

The Inquiry into Undercover Policing

Strategic Review

May 2018

Contents

Foreword: Sir John Mitting, Chairman of the Undercover Policing Inquiry	3
Introduction and Summary	6
Part one	9
Terms of Reference and Context	9
Background to the Strategic Review	10
The Investigative Approach	11
Setting up the Inquiry	12
Review of Progress	13
Assurance over Materials for Investigation	14
Restriction Order Applications	15
Part two	20
The Inquiry's Approach Going Forward	20
Independence and Openness	20
Getting To the Truth	23
Witnesses and giving evidence	23
Restriction Orders Over Names and Giving Evidence	24
The Approach to Hearings	25
Hearings Format	26
Conducting Hearings – Modules one and two	27
The Shape of the Hearings	27
Delivering an Interim Report	29
Module Three	29
A panel for Module Three	29
The Final Report	30
Part Three	31
Approach to the Strategic Review	31
Options Considered	32

Foreword: Sir John Mitting, Chairman of the Undercover Policing Inquiry

- i. The Inquiry is at a crossroads. Its preliminary stages will soon be complete. Preparation for the hearing of evidence about deployments by the Special Demonstration Squad and the National Public Order Intelligence Unit, already well underway, will now move to centre stage. The main focus of the Inquiry until summer 2019 will be the collation and analysis of documents relating to the deployments and the obtaining of witness statements about them – from deployed officers, their operational managers and, it is hoped, from non-state witnesses. Hearings will begin in June 2019 and continue, with breaks for preparation, for about 2 years. The gathering of evidence will continue after the hearings have begun, as well as before. The strategic review sets out the dates on which it is intended that the evidence thus gathered will be considered and heard.
- ii. The premise of the strategic review is that the inquiry into past events will be conducted by me, as chairman, alone. To fulfil its terms of reference, the Inquiry has undertaken to find out, in detail, what happened and why in two police units – the Special Demonstration Squad and the National Public Order Intelligence Unit – over 40 years and to examine successor units since. This will require tens of thousands of documents to be read and the evidence of at least 250 police witnesses to be received and considered. The appointment of additional members to the panel (currently consisting of me, as chairman, alone) would impose a heavy cost in both time and money – the plans set out in the strategic review could not be achieved within the already lengthy timeframe envisaged.
- iii. It is not only the Inquiry which is at a crossroads. If, as has been reported, some non-state core participants are undecided whether or not to continue to participate in the Inquiry, the time for decision will soon arrive. The strategic review sets out how the Inquiry will attempt to find out what happened and why on the assumption that non-state core participants do participate. I do not intend to use coercive powers to make them do so. If they do not, the Inquiry will get as close to the truth as it can without them. There is abundant material in the police files, in the public domain and in the unpublished records of the Herne and Elter investigations. Every former Special Demonstration Squad and National Public Order Intelligence Unit officer able to do so will be required to provide a detailed witness statement. The restriction order process has led to officers providing a fuller and, in some cases, franker account of their time undercover than has previously been avowed. I have

every reason to believe that the need to give evidence on oath to the Inquiry will lead to further revelations. The absence of evidence from significant non-state witnesses would of course be regrettable and would mean that the foundation for the findings of fact which I could make would be less extensive than would be the case with it; but it would not undermine the purpose of the Inquiry. What would be lost would be a full account of what happened to them.

- iv. The strategic review is not a consultation document, it sets out what the Inquiry intends to achieve to establish the facts of what occurred and how and when it intends to do so. The Inquiry does, however, intend to consult further on one important feature: how evidence is to be received from those who will give it and be disseminated to the public at large. Once the anonymity process is substantially complete, the views of all relevant core participants and their legal representatives will be sought.
- v. In the immediate future, the Metropolitan Police Service, the National Police Chiefs' Council and the recognised legal representatives of former and serving officers of the Special Demonstration Squad and National Public Order Intelligence Unit will be invited to consider at a public hearing (on 18 May) how their resources can best be deployed to assist the Inquiry to fulfil its stated intentions for the next 3 years and how the Inquiry can assist them to do so.
- vi. Once the facts have been found, it would be both practicable and desirable for a wider panel to be recruited to investigate and consider the current state of undercover policing and to make recommendations to the Home Secretary for the future. Profound and, perhaps, difficult questions exist as to the circumstances, if any, in which undercover police officers should be deployed. There is likely to be widespread agreement that their deployment is justified to prevent and/or investigate very serious crimes, including those which put the lives and safety of the public at risk. There will be many different views on the justification for deployments in other circumstances, such as the prevention or control of public disorder. On these issues, extensive public debate and the opinions of a diverse panel would be welcomed by me and, I anticipate, be required to found recommendations for the future capable of commanding widespread public support.
- vii. A great deal of hard work will be required on the part of a large number of people to permit the Inquiry to fulfil its terms of reference. My experience of the Inquiry team since my appointment as a panel member and then chairman leaves me in no doubt that they will undertake it, willingly and effectively. I acknowledge the efforts

of others, so far, to do so. There can be no let up and, as always, there is room for improvement in the light of experience. Subject to that, I am confident that the Inquiry will succeed in fulfilling its terms of reference. The steps set out in the strategic review will assist it to do so.

Sir John Mitting

Introduction and Summary

- 1 This report details the work of the Undercover Policing Inquiry to date and sets out both how the Inquiry intends to proceed and its projected timeline. This report follows a strategic review by the Inquiry team and is based on analysis of the Inquiry's progress to date and considers how the Inquiry can deliver its key objectives: getting to the truth and delivering recommendations on the future of undercover policing.

Part One of this document sets out the background to and general approach of the Inquiry to date, including its approach to the restriction order process and initial investigations.

Part Two covers the approach that will be taken going forward including the timetable to hearings and beyond, the approach to witnesses and evidence, the proposed format of hearings themselves, an interim report and the appointment of a panel to advise on recommendations.

