

## Draft Module One Special Demonstration Squad Issues List for Consultation

### Introduction

1. The purpose of this document is to communicate the Inquiry's draft list of issues for its Module One investigation of the Special Demonstration Squad. Written observations on this draft list are invited by 4pm on Thursday 15 March 2018.
2. The Inquiry, like many other public inquiries, intends to use issues lists to direct and focus its investigation to enable it better to discharge its [terms of reference](#).
3. The Inquiry has previously made statements which are relevant (amongst other things) to the identification of the issues which this document considers: they are listed below.
  - 3.1 Sir Christopher Pitchford's [opening remarks on 28 July 2015](#).
  - 3.2 Paragraphs 90 and 91 of the [Restriction Orders \(Legal Principles and Approach\) ruling dated 3 May 2016](#).
  - 3.3 Paragraphs 8 and 9 of Counsel to the Inquiry's [note for the hearing on 5 April 2017](#).
4. It is important when considering and responding to the draft list of issues to understand its position within the overall context of the Inquiry's investigation.
  - 4.1 First, the issues list relates only to the Special Demonstration Squad (i.e. the unit which existed between 1968 and 2008 albeit that it was known at times as the Special Operations Squad and the Special Duties Section). There will be further draft lists of issues for the National Public Order Intelligence Unit and other aspects of Module One in due course.
  - 4.2 Second, there is a significant overlap between Module One and Module Two. In Module One the Inquiry proposes to receive evidence from undercover police officers and people affected by their deployments. The draft Module One issues are therefore focused on those issues that witnesses will be able to give direct factual evidence about. In Module One, the Inquiry anticipates asking undercover police officers about all aspects of their undercover service, including their selection, training and management, as well as what they did whilst deployed undercover. The Inquiry also hopes to receive the direct evidence that non-police witnesses in Module One can give about the officer or officers whose actions affected them and the impact that undercover policing had on them. Module One

## UNDERCOVER POLICING INQUIRY

evidence will be heard in public where it can be, and in closed or private hearings where the existence of restriction orders make this necessary. The evidence of managers in the chain of command will be received in Module Two. There will be a further list of issues for Module Two. This will include, but not be limited to, many of the same issues included in the Module One list of issues. Conclusions on issues set out in either the Module One or Module Two list of issues will not be reached until all of the evidence which the Inquiry is going to hear on the issues in both modules has been heard (save where it becomes clear that a referral to the miscarriages of justice panel should be made). In this way all of the relevant evidence will be taken into account on any given issue. One effect of this approach is that in relation to many of the draft issues listed below, it is anticipated that whilst some evidence will be received from witnesses in Module One; more will be received from managers in Module Two.

- 4.3 Third, the list of issues relates to the whole of the Special Demonstration Squad over the unit's entire 40 year history, as such. It is drafted at a general level of detail. Core participants who have, or may have been, directly affected by a particular officer's deployment will no doubt have more specific and detailed issues or questions in mind about that particular officer's activities. The Inquiry is adopting an officer-by-officer approach to its Module One investigation of the Special Demonstration Squad and will be considering what further issues arise in relation to each deployment on a case-by-case basis. There will be an opportunity later in the preparatory phase of the Inquiry for individual core participants to propose further detailed issues relating to specific deployments which directly affected them.
- 4.4 Fourth, use of the terms "justice campaigns", "elected politicians", "trade unions and trade union members" and "social and environmental activists" as subdivisions of the reporting sections in the draft list of issues correspond with categories of non-police, non-state core participants (although not limited to the core participants themselves).
- 4.5 Fifth, the extent and degree to which issues will be investigated in individual cases may vary. For example, it is unlikely to be necessary or proportionate exhaustively to examine the justification for every single aspect of every Special Demonstration Squad deployment.
- 4.6 Finally, the Module One Special Demonstration Squad issues list will not be set in stone. The Inquiry will, if necessary, amend it as its investigation proceeds. In particular, its investigation will be led by the evidence, and nothing in this

# UNDERCOVER POLICING INQUIRY

document constrains the Inquiry from investigating any further issues that emerge from the documentary record or from witness testimony.

## **The draft Module One Special Demonstration Squad issues list for consultation**

5. The draft issues list on which observations are sought is set out immediately below.

### **Draft OVERARCHING ISSUES – Module One Subsections on the Special Demonstration Squad**

#### Size, organisation and composition of the Special Demonstration Squad

1. How big was the Special Demonstration Squad at any one time, how was it organised and who served in it?

#### Recruitment, selection and training

2. How were undercover police officers selected for the Special Demonstration Squad?
3. What were undercover police officers and their families told about the role when they were selected?
4. Was the picture which they were given accurate and complete?
5. What training did Special Demonstration Squad undercover police officers receive?
6. What understanding did undercover officers have of the legal framework within which undercover policing was carried out?
7. In what respects, if any, were selection and training adequate or inadequate?

