

## Draft Module One National Public Order Intelligence Unit 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 undercover policing carried out by the National Public Order Intelligence Unit. Written observations on this list are invited by 4pm on Friday 28 September 2018.
2. The Inquiry, like many other public inquiries, intends to use issues lists to direct and focus its investigation to enable it to better discharge its [terms of reference](#)<sup>i</sup>. The Inquiry has already published a [Module One Special Demonstration Squad Issues List](#)<sup>ii</sup>. A further list of issues for other aspects of Module One has also been published today.
3. The Inquiry has previously made the following statements which are relevant (amongst other things) to the identification of the issues which this document considers:
  - 3.1. Sir Christopher Pitchford's [opening remarks](#)<sup>iii</sup> on 28 July 2015.
  - 3.2. Paragraphs 90 and 91 of the [Restriction Orders \(Legal Principles and Approach\)](#)<sup>iv</sup> 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](#)<sup>v</sup>.
  - 3.4. The Inquiry into Undercover Policing [Strategic Review](#)<sup>vi</sup> dated May 2018 (see in particular paragraphs 18, 59-66 and 79-82).
4. It is important when considering and responding to this draft list of issues to understand its position within the overall context of the Inquiry's investigation.
  - 4.1. First, this list of issues relates to all undercover policing carried out by the National Public Order Intelligence Unit. It is therefore drafted at a general level of detail.
  - 4.2. Second, core participants who have, or may have been, directly affected by a particular undercover officer's deployment will no doubt have more specific and detailed issues or questions in mind about that particular

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officer's activities. The Inquiry is adopting an officer-by-officer approach to its Module One investigation of the National Public Order Intelligence Unit 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.

- 4.3. Third, 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 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 more senior officers 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 more senior officers in Module Two.
- 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).

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- 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 to exhaustively examine the justification for every single aspect of every National Public Order Intelligence Unit deployment.
- 4.6. Finally, the Module One National Public Order Intelligence Unit 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 document constrains the Inquiry from investigating any further issues that emerge from the documentary record or from witness testimony.

### **The draft Module One National Public Order Intelligence Unit 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 National Public Order Intelligence Unit**

#### The establishment of the National Public Order Intelligence Unit

1. When and why was the National Public Order Intelligence Unit created?
2. Who authorised its creation?
3. What was the relationship between the National Public Order Intelligence Unit and the Animal Rights National Index at the time of the National Public Order Intelligence Unit's creation and thereafter?
4. Who funded the National Public Order Intelligence Unit?
5. Who was responsible for the activities of and/or governance of the National Public Order Intelligence Unit? In particular, how and why was such responsibility divided between the Home Office, the Association of Chief Police Officers and the Metropolitan Police Service? How, if at all, did this change / develop over time?
6. What was the legal and regulatory framework within which undercover policing was conducted when it was established (noting that the Regulation of Investigatory Powers Act 2000 came into force in July 2000 and the Human Rights Act 1998 came into force in October 2000)?

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7. Who knew that the National Public Order Intelligence Unit was carrying out undercover policing operations (e.g. other parts of the police, Home Office, other government departments)?
8. What was the relationship between those carrying out undercover policing operations on behalf of the National Public Order Intelligence Unit and the Special Demonstration Squad?

### Size, organisation and composition of the National Public Order Intelligence Unit

9. How was the National Public Order Intelligence Unit organised?
10. What were the policing activities which it engaged in?
11. To what extent did undercover policing form part of its activities?
12. How big was the National Public Order Intelligence Unit at any one time?
13. What proportion of its officers were involved with undercover policing?
14. Who served in it in connection with undercover policing and what were their roles?

### The closure of the National Public Order Intelligence Unit

15. When and why did the National Public Order Intelligence Unit cease to exist?
16. To what extent did the undercover policing activities of the National Domestic Extremism Unit (and any other successor unit to the National Public Order Intelligence Unit) differ from those of the National Public Order Intelligence Unit?
17. When and, if so, why did the undercover policing activities of the National Public Order Intelligence Unit or any successor unit stop?
18. What happened to those officers who had been employed by / seconded to the National Public Order Intelligence Unit after it ceased to exist?

### Recruitment, selection and training

19. How were undercover police officers selected for the National Public Order Intelligence Unit?
20. What, if any, assessments (including psychiatric and psychological assessments) were undertaken in relation to potential recruits?

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21. What, if any, undertakings were given to potential recruits about (a) anonymity (b) their welfare and that of their family, if appropriate (c) their future police career?
22. What were the legal and practical arrangements by which undercover police officers were seconded to the National Public Order Intelligence Unit from various police forces?
23. To what extent were those police forces provided with information regarding the officers' activities during the period of the secondment?
24. What obligations, if any, of secrecy were imposed upon National Public Order Intelligence Unit undercover officers?
25. What were undercover officers and their families told about their prospective role?
26. Was the information given accurate and complete?
27. What, if any, training did National Public Order Intelligence Unit undercover officers receive, both before and after selection?
28. What, if any, instruction and/or guidance about performance of undercover duties was given?
29. What policies and procedures were adopted and used by the National Public Order Intelligence Unit in relation to undercover policing?
30. Were National Public Order Intelligence Unit undercover officers aware of the applicable legal and regulatory framework within which they conducted undercover operations?
31. Were selection and training procedures adequate or inadequate, and if so, in what respects?