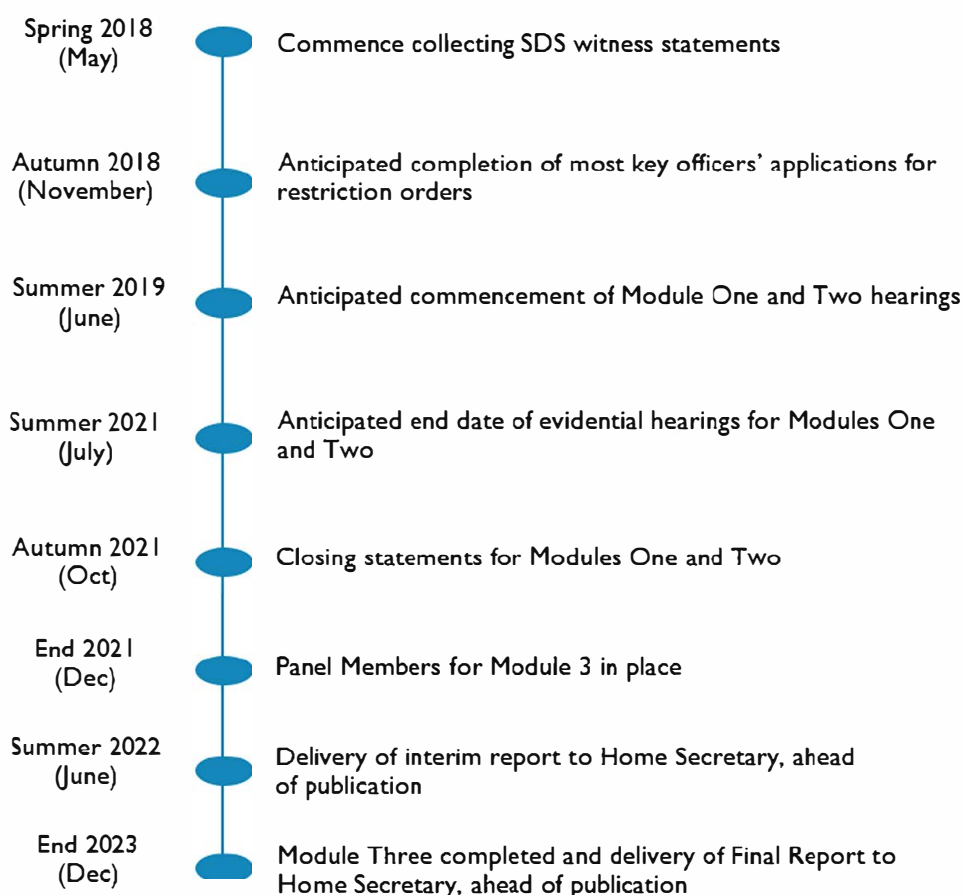
Part Three looks at some of the assumptions the Inquiry has made in setting out the timetable and the other options that were considered as part of the strategic review process.

2. In considering the way forward the Inquiry has held at the centre of its review processes the need to ensure the delivery of its [terms of reference](#) in a timely fashion while remaining as transparent as possible. The Inquiry has also considered the need to have regard to avoiding unnecessary cost, and wider public sector expectations of value for money.
3. Summary of key points in the review
 - The **key milestones for delivering the Inquiry** (page 7)
 - That there will be **an interim report** at the end of module two as well as the final report with recommendations (page 29)
 - The approach to receiving **evidence**
 - The commitment to independence and openness with a proposed **consultation on access to hearings** (pages 22 and 25)
 - **How evidence will be given** dependent on the status of restriction orders
 - The **proposed approach** to and **format of hearings** for module one and module two (page 25)

UNDERCOVER POLICING INQUIRY

- The request to appoint a **panel to advise on recommendations** following findings of fact and evidence from hearings (page 29)

4. The key milestones to deliver the Inquiry are shown below.



5. The Inquiry has set out an ambitious timeline with the intention of driving delivery as fast as possible. Any ambitious plan, with complex moving parts and engagement with multiple agencies and individuals, carries higher risk and this timeline is no exception.
6. Delivery to this timeline relies on all the parties involved in the Inquiry working together. The state core participants have a significant task on their hands. They must provide and process a vast quantity of documentary evidence, and do so efficiently and effectively, in order for the Inquiry to commence its hearings. The non-police, non-state core participants will also be receiving evidence about them and providing evidence to the Inquiry, all of which will need to be processed efficiently. The Inquiry team must

UNDERCOVER POLICING INQUIRY

recruit, security clear and retain the right number of skilled staff and they must continue to work at pace. Further, the volume of evidence (including documents, witness statements and individuals providing oral evidence) must remain broadly consistent with current expectations.

7. The Inquiry team will keep its planning assumptions, timeline and plans under review, working with others involved in delivering the Inquiry.

Part one

Terms of Reference and Context

8. The Inquiry is investigating undercover policing from 1968, including serious and widespread concerns about undercover policing and the behaviour of some police officers. They include:
 - Women discovering that, unbeknown to them at the time, their partners were in fact serving undercover police officers
 - Children born as a result of such relationships
 - Undercover police officers have reported on family justice campaigns and social and environmental campaigners
 - There had been reporting on political activism, and the activities of some politicians
 - There was concern that undercover police officers had reported on trade union activity and may have played a role in the blacklisting of workers
 - The identities of deceased children were used by some undercover police officers to help build false personas
 - Concerns that there may have been miscarriages of justice
 - Allegations that officers may have committed serious crimes while undercover
9. The Inquiry's task is to discover the truth about undercover policing carried out by the police forces of England and Wales. In seeking to establish the truth about undercover policing, the Inquiry has from the outset been very aware of the importance to it of the evidence that can be provided by those who have been affected by undercover policing.
10. Two historical units, the Special Demonstration Squad and the National Public Order Intelligence Unit, have a particular prominence for this Inquiry; both units are referred to by name in the [terms of reference](#). It was the activities or alleged activities of some officers from these units that led to the establishment of this Inquiry. The Inquiry's work is not restricted to these two units, however, and it is investigating the remit and practices of a number of other undercover policing units up to the present day.

11. The Inquiry is focused on the activities of the Special Demonstration Squad and National Public Order Intelligence Unit and how they policed political, social and environmental groups as well as how they reported on trade unions. However, the Inquiry's terms of reference also cover the sort of undercover policing that targets terrorism and serious and organised crime. The Inquiry is adopting a different, less intensive approach to investigation of this area of undercover policing to allow its primary focus to remain on the Special Demonstration Squad and the National Public Order Intelligence Unit.
12. The Inquiry's terms of reference also require it to consider whether people may have been wrongly convicted in cases involving undercover police officers, and refer any such cases it encounters to a separate panel for consideration. Finally the Inquiry's terms of reference require it to make recommendations about how undercover policing should be conducted in the future.
13. The Inquiry is wholly independent of the police and the bodies it is investigating¹. The Inquiry has the authority to investigate any aspect of undercover policing carried out by the police forces of England and Wales from 1968 to the present day.