#### Legend building (including the use of deceased children's identities)

8. When did the practice of using deceased children's identities begin?
9. What prompted undercover police officers in the Special Demonstration Squad to use the identities of deceased children?
10. How did Special Demonstration Squad undercover police officers use deceased children's identities to build their assumed identities?
11. How extensive was the practice of using deceased children's identities within the Special Demonstration Squad?

## UNDERCOVER POLICING INQUIRY

12. Did the practice stop? If so, when and why?
13. What impact or potential impact did the practice have on the families of the deceased children?
14. Who authorised undercover police officers to use deceased children's identities and when?
15. How, in other respects, did Special Demonstration Squad undercover officers build their legends prior to their deployment?

### Targeting and initial authorisation

16. Which people / organisations were Special Demonstration Squad field officers deployed against?
17. What was the purpose or, if more than one, the principal purpose of each deployment?
18. What criminality, if any, was it intended to detect, disrupt or prevent?
19. What authorisation did Special Demonstration Squad undercover police officers receive before deploying?
20. Was targeting and initial authorisation motivated by racism?
21. Was targeting and initial authorisation motivated by sexism?
22. To what extent were initial authorisations for the deployment of Special Demonstration Squad undercover police officers adequate and justified at the time they were made?

### Conduct whilst deployed: relationships

23. What sort of relationships did Special Demonstration Squad undercover police officers form whilst undercover and how were they conducted? To include, but not be limited to: sexual relationships, intimate non-sexual relationships, relationships with people who were the target of the deployment or members of the target group.
24. Why did they form these relationships?
25. To what extent did the officers' managers know about these relationships?
26. To what extent were these relationships authorised?
27. What was the attitude and reaction of managers to these relationships?

## UNDERCOVER POLICING INQUIRY

28. To what extent were officers given rules or guidance by managers about the conduct of these relationships?
29. To what extent were relationships brought to an end when the deployment ended, and how did officers do this?
30. What was the impact of these relationships on the persons with whom the relationships were formed and others?
31. Were there sexist attitudes towards women on the part of either undercover officers or their managers?
32. If so, did they cause or contribute to undercover police officers engaging in sexual relationships with women whilst they operated in their assumed names?

### Conduct whilst deployed: participation in, or encouragement of, crime

33. To what extent did Special Demonstration Squad undercover officers participate in any criminal activity? With what consequences?
34. To what extent was participation in criminal activity authorised?
35. To what extent was participation in criminal activity known to managers and what was their attitude to it?
36. Did undercover officers encourage or provoke any criminal activity? With what consequences?
37. To what extent was any such encouragement or provocation authorised?
38. To what extent was any such encouragement or provocation known to managers and what was their attitude to it? To what extent were officers given rules or guidance by managers about participation in criminal activity?
39. Have circumstances arisen, in any given case, which require referral to the panel considering miscarriages of justice?

### Conduct whilst deployed: contact with the criminal justice system and disclosure to the prosecuting authority

40. What happened when undercover officers were arrested?
41. What was the response of managers to arrests?

## UNDERCOVER POLICING INQUIRY

42. What happened when undercover officers were charged?
43. What was the response of managers to charges?
44. What happened when Special Demonstration Squad undercover officers appeared in court as a defendant? With what consequences?
45. Were prosecutors and the court made aware that the defendant was really an undercover police officer?
46. What happened when undercover police officers appeared in court, or prepared to appear in court, in any other capacity? With what consequences?
47. Were the parties and the court made aware that the person appearing before it, or preparing to appear before it, was really an undercover police officer?
48. Were prosecutors informed, in any other circumstances, about the fact that an undercover officer had been involved in any capacity with matters relevant to a prosecution?
49. Have circumstances arisen, in any given case, which require referral to the panel considering miscarriages of justice?

### Conduct whilst deployed: contact with lawyers advising those with whom the undercover officer was mixing whilst deployed

50. Did Special Demonstration Squad undercover police officers receive or become aware of legal advice given to members of the public whilst deployed?
51. What did Special Demonstration Squad undercover officers do with third party legally privileged advice or information?

### Reporting: general

52. Did Special Demonstration Squad officers report information gleaned whilst undercover for intelligence, evidential or other purposes?
53. How did field officers report information to their managers? To include the frequency, format and method.
54. To what extent were Special Demonstration Squad undercover officers aware of the extent to which their reporting was disseminated or used?

## UNDERCOVER POLICING INQUIRY

55. How, and to what extent, were undercover officers asked to gather particular information?

### Reporting: justice campaigns

56. To what extent did Special Demonstration Squad undercover officers target, infiltrate and/or report information on social justice campaigns / social justice campaigners?
57. How and why did they target, infiltrate and/or report information on social justice campaigns / campaigners?
58. What was done with any reporting on social justice campaigns and how was it used?
59. Was such undercover policing of social justice campaigns as was carried out by the Special Demonstration Squad influenced in any way by racism?
60. Was whatever targeting, infiltration and/or reporting on social justice campaigns / social justice campaigners that took place justified?
61. What has been the impact of undercover policing on justice campaigning?

