

**1. Introduction**

1.1 This document contains the response of the DL on behalf of the DLO as a core participant to the Inquiry’s draft “Module One Special Demonstration Squad issues list for consultation” dated 1 February 2018.

**2. Issue 16: Which people / organisations were Special Demonstration Squad field officers deployed against?**

2.1 It is submitted that “organisations” may be an overly narrow term in this context and that it could usefully be replaced or supplemented by references to some combination of “campaigns”, “groups”, “events” and/or “movements”.

2.2 Of further relevance to the “Targeting and initial authorisation” issues, is the question whether and to what extent those targeted were independently infiltrated by or contained other undercover personnel or informants acting for or on behalf of or reporting to other authorities. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] It is submitted that two further issues should therefore be added:

*16A. To what extent were covert human intelligence sources acting for or on behalf of or reporting to other law enforcement or security or intelligence bodies deployed against those referred to above?*

*16B. To what extent were Special Demonstration Squad managers and/or undercover police officers aware of any such sources or deployments and to what extent did those involved share intelligence and co-ordinate their activities?*

**3. Issue 18: What criminality, if any, was it intended to detect, disrupt or prevent?**

3.1 Rather than include this issue on its own under the heading “Targeting and initial authorisation”, it is submitted that it should be dealt with under the later sub-heading, “The prevention and detection of crime” or accompanied by a further issue relating to other operational public order objectives:

(1) Issue 17 already asks about the purpose of each deployment and issue 88 asks about the prevention and detection of crime under the above sub-heading.

- (2) At the targeting and initial authorisation stage, it is likely that the prevention and detection of crime were always general, but rarely specific, objectives, i.e. the detection, disruption or prevention of a particular crime would rarely be in prospect.
- (3) The inclusion of a reference to the prevention and detection of crime at this point is liable to give it undue prominence and create a skewed impression in circumstances where no reference is made to the more important operational objective of maintaining the peace and public order. A principal purpose of the SDS was facilitating and enabling the effective and proportionate policing of demonstrations, protests and other public events and the detection, disruption and prevention of public disorder and breaches of the peace through the provision of intelligence. In this regard, the basic police function of “causing the peace to be kept and preserved” comes before “preventing all offences against people and property” in the declaration made by all those attested as constables (Police Act 1996, s.29 and Sch.4).

3.2 If issue 18 (or some version thereof) were to remain in its current place, it is submitted that it should be preceded or at least accompanied by a further issue:

*17A. What intelligence relevant to the policing of demonstrations, protests and public events, the maintenance of public order and/or the detection, disruption and prevention of public disorder and breaches of the peace was [each deployment] intended to obtain?*

#### **4. Specific operational activities, tasks and requests**

4.1 It is submitted that a further set of issues should be inserted after issues 16-22 on “Targeting and initial authorisation” in order to capture and address the specific tasks and requests given to individual undercover officers during the course of their deployments.

4.2 It is suggested that the following issues (modelled on issues 19-22) could usefully be included under a further heading:

##### *Specific operational activities, tasks and requests*

*22A. To what extent were the operational activities of Special Demonstration Squad undercover police officers:*

- (a) *left to their own initiative and discretion;*
- (b) *directed or controlled by their managers;*
- (c) *formulated jointly in liaison with managers;*

*and how were they authorised?*

*22B. What specific operational tasks and requests were Special Demonstration Squad undercover police officers given while deployed, how and by whom were these proposed and set and how were they authorised?*

*22C. Were specific operational activities, tasks and requests and their authorisation motivated by racism?*

*22D. Were specific operational activities, tasks and requests and their authorisation motivated by sexism?*

*22E. To what extent were the specific operational activities of and tasks and requests given to Special Demonstration Squad undercover police officers adequate and justified at the time?*

4.3 So far as concerns proposed issue 22B above, one particular theme to have emerged from the DL's interaction with their clients so far concerns the extent to which SDS undercover officers were acting and obtaining intelligence either at the request or instigation of MI5 or, at least, for the benefit of or provision to MI5 as a key "customer". It is submitted that it is important that the Inquiry investigates this and that it is therefore captured in the list of overarching issues.

4.4 It is recognised that the above issues overlap with what is currently issue 55, "How, and to what extent, were undercover officers asked to gather particular information?" On balance, it is submitted that this should be replaced by the above proposed issues, rather than remain under the later sub-heading, "Reporting: general". This is because the true, substantive concern here is with the gathering of the relevant intelligence rather than its onward reportage to others.