Background to the Strategic Review

14. [The Inquiry's terms of reference](#) stated that it would report to the Home Secretary as soon as practicable, this was anticipated as being up to three years after the publication of the terms of reference in July 2015. In [November 2016](#) the then Inquiry Chairman, Sir Christopher Pitchford, expressed his view that the work of the Inquiry was too important to artificially squeeze into a three year time frame. Core participants had also expressed concerns to the Inquiry that a compacted timescale would not allow for a thorough investigation.
15. In November 2016 it was the Chairman's intention to provide a revised time estimate to the Home Office by spring 2017, and then publish a timetable. In March 2017 a [counsel note](#) contained the Inquiry's decision to conduct a strategic review with a view to obtaining a more sophisticated estimate of how long the Inquiry would take. The note also stated that the strategic review would consider whether there were realistic alternative approaches and what their consequences would be.

¹ The Home Office has made internal arrangements to separate its role as the department sponsoring the Inquiry from its role as a core participant in the Inquiry.

16. Given important questions of time, transparency, breadth and depth of investigation, the Inquiry invited core participants to make submissions on the approach that the Inquiry should take. Written and oral submissions were made and heard at the hearing held by the Inquiry in April 2017. Sir Christopher Pitchford set out his conclusions in his [2 May 2017 ruling](#) and observed that “there is no escape from and no short cut to avoid the complexities of the issues raised by the nature of a public inquiry into state activity that is carried out secretly”. Sir Christopher further commented that there would need to be consideration of the direction of the Inquiry, the depth of investigations into particular issues and what witness evidence will be received orally and in writing.
17. Since then the Inquiry has undertaken a review of its practices to support the Chairman in examining the issues raised by Sir Christopher. The review has continued at the same time as the Inquiry has been undertaking its substantive work, and benefits from the progress of that work to date.

The Investigative Approach

18. The Inquiry’s investigations are broken down into the following modules. The descriptions of modules two and three have been amended to spell out more clearly the Inquiry’s investigative intentions.

One

Examination of the deployment of undercover officers in the past, their conduct, and the impact of their activities on themselves and others.

Two

Examination of the management and oversight of undercover officers, including their selection, training, supervision, care after the end of an undercover deployment and the legal and regulatory framework within which undercover policing is carried out. Module two (a) will involve managers and administrators from within undercover policing units. Module two (b) will involve senior managers higher in the chain of command as well as police personnel who handled intelligence provided by undercover police officers. Module two (c) will involve a number of other government bodies with a connection to undercover policing, including the Home Office.

Three

Examination of current undercover policing practices and of how undercover policing should be conducted in future.

Setting up the Inquiry

19. The Inquiry into undercover policing was announced by the Home Secretary on 12 March 2015 with the appointment of Sir Christopher Pitchford as Chairman. [Opening remarks](#) followed on 28 July 2015. Sir John Mitting took over as Chairman in 2017 following the retirement due to ill health of Sir Christopher. Sir John set out his approach in [opening remarks on 20 November 2017](#).
20. The complex nature of the Inquiry has necessitated a great deal of preparation. In addition, the Inquiry has been required to consider a number of preliminary issues:
- **21 October 2015:** Considering the Inquiry's approach to applications for core participants: considering whether the person has played, or may have played, a direct and significant role, or a significant interest in an important aspect of the Inquiry as well as someone who may be subject to significant or explicit criticism
 - To date there have been 17 rulings on applications for core participant status
 - Designating recognised legal representatives
 - Determining applications for funding for legal representation
 - **13 January 2016:** Determining that the Inquiry would apply a [flexible and variable standard of proof](#). The starting point will be the civil standard (the 'balance of probabilities')
 - **3 May 2016:** [Determining the legal principles applicable to applications for restriction orders](#), to be decided on a case by case approach
 - **14 July 2016:** [Determining the approach to informing the relatives of deceased children where their identities have been used](#)
 - **28 August 2016:** [Securing an undertaking from the Attorney General](#) that the evidence witnesses give to the Inquiry will not be used against them in criminal proceedings or for the purposes of criminal investigation
 - **2 May 2017:** [Determining applications by the Metropolitan Police Service for an extension of time](#) for the making of restriction order applications and for a change by the Inquiry to its approach to investigation
 - **29 November 2017:** [Determining the approach to spent convictions and changes needed in respect of the Rehabilitation of Offenders Act 1974](#)

21. Since November 2017, there have been five days of open hearings on applications for anonymity made in respect more than 50 officers and managers, with at least a further three to follow before the summer. There have been 8 days of closed hearings for 10 individual officers and more will be provided if necessary. The legal processes for making decisions on key anonymity applications are reaching a conclusion have been time consuming for both the Inquiry and its core participants.

Review of Progress

22. At the time of writing the Inquiry has 207² core participants and 25 recognised legal representatives, of which 19 are funded by the Inquiry. Core participants are drawn from those with a variety of interests in the Inquiry, including politicians, people deceived into relationships by undercover officers, environmental and social campaign groups, social justice groups, state bodies, officers and their families and relatives of deceased children. Not all those engaged with the Inquiry are core participants and an interested party does not need to be a core participant to provide evidence
23. The Inquiry has just under 50 team members supporting the Chairman, with more being recruited. Inquiry team members are made up of civil servants (including solicitors and the secretariat), paralegals, barristers and contractors. As at end March 2018 the Inquiry expenditure to date was £10,420,900 broken down as follows.

Inquiry secretariat, staffing and legal services	£3,095,200
The Inquiry counsel team	£2,882,100
Core participant and witness costs	£1,356,300
Running costs, including accommodation and IT	£3,087,300

² The figure of 207 includes a number of groups and organisations that have been awarded core participant status. The number of individuals involved as core participants is considerably higher.

24. The Inquiry has made significant progress in its investigations, issuing more than 560 requests for evidence to around 59 organisations. The Inquiry has received documents held by Operations Herne and Elter³ as well as documents from other repositories. To date the inquiry has received more than 460 witness statements on specific topics, mainly from state bodies and in support of restriction order applications for anonymity. The Inquiry team has received over one million pages of evidence from the Metropolitan Police Service alone, and is making progress on filtering and reviewing to determine the material that is relevant and necessary for its investigation.
25. 171 members of the Special Demonstration Squad (including officers, managers and back office staff) have been identified as being potentially relevant to the Inquiry. 84 members of the National Public Order Intelligence Unit (including officers and managers) have been identified as having potentially relevant evidence.
26. Although the Inquiry accommodation and IT took longer to set up than anticipated, the Inquiry has made significant progress and was in position to commence bulk uploading and analysis of material from April 2017.