### Stephen Lawrence and Duwayne Brooks OBE

62. Which social justice campaign groups were infiltrated?
63. For what purpose were they infiltrated?
64. Who directed that they should be infiltrated?
65. What instructions, or authorisations, were given to any relevant Special Demonstration Squad undercover officer?
66. What information was reported about any member of Stephen Lawrence's family?
67. What information was reported about the Stephen Lawrence campaign?
68. What information was reported about Duwayne Brooks?
69. What information was reported about any of the legal representatives acting for any member of Stephen Lawrence's family or Duwayne Brooks?
70. What was done with any information received from any relevant undercover officer about Stephen Lawrence's family, Duwayne Brooks, their legal representatives and those campaigning in Stephen Lawrence's name?

## UNDERCOVER POLICING INQUIRY

71. What role did any relevant Special Demonstration Squad officer play in any police activity relating to Duwayne Brooks?

72. Was any of the activity described above motivated by racism?

### Reporting: elected politicians, political organisations and political activists

73. To what extent did Special Demonstration Squad undercover officers target, infiltrate and/or report information on elected politicians, political organisations and political activists?

74. How and why did they target, infiltrate and/or report information on elected politicians, political organisations and political activists?

75. What was done with any reporting on elected politicians, political organisations and political activists and how was it used?

76. Was any targeting, infiltration of and/or reporting on elected politicians, political organisations and political activists justified?

77. What has been the impact of undercover policing on political and democratic processes?

### Reporting: trade unions and trade union members

78. To what extent did Special Demonstration Squad undercover officers target, infiltrate and/or report information on trade unions and trade union members?

79. How and why did they target, infiltrate and/or report information on trade unions and trade union members?

80. What was done with any reporting on trade unions and trade union members and how was it used (to include but not be limited to blacklisting)?

81. Was any targeting, infiltration and/or reporting on trade unions or trade unions justified?

82. What has been the impact of undercover policing on trade unionism?

### Reporting: social and environmental activists

83. To what extent did Special Demonstration Squad undercover officers target, infiltrate and/or report information on social and environmental activists?

## UNDERCOVER POLICING INQUIRY

84. How and why did they target, infiltrate and/or report information on social and environmental activists?
85. What was done with any reporting on social and environmental activists and how was it used?
86. Was any targeting, infiltration and/or reporting on social and environmental activists justified?
87. What has been the impact of undercover policing on social and environmental activism?

### The prevention and detection of crime

88. How, and to what extent did the work of Special Demonstration Squad undercover officers help and/or hinder the prevention, detection and prosecution of crime, particularly serious crime?

### Management, supervision and oversight

89. Who managed, supervised and/or supported Special Demonstration Squad undercover officers?
90. What management, supervision and support did undercover officers receive whilst deployed (to include, but not be limited to, any steps taken to assess whether a deployment should continue and whether the conduct of the undercover police officer was appropriate)?
91. To what extent did senior police officers visit, or otherwise have contact with Special Demonstration Squad undercover officers?
92. To what extent were Special Demonstration Squad undercover officers personally commended or otherwise acknowledged by senior police officers, politicians or others?
93. Where officers were identified as having failed to comply with any instructions, regulations, or authorisations, what happened, why did they do this and what steps were taken in response?
94. To what extent did those charged in any way with oversight or regulation or responsibility for policing visit, or otherwise have contact with Special Demonstration Squad undercover officers?

# UNDERCOVER POLICING INQUIRY

## Withdrawal from deployment

95. How long were Special Demonstration Squad deployments?
96. For what reason/s did deployments come to an end?
97. How did Special Demonstration Squad undercover officers withdraw from their deployments?

## Management of post deployment conduct

98. Did Special Demonstration Squad managers, or the wider Metropolitan Police Service, take any steps to prevent the continued use of undercover legends after deployments had ended?
99. Did former Special Demonstration Squad officers continue to use their undercover legends or associated material after deployments had ended? For what purpose and with what consequences?
100. If so, did Special Demonstration Squad managers, or other managers in the chain of command, know?
101. Did Special Demonstration Squad managers, or the wider Metropolitan Police Service, take any steps to prevent the continued use of information obtained by undercover officers, whilst deployed, after their deployments had ended?
102. Did former Special Demonstration Squad officers use confidential information obtained whilst deployed for either private security work or blacklisting, and with what consequences?
103. If so, did Special Demonstration Squad managers, or other managers in the chain of command, know?

## Debriefing

104. Who debriefed undercover officers during or after their deployment and for what purpose?

## The welfare of undercover officers and their families

105. What was the impact of their deployments and conduct undercover on Special Demonstration Squad officers?

## UNDERCOVER POLICING INQUIRY

106. What was the impact of the undercover officers' work and conduct undercover on their close family?
107. What support did field officers and their families receive before, during and after deployment?
108. Was the support afforded to Special Demonstration Squad undercover officers and their close families by the Metropolitan Police Service adequate?

### Conduct of undercover police officers overall

109. To what extent was the conduct of Special Demonstration Squad officers deserving of praise or criticism?