**5. Issue 28: To what extent were officers given rules or guidance by managers about the conduct of these relationships?**

5.1 It is submitted that this could usefully be expanded to refer to rules or guidance about the disclosure of such relationships:

*28. To what extent were officers given rules or guidance by managers about the disclosure or conduct of these relationships?*

**6. Issues 31-32: Were there sexist attitudes towards women on the part of either undercover officers or their managers? If so, did they cause or contribute to undercover police officers engaging in sexual relationships with women whilst they operated in their assumed names?**

6.1 We are concerned about the element of prejudice and predetermination implied by the formulation of these issues and p.2 of the accompanying "Overview Note":

*Specifically, the Inquiry wants to explore if there were sexist or otherwise inappropriate attitudes towards women on the part of either undercover officers or their managers and, if so, the extent to which such attitudes caused or contributed to undercover police officers engaging in sexual relationships with women whilst they operated in their assumed names.*

6.2 The SDS had undercover officers and targets of both genders. The Inquiry has not heard evidence about the extent to which male or female officers engaged in sexual relationships with male or female targets or established whether such relationships were exclusively heterosexual and/or whether they were more or less likely to involve officers of one gender. Sexual attraction and sexual relationships can and usually do occur between human beings in close proximity irrespective of sexist attitudes. However, the current formulation of issues 31-32 very strongly implies a particular view about this and it is submitted that they should be recast in neutral terms which do not make assumptions about gender or sexuality:

*31. Were there sexist attitudes 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 whilst they operated in their assumed names?*

**7. Issue 38: To what extent were officers given rules or guidance by managers about participation in criminal activity?**

7.1 It is submitted that this could usefully be expanded to refer to rules or guidance about the disclosure of such activity:

*38. To what extent were officers given rules or guidance by managers about participation in criminal activity and/or disclosure of the same?*

**8. Conduct whilst deployed: contact with the criminal justice system and disclosure to the prosecuting authority**

8.1 It is submitted that reference could usefully be made at issues 40-43 to undercover officers being cautioned and/or these issues could be merged into:

40. *What happened when undercover officers were arrested, charged or cautioned?*

41. *What was the response of managers to arrests, charges or cautions?*

**9. Issue 52: Did Special Demonstration Squad officers report information gleaned whilst undercover for intelligence, evidential or other purposes?**

9.1 In connection with most of the proposed issues, the wording or context makes clear whether the concern is with *undercover* police personnel in particular or police personnel more generally. The reference in issue 52 to “Special Demonstration Squad officers” (as opposed to “Special Demonstration Squad *undercover* officers”) would therefore appear intended to capture undercover and non-undercover personnel (see also issues 71, 99, 102 and 105).

9.2 Given the focus of Module One, it is submitted that it may be helpful to clarify and unpack this issue because there is likely to have been a difference between:

- (1) the immediate purpose, intention or objective of an undercover officer in reporting information from the field to their managers;
- (2) the use made of that information by those managers and their mediate purpose, intention or objective in reporting it onward to others;
- (3) the ultimate purpose or use to which the information is or was put by any onward recipients.

**10. Issue 54. To what extent were Special Demonstration Squad undercover officers aware of the extent to which their reporting was disseminated or used?**

10.1 Following on from part 9 above, it is submitted that issue 54 could usefully be expanded to cover officer awareness of not only the extent to which reporting was disseminated or used, but also the purposes and objectives of any dissemination or use:

54. *To what extent were Special Demonstration Squad undercover officers aware of the extent to which their reporting was disseminated or used and the purpose of any such dissemination or use?*

- 10.2 Furthermore, it is submitted that the above could usefully be supplemented by the following related issue:

54A. *To what extent were Special Demonstration Squad undercover officers involved in or consulted about the assessment and grading of the intelligence they gathered and reported and in taking decisions about its dissemination or use?*

**11. Issue 60: Was whatever targeting, infiltration and/or reporting on social justice campaigns / social justice campaigners that took place justified?**

- 11.1 The wording of the other justification-related issues 76, 81 and 86 is different in that they begin, “Was any” and do not include “that took place”. It is submitted that the same language should be used throughout for consistency and to avoid any impression of pre-judgment:

60. *Was any targeting, infiltration and/or reporting on social justice campaigns / social justice campaigners justified?*

**12. Issue 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?**

- 12.1 Subject to and for the reasons set out in part 3 above, if this issue remains here it is submitted that it should be preceded or at least accompanied by a further sub-heading and issue:

*The maintenance of the peace and public order*

87A. *How, and to what extent did the work of Special Demonstration Squad undercover officers help and/or hinder the policing of demonstrations, protests and public events, the maintenance of public order and/or the detection, disruption and prevention of public disorder and breaches of the peace?*