Assurance over Materials for Investigation

27. The Inquiry has established systems to ensure that all reasonably practicable steps are taken by state bodies to preserve potentially relevant documents and avoid the destruction, whether accidental or deliberate, of material that the Inquiry needs in order to get to the truth. This Inquiry refers to this process as “assurance”. The Inquiry has engaged with the Metropolitan Police Service, every regional police force and other government bodies on the subject and work continues to explore, test and verify document retention and assurance by state bodies who may have material that is relevant and necessary to the Inquiry.
28. The Inquiry has published [7 assurance witness statements](#) (along with their exhibits) and carried out physical inspections at some of the sites where material is held. The assurance approach to particular police forces and other bodies and their material is subject to regular review by the Inquiry and varies depending on the responses received and other information that comes to the Inquiry’s attention on the security of certain types or sources of information that may affect its view. The Inquiry’s assurance efforts will continue until the end of the Inquiry.

³ The police investigations of the activities of the Special Demonstration Squad and National Public Order Intelligence Unit respectively.

Restriction Order Applications

29. [Section 19 of the Inquiries Act 2005](#) details the process all Inquiries must follow when considering applications by any party to restrict disclosure or publication of any evidence or documents given, produced or provided to an inquiry. An Inquiry Chairman is bound by the Inquiries Act to consider all applications made for restriction orders. The nature of an Inquiry into undercover policing means that the Chairman has needed to consider an unusually high volume of such applications.
30. The Inquiry's approach to dealing with the volume and nature of the restriction order applications it expected to receive is detailed in [the legal principles ruling of 2 May 2016](#). This ruling determined that there would be no blanket solution in respect of restriction orders and that the practice of 'neither confirm nor deny' would not, by itself, be a reason to make a restriction order. The ruling was clear that assessments would be made on a case by case basis and this has continued and will continue to be the Inquiry's approach.
31. The restriction order processes both in relation to key anonymity applications and in relation to documents are essential to the progress of the Inquiry. The publication of cover names, where grounds for a restriction order are not made out, enables the Inquiry to offer members of the public affected by undercover policing the opportunity to come forward and assist the Inquiry to get to the truth. The application of the restrictions process to documents permits the Inquiry to decide which documents, or parts of documents can lawfully and fairly be published. The restriction order process has been carefully applied
32. The Inquiry has sought to be as transparent as possible and remains committed to publishing as much supporting information as possible where to do so serves a purpose relevant to the restriction order process. A considerable volume of material is likely to be published, which, because of its security classification, would otherwise not have been exposed to public scrutiny. The process has already resulted in the publication of 36 cover names of officers who served in the Special Demonstration Squad together with provisional information about their dates of deployment and the main groups which they are believed to have infiltrated. The publication of more such names will follow. There is a delay between a decision to publish a cover name and publication of that cover name because the Inquiry first investigates whether there is anyone who should be given prior warning, for example the parents of any deceased child whose name was used to build the officer's undercover persona, or anyone known to have had an intimate relationship with the officer in his or her undercover identity.

33. The process of receiving and determining anonymity applications in respect of former undercover officers was much slower than anticipated due to the time taken by the Metropolitan Police Service to set up satisfactory risk assessment processes.
34. The hearing held on [5 and 6 April 2017](#) examined the delays to the Inquiry receiving restriction order applications from the Metropolitan Police Service and considered their application for a substantive extension of time to applications. In the [2 May 2017 ruling](#) that followed the hearing the Chairman expressed disappointment at the lack of progress to date but accepted some of the arguments put forward by the Metropolitan Police Service for an extension of time to October 2017. In the same ruling the Chairman stated that the Inquiry was fully justified in announcing its intention to seek evidence from all former officers employed by the Special Demonstration Squad and said that it was not reasonably practicable for the Inquiry to adopt a different approach without further delaying its progress.
35. The Metropolitan Police Service did not submit all of its applications for anonymity from former members of the Special Demonstration Squad by October 2017. The process of determining applications by deployed officers and managers of the Special Demonstration Squad, and of deployed officers of the National Public Order Intelligence Unit, is now expected to be complete, for most of the key officers, by autumn 2018.

Special Demonstration Squad

36. The Special Demonstration Squad was a unit that existed within the Metropolitan Police Service between 1968 and 2008⁴. The Special Demonstration Squad differs from the National Public Order Intelligence Unit in a number of significant respects, two of which are:
 - Because of its relatively historic nature, many of the Special Demonstration Squad's former officers are now retired or deceased, and they were deployed against groups that no longer exist; and
 - Special Demonstration Squad officers tended to return to ordinary duties after a single undercover deployment, that is, they were not 'career undercover officers'

⁴ It should be noted that the unit known as the Special Demonstration Squad was only so named between 1972 and 1997. Early in its existence, it was known as the Special Operations Squad and after 1997 it became known as the Special Duties Section until it was closed down in 2008. The Inquiry uses the term 'Special Demonstration Squad' to refer to all three titles of the unit which existed between 1968 and 2008.

37. Because of these factors it is anticipated that the Inquiry will be able to release a higher proportion of the Special Demonstration Squad officers' cover names without disproportionate damage to the public interest or harm to the individual concerned, as compared with the cover names of National Public Order Intelligence Unit officers (see below).
38. At the time of writing the Inquiry is about 80% of the way through determining which Special Demonstration Squad officers and managers will be granted anonymity over their real name and/or their cover names.
- 137 officers have been considered in the anonymity process to date, of whom
 - 98 officers will have real name, cover name or both made public subject to responses to the minded to decisions
 - 23 officers will have real and cover name restricted
 - 6 officers have no cover name currently known (these names may be published if they become known) and the real name will be restricted
 - 8 officers need to provide further information
 - In relation to those 137 officers considered to date, the total number of decisions, final or provisional, made to date is 94. In 35 cases, no applications have been made (of which three will mean the publication of real and cover names and 32 will result in real names being published because there are no cover names). As set out above, 8 officers need to provide further information.

