

Data

6. **[Q105 Steve Jones and Q109 DI Barnard on the new IT system] Does this only include Bridger incidents, or are Ford incidents also captured? If not, would that be helpful from an intelligence gathering perspective (i.e. if nominals are targeting other elected representatives)?**

As the new IT system is a replacement for Mercury (the current recording system) it will only contain Bridger incidents, part of its functionality will support the nominal management process so it will assist in identifying and linking offenders who operate across different police borders and approach multiple MPs. Once the Operation Ford Threat Assessment Centre is set up it will have an IT system to collect information on incidents affecting other elected representatives. The information will be shared between Bridger and Ford to assess threat and risk posed to both MPs and other elected representatives within the Ford cohort.

Pursuing prosecutions

7. **[Q113 DI Barnard] Do you have any more specific data you are able to share on the average time taken for social media platforms to respond to your requests?**

Unfortunately not – the timescales I have been told came directly from the officers within the PLAIT team and it is therefore somewhat anecdotal. The specialists who obtain this data for us may be in a better position to provide this, although it is likely to vary depending upon the platform.

8. **Are there any mechanisms for expediting such requests when incidents arise during election periods?**

No. The requests are graded upon the seriousness of the crime concerned

9. **Is there more that could be done to support victims to pursue prosecutions, for example, in terms of the requirements for an "active victim"?**

It is fair to say that whilst some Members are sometimes unwilling to support an investigation by providing a statement, staff working within the Parliamentary Liaison and Investigation Team feel that as a collective, MPs were no different from the general population in this respect.

Some members, by virtue of their role, are more frequently and persistently targeted. These high profile individuals who are often the subject of enhanced protective security arrangements can present quite a challenge for two main reasons:

1. Often their protective security arrangements are so good that the person intending to target them is prevented from doing so.
2. Often these individuals are simply too busy to be able to provide an evidential statement and statements offered on their behalf by staff members are not acceptable to prosecutors. Also, when high profile events occur – vaccination rollout; No 10 parties; Brexit etc, an individual can suffer multiple individual offences which would all require victim statements.

Consideration could be given to amending the current stalking and harassment legislation to remove the need for an 'active' victim. These offences should be capable of prosecution based upon the behaviours of the perpetrator alone. Members should continue to be encouraged to provide statements – particularly high profile individuals to set an example to others.

Consideration should be given to prosecuting offences under the Malicious Communications Act 1988 and the Online Safety Act 2023 without the need for a victim statement. There should be no requirement for the communication to *actually cause* distress or anxiety – the fact we can show an offender sent the message should be sufficient to prosecute.

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