### Legend building

32. Why was the practice of using deceased children's identities adopted by the National Public Order Intelligence Unit and/or its predecessor unit?
33. Who devised and/or authorised the practice, insofar as the National Public Order Intelligence Unit and/or its predecessor unit was concerned?
34. What use did National Public Order Intelligence Unit undercover officers make of the identities of deceased children?

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35. What, if any, thought was given to the impact on the surviving family of a deceased child of the use of their identity for police purposes?
36. When and why did the practice cease?
37. What else did undercover officers do to build their legends prior to deployment?
38. Who, if anyone, was responsible for monitoring the development of an undercover officer's legend?
39. How, if at all, was it determined that an undercover officer was ready to be deployed? Who was responsible for reaching this decision?

### Targeting and initial authorisation

40. Who was responsible for selecting the groups or individuals to be targeted?
41. Who authorised such targeting?
42. On what ground or grounds was each targeted group or individual selected?
43. Was any aspect of targeting influenced by either conscious or subconscious racism?
44. Was any aspect of targeting influenced by either conscious or subconscious sexism?
45. Which groups and individuals were targeted?
46. What was the process, pursuant to the Regulation of Investigatory Powers Act 2000 or otherwise, for recording, justifying and authorising the targeting of groups and/or individuals?
47. What, if any, reasons were recorded for the targeting of each group and individual?
48. Did those reasons justify each deployment?
49. What was the true purpose of each deployment?
50. What conduct, if any, was each deployment intended to detect, disrupt or prevent?
51. What was the practical outcome of each deployment? Did it achieve its purpose?

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### Conduct whilst deployed – relationships

52. What relationships with individuals did undercover officers form whilst deployed?
53. With whom did they form such relationships?
54. For what purpose did they form such relationships?
55. What form did the relationships take?
56. What, if any, thought was given to the impact on those with whom relationships were formed of the deception implicit in them?
57. To the extent that a relationship involved sexual intimacy,
  - 57.1. how and why did it occur?
  - 57.2. how long did it last?
  - 57.3. what occurred during it?
  - 57.4. what impact did it have on both parties to the relationship?
  - 57.5. how and why did it end?
58. Did undercover officers know about intimate sexual relationships conducted by other officers?
59. Were other officers and/or more senior officers aware of such relationships and, if so, what were their attitudes to those relationships?
60. If not, should they have been?
61. Were such relationships authorised and/or tolerated by other officers and/or more senior officers?
62. If not, what, if anything, was done to ensure that they did not occur?
63. What, if any, thought was given to the impact on those with whom such relationships occurred about the consequences of them for them?
64. To what extent, if at all, was the occurrence of such relationships prompted by conscious or unconscious sexist attitudes on the part of undercover officers and other officers?

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

65. Were undercover officers authorised to commit, facilitate or encourage others to commit criminal offences?
66. If so, which criminal offences were they authorised to commit, facilitate or encourage others to commit?
67. What was the process by which any such authorisation was obtained and recorded?
68. Did undercover officers commit, facilitate or encourage others to commit criminal offences?
69. If so, for what purpose did they do so?
70. If so, did other officers and/or more senior officers become aware, and if so, when and what did they do?
71. In any given case, does the participation of an undercover officer in the commission of a criminal offence require referral to the panel considering miscarriages of justice?

### Conduct whilst deployed – criminal proceedings.

72. What happened when undercover officers were arrested and/or charged or summonsed?
73. To the extent that they were aware, what was the response of other officers and/or more senior officers?
74. What happened when undercover officers appeared in court as a defendant?
75. Were prosecutors and/or the court made aware that the defendant was an undercover officer?
76. What happened when undercover officers appeared in court other than as a defendant?
77. Were the parties to the proceedings and the court made aware that the individual appearing was an undercover officer?
78. Did undercover officers provide or give evidence in criminal cases involving others?
79. If so, what arrangements were made to ensure the prosecuting authorities and the court were informed about the status of the undercover officer?

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80. Did any other circumstance arise in which the participation of an undercover officer in events which gave rise to a criminal case involving others should have been communicated to the prosecuting authorities and/or court?
81. If so, was it?
82. In any given case, does the participation of an undercover officer in proceedings before a court or in connection with proceedings before a court require referral to the panel considering miscarriages of justice?

### Conduct whilst deployed – civil proceedings

83. Were undercover officers engaged in activities which became the subject of civil proceedings?
84. If so, should their participation have been disclosed to the parties or the court?
85. If not, why not and with what consequence?

### Conduct whilst deployed – infringement of legal professional privilege

86. Did undercover officers acquire knowledge of information that was the subject of legal professional privilege?
87. If so, what was done with it by them and by those to whom they imparted it?
88. Were any steps taken to avoid the acquisition of information that was the subject of legal professional privilege? If so, what were these?