National Public Order Intelligence Unit

39. In or around 1986, the Special Branch network set up the Animal Rights National Index, which was subsequently developed into the National Public Order Intelligence Unit. The National Public Order Intelligence Unit's role was to manage all intelligence considered to relate to domestic extremism, and included carrying out undercover policing operations. In or around 2010, the National Public Order Intelligence Unit merged with the National Extremism Tactical Co-ordination Unit and the National Domestic Extremism Team, and these three merged units became the National Domestic Extremism Unit.
40. Officers were seconded to the National Public Order Intelligence Unit from the Metropolitan Police Service and regional police forces. Most if not all of the undercover officers seconded to the Unit had significant experience of being deployed as undercover

officers in criminal investigations. In a number of cases, this experience included being deployed against serious, organised crime. In many cases the undercover officers returned to working undercover (including against serious and organised crime) once their secondments to the National Public Order Intelligence Unit ended. Some still work in covert roles and because of this there is more likely to be a real risk of harm to the public interest and/or the individual if a National Public Order Intelligence Unit officer's real or cover identity were to be published, as compared with Special Demonstration Squad officers.

41. The Inquiry Chairman has issued a 'minded to' note in respect of 21 of the 84 officers and managers having evidence potentially relevant to the Inquiry.

42. Of the 21 the provisional decision is:

- One officer already has a cover name confirmed, but their real name will be restricted
- Two officers will have his or her cover name confirmed; their real names will be restricted
- Decisions on two other cover names will be taken at a later date
- One manager's real name will be published
- 15 officers will have neither their real or cover names identified due to the risks posed by the nature of their work.

Module Two Progress

43. While the focus of the Inquiry to date has been on progressing module one issues so that evidence hearings can begin, work collecting evidence for module two issues is well underway. In relation to module two the Inquiry has to date worked with the Cabinet Office, National Crime Agency, the Home Office, the College of Policing, Her Majesty's Inspectorate of Constabulary, the Metropolitan Police Service, the National Police Chiefs' Council, the intelligence community, the Investigatory powers commission, the Crown Prosecution Service, the Independent Office of Police Complaints, Information Commissioners Office and regional and national policing units and bodies.

44. The Inquiry has sought evidence about the role of Special Branch in overseeing undercover policing carried out by the Special Demonstration Squad and others and has assessed restriction order applications made over documents deemed to be relevant

and necessary to module two. The Inquiry has also received witness statements and material likely to be relevant to module two.

Part two

The Inquiry's Approach Going Forward

45. This section of the report covers how the Inquiry intends to proceed and the factors that have influenced and will influence how it can proceed. The progress of the Inquiry is influenced by a number of factors:

- Procedural decisions on process
- Procedural complexity (in particular, as a result of restriction orders over names and documents)
- The volume of material
- The sensitivity of the material
- The processes the Inquiry has to adopt to protect its information
- The number of core participants and witnesses
- The number of witness statements likely to be generated
- The IT, human and document processing resources available to the Inquiry and the speed at which they can be increased
- The effective and timely participation of external parties

Independence and Openness

46. The Inquiry is independent of the bodies it is investigating and its priority is to get to the truth by operating in as transparent a way as the nature of its remit permits. In line with its commitment to transparency, the Inquiry has published as much information as it can at each step of its progress.

47. The Inquiry does not exist within a vacuum; it listens to the views of its range of stakeholders, and takes on board their feedback to shape its practices where it is possible to do so. It cannot, however, compromise the objectivity or the independence of its investigation. It must also be recognised that the views of the principal groups of core participants are sometimes inconsistent with each other. The Inquiry has the difficult task of attempting to reconcile them in a manner which is consistent with the public interest and its terms of reference.

48. The Inquiry has so far put into the public domain more information in relation to undercover policing than has ever been seen before. It is important to note that the information published to date has been made available because of the stage the Inquiry is at; for example, information in witness statements concerning assurance and evidence and information provided in support of anonymity applications. Further information will be published as the Inquiry's investigation progresses.
49. The approach of the Inquiry on cover names is to publish where disproportionate damage to the public interest or harm to the individual concerned can be avoided. All applications are considered on a case by case basis. Real names, where not covered by a restriction order, will not be redacted from documents and will become known when documents containing the names are published. In most cases those officers responsible for the deployments and those who received and made use of information produced by those deployments will account for their actions in public and in their real name; where this is not possible they will do so under a cypher.
50. The Inquiry is publishing cover names on a rolling basis where they are not the subject of a restriction order and has set up a ['cover names' table](#), updated when names are published. The Inquiry also publishes the names of the main groups that an undercover officer has been deployed into⁵. To date the Inquiry has published more than 50 groups on its website.
51. The Inquiry publishes the main groups to help people identify whether or not the named officer has spied on them and to encourage people to come forward with evidence. To date the groups published have been identified as part of the restriction order application process. Which groups were actually infiltrated, how and when is part of the Inquiry's ongoing investigation.
52. Individual witnesses will receive more detail of undercover deployments that may have affected them when the Inquiry reaches the witness statement stage of its processes. Core participants with a direct interest in a particular matter will receive more information when the Inquiry discloses the documents to them. Any evidence on groups that emerges in open hearings will be placed on the Inquiry's website.

⁵ The details given of groups/areas of deployment are provisional, and are provided to enable members of the public to identify whether they may have known officers who were deployed undercover and to prevent cases of mistaken identity. They are not intended to be a comprehensive list of groups with which the officer may have interacted, and do not constitute a factual finding by the Chairman that any group was or was not targeted. These are matters which remain under investigation.

53. The Inquiry is gathering evidence from undercover officers and their managers so that it will be able to provide non-police, non-state core participants with the open materials they need in order to provide their own witness statements. All core participants will see the open evidence they need to prepare for the evidence hearings and open evidence used in hearings will be published on the Inquiry's website shortly after the hearing. The Inquiry will continue to publish all open rulings.

Consulting and Seeking Feedback

54. The Inquiry legal team have met with many of those affected by undercover policing, and have developed a close working relationship with those who represent them. As well as discovering the truth, understanding the impact of failings in undercover policing on affected individuals is a key element of the Inquiry's work. Therefore these relationships have been, and continue to be, of primary importance to the Inquiry in carrying forward our work.

