

Explanatory note

Module One Special Demonstration Squad Issues List

Responses to the consultation

1. This explanatory note accompanies publication by the Inquiry of the Module One Special Demonstration Squad Issues List and of the substantive responses received by the Inquiry to the draft list of the same issues on which the Inquiry consulted. The Inquiry received substantive responses from the core participants listed below.
 - 1.1. Proposed Amendments to the Draft List of Issues on Behalf of the non-police, non-state core participants.
 - 1.2. Amendments proposed by Peter Francis (in the form of a copy of the Draft Module One Special Demonstration Squad Issues List for Consultation with proposed amendments marked as tracked changes).
 - 1.3. Metropolitan Police Service Written Observations on Draft Issues List (Module One Special Demonstration Squad Issues).
 - 1.4. Designated Lawyer team's response.

Context in which the Issues List should be read

2. At the consultation stage the Inquiry drew attention to six important observations about the context in which the Issues List should be read. All of those observations still apply and can be found [here](#). In response to a concern raised in the non-police, non-state core participants' submissions we can confirm that the allocation of a core participant to a particular category of core participants does not mean that undercover policing of their activities outside of that category of activity would be ignored. As we have previously stated, the Inquiry is following an officer by officer approach. Subject to any restriction order, a core participant reported on by a Special Demonstration Squad officer will be provided with a copy of that reporting when he or she is approached for a witness statement regardless of whether the activity reported upon falls within the category (or any of the categories) to which that core participant has been allocated.
3. The non-police, non-state core participants' submissions queried which categories animal rights and anti-war campaign groups would fall into for the purposes of understanding the Issues List. The answer to these questions is contained in the table of core participants which can be found [here](#). Animal rights groups have been

allocated to the Social and Environmental category. Anti-war groups have been allocated to the Political category.

The Issues List

4. The Chairman has considered the various submissions made in the responses listed under paragraph 1 above and developed the original draft, which contained 109 issues, into that now published which has increased in size to 158 issues. Many proposals have been gratefully accepted and incorporated into the current list. Others have not been for a variety of reasons. For example, in some cases it is simply that the proposed issue (or list of proposed sub-issues) is already covered by the current wording. In other cases, the Inquiry is adopting a more focused approach in order to apply resources to areas of particular interest and avoid unnecessary delay. In particular, this applies to equalities issues where the Inquiry has concentrated on events which clearly call for inquiry, particularly whether or not there has been conscious or subconscious sexism or racism. Some higher level managerial issues have been omitted because, notwithstanding the significant overlap between Modules One and Two, they are matters for Module Two. Proposed issues were not adopted if they fell outside the terms of reference (those relating to the activities of undercover police officers outside England and Wales) or if they invited the determination of a question of law best left to the courts (whether the deceit by undercover officers as to their identity vitiated the consent of the other person to sexual activity). Proposals which involved elevating precise quantification of certain occurrences into issues in their own right were considered unlikely to be a fruitful or necessary use of the Inquiry's resources. In any event, even were the Inquiry to be able precisely to quantify certain occurrences, restriction orders might well prevent the results from being made public.
5. It is emphasised that the Issues List is a tool to assist the Inquiry and is not intended to fetter its work. The list can and will be amended should the ongoing investigation uncover matters which require the current issues to be revisited.

Next steps

6. In relation to issues, the Inquiry's next step will be to publish a draft Module One National Public Order Intelligence Unit Issues List for consultation. The Inquiry will then consult on drafts for the remainder of Module One (which will cover other undercover units and other undercover policing) and for Module Two. The Inquiry's approach to Module Two issues will be to split it into three: Modules 2a, 2b and 2c. Module 2a will cover issues relating to managers within undercover police units. Module 2b will cover issues relating to the dissemination by police forces of

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intelligence obtained by undercover police officers and issues relating to the management of undercover policing by managers not covered in Module 2a. Module 2c concerns other government bodies and, as expressly included in the Inquiry's terms of reference, the state of awareness of undercover policing in Her Majesty's Government.

7. As previously stated in our consultation document published on 1 February 2018, individual core participants affected by a particular undercover deployment or deployments will be given an opportunity to propose further detailed issues for consideration in relation to those specific deployments. We currently anticipate that an appropriate time to do so will be when the core participant is approached for a witness statement. It is at this stage of the Inquiry's proceedings that the core participant will be provided with the documents relating to the matters on which he or she can give evidence (subject to any restriction orders).

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