55. The Inquiry has consulted core participants and other stakeholders on how its disclosure and restrictions processes should work, on its approach to witness statements and on the publication of documents that support restriction order applications. In each of these cases the Inquiry made changes to its original proposals as a result of feedback. More recently the Inquiry consulted on the [issues list](#) for module one and is currently considering the responses.

56. The hearing held by the Inquiry in April 2017 also provided core participants with an opportunity to make submissions on the approach that the Inquiry should take.

57. The Inquiry Chairman has a [duty](#) to take reasonable steps to secure that members of the public (including the media) are able to attend the inquiry or to see and hear a simultaneous transmission of proceedings at the inquiry.

58. The Inquiry has heard from core participants who would like consideration to be given to live-streaming hearings on the Inquiry's website. The decision to live-stream information is not a straightforward one. Two issues in particular need to be safely resolved. One, the impact on witnesses. Two, the possibility that facial recognition techniques might be used to circumvent restriction orders; these concerns apply to both state and non-state witnesses. The Inquiry will consult on the first issue and will take expert advice on what can be done to overcome the second issue before reaching a decision.

Getting To the Truth

59. The priority of the Inquiry in modules one and two is to get to the truth of what has happened, particularly in the Special Demonstration Squad and the National Public Order Intelligence Unit. The Inquiry will find out what happened and why. For the Special Demonstration Squad and National Public Order Intelligence Unit, the Inquiry is investigating in detail, on an officer-by-officer, manager-by-manager and deployment-by-deployment basis.
60. To ensure the Inquiry covers the full extent of its terms of reference and is able to deliver its findings within a reasonable timescale, it will investigate other undercover policing on a less intensive basis using case studies to identify good and poor practices. Case study material will also consist of witness statements and documentary evidence. The Inquiry will specifically investigate any undercover policing of “domestic extremism” following the demise of the National Public Order Intelligence Unit.
61. The investigation of the Special Demonstration Squad and National Public Order Intelligence Unit will be as thorough as time and resources allow in order to deliver the terms of reference in a timely fashion. The Inquiry will examine and catalogue a large quantity of relevant documentary material and will receive and test the evidence of numerous witnesses. Conclusions of fact drawn from this exercise will inform the recommendations about how and for what purposes undercover policing should be conducted in future.

Witnesses and giving evidence

62. The Inquiry’s usual approach in relation to a particular undercover deployment will be to obtain a witness statement from the undercover police officer first. Details of the process are shown in [the Inquiry's witness statement protocol](#).
63. The Inquiry will consider which non-police, non-state witness should be approached for evidence in relation to each deployment, or in the case of those affected by more than one deployment, a series of deployments.
64. The Inquiry is commencing the collection of witness statements in the spring of 2018 and expects the large scale collection of witness statements to be taking place from the summer of 2018. Subject to any restriction orders over the material (for example material that needs to be gisted or redacted), each affected non-police, non-state witness will be provided with a bundle of the evidence collected by the Inquiry. The

evidence is provided to enable that witness to have the police version of events and for the witness to provide their own account of events. This approach does not preclude other potential witnesses coming forward to assist the Inquiry with evidence at any time, and the Inquiry welcomes this. Details on the approach the Inquiry intends to take to restrict or gist information to be included in witness bundles is contained in [the Inquiry's restriction protocol](#).

65. Not all witnesses will be expected to provide oral evidence at hearings. The Inquiry will review the evidence and decide which witnesses need to be called to give oral evidence and which evidence need only be provided in writing.
66. It is important that the Inquiry can follow through a narrative of what happened, when, why and who was responsible for the decisions made. It is important that officers, managers and members of the public are able to provide evidence in a way that provides a clear account explaining how and why events occurred. The Inquiry will act flexibly to obtain evidence from witnesses in the most effective and efficient manner in order to fulfil its terms of reference. The hearings will be structured to avoid the recalling of witnesses wherever possible.

Restriction Orders Over Names and Giving Evidence

67. It is important that the gathering of evidence is as thorough as possible and that evidence is shared in a way that does not undermine the purpose of any restriction order that surrounds it, either in relation to an individual or the evidence itself.
68. Where a witness is asked to give evidence at an open hearing, or in the provision of witness statements that will be shared publically, the Inquiry will adopt the following practice, which recognises the range of circumstances that surround how individual witnesses can provide evidence.
 - Where an individual officer has a cover name in the public domain, but his or her real name has been restricted, they will provide and give evidence in their cover name
 - Where an officer or manager is not the subject of a restriction order, they will provide and give evidence in their real name
 - In some instances, principally where officers or managers have been granted a restriction order for other reasons, they will be able to provide and give evidence under a cypher

- Non-state witnesses will give evidence in their real names unless they have been granted anonymity in which case they will provide and give evidence in their pseudonym or cypher. In the main, non-state core participants have been granted the anonymity they have requested

69. In some cases written evidence that is provided will be redacted or gisted; this is true of evidence to be provided by policing and state bodies and by members of the public.

The Approach to Hearings

70. In the ruling following the 5 and 6 April 2017 hearing the then Chairman indicated that it was unlikely that future hearings would be held outside the Royal Courts of Justice, due to the special security requirements required to make a commercial venue viable and the considerable costs associated with it. The Inquiry knows that some core participants continue to express concern over the suitability of the Royal Courts of Justice as a venue, however for the reasons already stated by Sir Christopher open hearings will continue to be held there.

71. In some cases, where the Inquiry has been advised there is demand for it, the evidential hearings will be transmitted by live-link (with a time delay) to a separate room where they can be viewed by interested members of the public. This will ensure public access to the Inquiry's evidential hearings allowing for the security of evidence which, for any reason, is the subject of a restriction order.

72. The Inquiry recognises that many of those who will be required to give oral evidence, both police and non-police, non-state witnesses, may find it a difficult experience. Many witnesses will be required to give evidence about sensitive personal matters and they are entitled to due consideration of their position, both by the Inquiry and by those who attend its public hearings. The Inquiry will consult on the steps that needed to ensure that witnesses are able to give evidence without distraction.

73. The Inquiry intends to equip the hearing room with the necessary IT equipment to enable recognised legal representatives and unrepresented core participants to access an internet based system and to provide near real time transcription.

74. The Inquiry will issue a questioning protocol before the evidential hearings begin covering its approach to [rule 10 of the Inquiry Rules 2006](#), which permits the Chairman to control questioning. There is likely to be room in appropriate cases, such as where there is a profound conflict of fact, for the use of cross examination, by recognised legal

representatives of relevant witnesses, including core participants, provided that it is done in a cost efficient, timely and proper manner.

75. The Inquiry will usually sit for 3-4 days per week although both the frequency of hearings and times may vary.

Hearings Format

76. The Inquiry is working on the principle that as many as possible of its hearings should be open. Some open hearings may have restrictions on them, for example having evidence given behind a screen, or subject to reporting restrictions.

77. Written evidence relevant to particular core participants will be provided to them in advance of a hearing so they can have reasonable time to prepare. The nature of the material the Inquiry is collecting, and the restriction order process as detailed in [section 19 of the Inquiries Act 2005](#), mean that there will have to be some entirely closed hearings. At this stage the Inquiry expects closed hearings will be limited to where the cover name of the deployed officer is restricted by reasons of safety or where to do so would compromise the public interest, principally by prejudicing current deployments or techniques.

78. Hearings will take various forms and the type of hearing in which evidence is given will depend on the facts of each case. Hearings may be:

- wholly open, with evidence given by witnesses in their real names
- wholly open, but with evidence given by deployed undercover officers in their cover names
- wholly open, but with evidence given by deployed undercover officers, or anonymous civilians in a cypher
- private, with evidence given by witnesses in their real names, but with restricted attendance for example where sensitive evidence concerning non-state core participants is heard; we will consult on a case by case basis with witnesses on this matter
- any of the above, but with protective measures, such as screens and voice modulation, added

- wholly closed. The ability to receive evidence in closed hearings enables the Inquiry to take evidence which it could not otherwise receive and is a vital tool at enabling it to get to the truth
- A transcript of open evidence will be posted on the Inquiry's website as soon after the hearings as is practicable. The evidence referred to in the hearing will also be posted on the website as soon as is practicable. The Inquiry will make available as much information about closed hearings as can be provided without compromising them

Conducting Hearings – Modules one and two.

79. This section covers the Inquiry's proposed structure for the evidence hearings for modules one and two. In setting out this approach the Inquiry is making a number of assumptions; that it will have the resources it needs, that those it relies on to provide evidence and witness statements will be able to cooperate with the Inquiry's timetables for responses and that the Inquiry's assumptions on the volumes of material it will need to process, and how long processing will take, are correct.

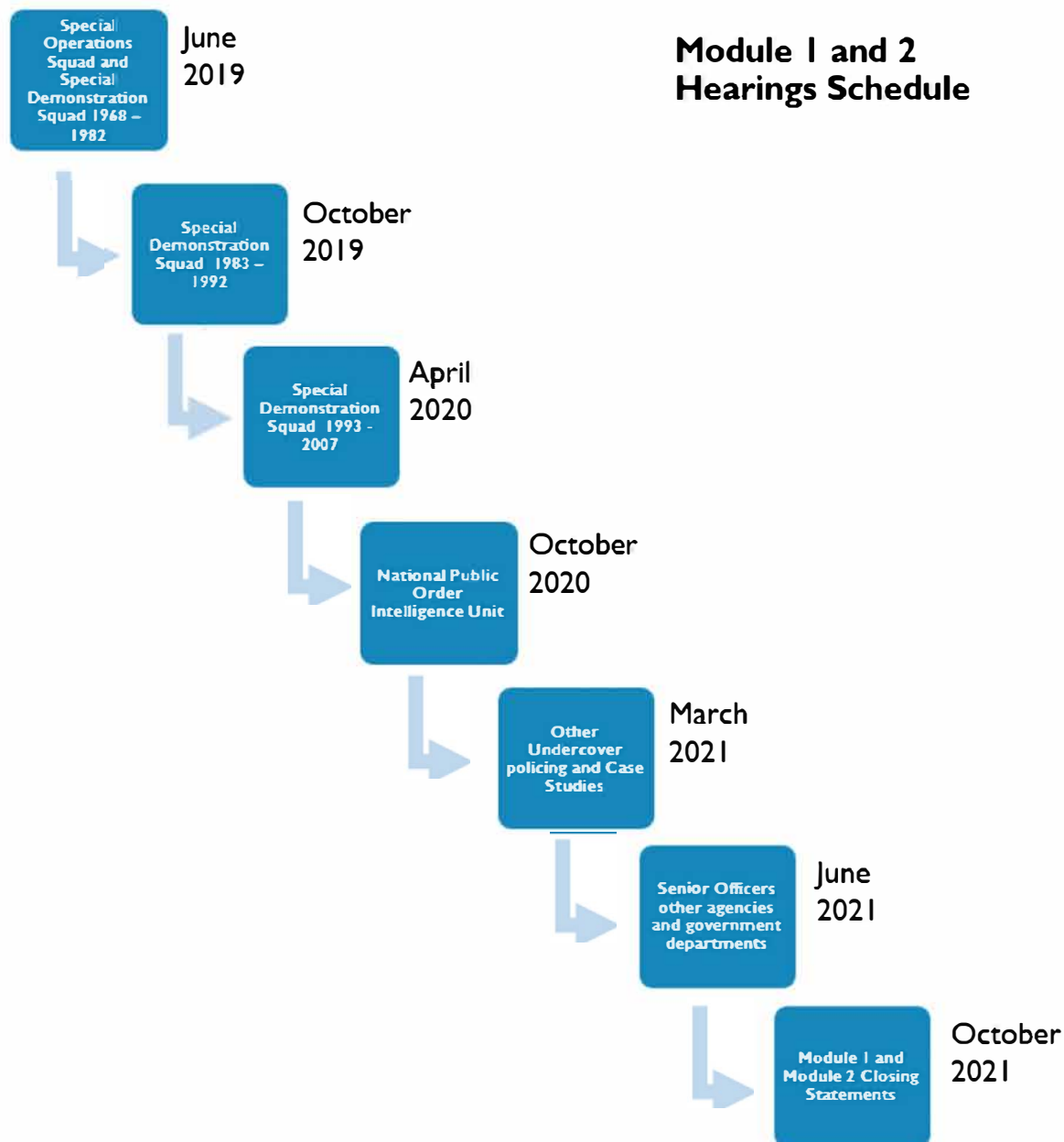
The Shape of the Hearings

80. The Inquiry intends to hold hearings into the Special Demonstration Squad, the National Public Order Intelligence Unit and other undercover policing in segments and in roughly chronological order. The hearings are intended to begin in June 2019 and continue, with breaks for preparation, for about 2 years. The preference for a broadly chronological approach to hearings and evidence was expressed by the non-police, non-state core participants in the early phases of the Inquiry and it has been the approach the Inquiry has followed to date. Proceeding chronologically also means it will only be necessary for witnesses to attend to give evidence relevant to their time period.

81. The Inquiry will hear evidence from those in operational charge of undercover deployments (that is, managers within the undercover policing unit in question) at appropriate points after the undercover officers whom they managed and those affected by the actions of such officers, have given evidence. In some instances the Inquiry may hear evidence on specific topics from more senior officers at the same time.

UNDERCOVER POLICING INQUIRY

82. It is anticipated that the hearings will take place according to the schedule outlined below, with expected start dates indicated.



83. It is planned that hearings will fall broadly within the legal terms, with some flexibility built in to respond to changes and break periods between sections to allow for preparation.

84. The structure and timings above may be subject to change, to ensure that the process is effective and that the resources of the Inquiry and other parties are utilised efficiently. Adjustments may also need to be made to accommodate evidence from non-state core participants and others if the volume of such evidence is greater than is now anticipated. The later segments of the hearings may have to be put back if, for reasons beyond the control of the Inquiry, further time is required by state core participants to provide their evidence.
85. Further information on the hearing timetable will be published and the Inquiry's aim is to ensure witnesses have some certainty about when they will be called, and in what order.

Delivering an Interim Report

86. The Chairman plans to deliver an interim report after the end of the evidential hearings that will contain his factual findings and conclusions on the evidence heard in modules one and two. There will be an open version of the interim report available to the public. A closed version containing information that cannot be safely published will be presented to the Home Secretary. It will be for others to decide in the future when and if any part of the closed report can be made public.
87. The Chairman plans to be in a position to send the interim report to the Home Secretary in the early summer of 2022, ahead of publication.

Module Three

88. For module three it is anticipated that the Inquiry will receive evidence on current practice and visit centres where undercover policing is conducted and at which training is provided. It will also receive evidence from expert witnesses and evidence about best practice in other jurisdictions. Core participants will have the opportunity to make submissions as to the future conduct of undercover policing and appropriate recommendations.

A panel for Module Three

89. The Chairman is of the view that a panel for module three is desirable and intends to ask the Home Secretary to appoint panel members to assist him with the final stage of the Inquiry. A panel being in place by the end of 2021 would assist in considering what recommendations to make about the future conduct of undercover policing. A panel would have the benefit of a detailed interim report containing factual findings on the

evidence heard in modules one and two. Members of the panel would be able to bring their views and experience to bear on the findings of fact and conclusions there expressed.

90. The panel will have sight of a draft of the interim report as and when it is written and of the documentary and witness evidence relevant to module three as it is received. The visits proposed to regional and training centres can then be undertaken. Module three hearings are likely to start soon after the interim report is published. It is unlikely that the module three hearings will be lengthy.

The Final Report

91. The time taken to write the final report should be less than that required to write the interim report. Should the Home Secretary agree to the appointment of a panel, it will deliver its final report together with recommendations after the end of module three.
92. There will be an open version of the final Inquiry report available to the public. A closed version of both reports containing information that cannot be safely published will be presented to the Home Secretary. It will be for others to decide in the future if and when any part of the closed report can be made public.
93. The final report is expected to be sent to the Home Secretary towards the end of 2023, ahead of publication.

Part Three

94. This section of the review covers how the Strategic Review was undertaken, and the approaches that the Inquiry has considered and not adopted, with the rationale for these choices.

Approach to the Strategic Review

95. The Strategic Review has been undertaken by the Inquiry in parallel with key delivery tasks, including setting up the Inquiry organisation and infrastructure, completing preliminary matters and protocols and progressing the process of making decisions on applications for anonymity.
96. During this period, the Inquiry has benefited from new members joining the team, from a variety of professional backgrounds, which has provided fresh input to the Strategic Review process.
97. In developing the time line outlined in this document, the Inquiry undertook an analysis of key processes that will be completed, including reviewing documentary evidence, gathering witness statements and preparing for the evidence hearings.
98. This exercise included identifying planning assumptions which will affect the time line for delivery. Initial estimates of volumes that drive workload have been developed and are being actively managed, including for:
- The number of documents that will be requested and reviewed
 - The number of documents that will be relevant and necessary to ensure thorough investigation
 - The number of core participants
 - The number of individuals who will be asked to provide witness statements
 - The number of individuals who will be asked to provide oral evidence
99. In addition, key planning assumptions include:

- Inquiry staffing numbers will match the increased pace of delivery and team members with the right skills and security clearances will be recruited in good time.
 - External parties' participation will be effective and timely.
100. The Inquiry team will keep these estimates and planning assumptions under review, working with others involved in delivering the inquiry to monitor and develop its plans.

Options Considered

101. In undertaking this review the Inquiry team has assessed options against the delivery of the terms of reference, the principle of openness and transparency as far as the nature of the material allows, the need to have regard to avoiding unnecessary cost, and wider public sector expectations of value for money.
102. *Trade off transparency for speed of approach:* The Inquiry has invested considerable time and resources in transparency. The workload and costs associated with anonymity and document restrictions have been significant but necessary. Whilst dealing with potentially sensitive material and evidence through private or closed hearings only might take less time, the Inquiry is not prepared to compromise its commitment to conducting the Inquiry as openly as it reasonably can. The Inquiry remains determined to put as much information into the public domain as it properly can. The Chairman's commitment to openness and transparency means that this option was not considered as viable and as such no effort in assessing it was made.
103. *Trade-off breadth for speed of approach:* The Inquiry team did consider if an alternative approach could be taken. Having discounted reducing transparency for speed, the Inquiry team examined whether some of the concerns about its potential duration could be managed with a narrower approach to its investigations. Such an approach might involve dip sampling, case studies, a research approach or some other method of narrowing down the volume of material examined. This option was also not considered in any depth. The Inquiry has already committed to investigating the cases of its core participants to some extent. It has also committed to investigating all of the Special Demonstration Squad deployments and all significant National Public Order Intelligence Unit undercover deployments. A restricted approach would have risked this commitment being diminished. A restricted approach would have also risked

UNDERCOVER POLICING INQUIRY

important evidence being overlooked. It is important that the integrity of Inquiry is not compromised by the discounting of important evidence or by not investigating important evidence.