### Reporting – general

89. For what purpose did undercover officers report information gathered by them: intelligence, evidential or other purposes?
90. By what means and when did undercover officers report information to their cover officers and/or more senior officers?
91. By what means and when was information gathered by undercover officers disseminated to others?
92. To whom and for what purpose was it disseminated?
93. Were undercover officers tasked to gather particular information?
94. If so, how, by whom and for what purpose?

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### Reporting – justice campaigns

95. Were undercover officers deployed to infiltrate and/or gather intelligence on social justice campaigns and/or campaigners?
96. If so, by whom and for what purpose were they authorised to do so?
97. If so, were such deployments influenced by either conscious or subconscious racism?
98. What did they do to fulfil that purpose?
99. What information did they gather during such deployments?
100. To whom and by what means was it reported and disseminated?
101. What, if any, use was made of the information so reported and disseminated and by whom?
102. Was such activity justified?
103. What impact, if any, did such activity have on the justice campaigns infiltrated and/or reported upon?

### Reporting – elected politicians, political organisations and political activists.

104. Did undercover officers target, infiltrate and/or report on elected politicians, political organisations and political activists?
105. If so, who authorised them to do so?
106. For what purpose do they do so?
107. By what means did they target infiltrate and/or report on elected politicians, political organisations and political activists?
108. What information did they obtain about them?
109. By what means, when and to whom was that information reported upon?
110. To whom was it disseminated and why?
111. What was done, when and by whom with such information?
112. Was such targeting infiltration and/or reporting justified?

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113. What, if any, impact did such activities have on the political and democratic process?

### Reporting – trade unions and trade union members

114. Did undercover officers target, infiltrate and/or report on trade unions and/or trade union members?

115. If so, who authorised them to do so?

116. For what purpose did they do so?

117. By what means did they target infiltrate and/or report on trade unions and/or trade union members?

118. What information did they obtain about them?

119. By what means, when and to whom was that information reported upon?

120. To whom was it disseminated and why?

121. Was it disseminated to the Special Branch industrial intelligence section?

122. If so, for what purpose?

123. Was it further disseminated to private sector organisations?

### Reporting – social and environmental activists

124. Did undercover officers target, infiltrate and/or report on social and environmental activists?

125. If so, who authorised them to do so?

126. For what purpose did they do so?

127. By what means did they target, infiltrate and/or report on social and environmental activists?

128. What information did they obtain about them?

129. By what means, when and to whom was that information reported upon?

130. To whom was it disseminated and why?

131. What use of the information thus disseminated was made and by whom?

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132. Were such activities justified?
133. What impact, if any, did undercover policing have on social and environmental activism?

### The prevention and detection of crime

134. Did the activities of the National Public Order Intelligence Unit help the prevention, detection and prosecution of crime, in particular serious crime?
135. Did the activities of the National Public Order Intelligence Unit facilitate the prevention and control of public disorder?
136. If so, and in any event, did that consequence justify the activities?

### Management, supervision and oversight

137. Who managed, supervised and/or supported the deployment of undercover officers?
138. How were cover officers allocated to undercover officers?
139. What management, supervision and support did undercover officers receive from other and/or more senior officers, back office staff and expert professionals, such as psychiatrists and psychologists, whilst deployed?
140. What, if anything, was done to commend undercover officers who deserved commendation?
141. What, if anything, was done to discipline undercover officers who required disciplining?
142. If nothing was done, in a particular case, why was it not done?
143. To what extent, and by whom, were the undercover activities of the National Public Order Intelligence Unit overseen outside of the unit?
144. Were the undercover officers in the National Public Order Intelligence Unit and their managers visited or inspected by senior police officers?
145. Were the undercover activities of the National Public Order Intelligence Unit the subject of investigation and/or reporting by oversight bodies such as Her Majesty's Inspectorate of Constabulary and/or the Independent Police Complaints Commission or its predecessor?

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### Withdrawal from deployment

146. How long were National Public Order Intelligence Unit undercover deployments?
147. For what reason or reasons did undercover deployments come to an end?
148. Who was responsible for deciding that a deployment should come to an end?
149. How did undercover officers withdraw from deployments?

### Management of post-deployment conduct

150. What, if any, steps were taken by the National Public Order Intelligence Unit and/or the undercover officers' home forces to prevent the continued use of undercover legends and/or techniques after deployments had ended?
151. Did former undercover officers use their legends and/or associated material after deployments had ended?
152. If so, for what purpose?
153. Did the National Public Order Intelligence Unit and/or the officers' home forces know that they had done so?
154. If so, what, if anything, did they do about it?
155. What, if any, interaction and/or exchange of information was there between the National Public Order Intelligence Unit and private sector organisations?
156. Did former undercover officers and/or managers make use of information obtained whilst performing National Public Order Intelligence Unit undercover duties for private sector purposes?
157. If so, for what purposes and with what consequences?
158. Did other officers and/or more senior officers know that they had done so?
159. If so, what, if anything, did they do about it?

### Debriefing

160. Who debriefed undercover officers during or after their deployment and for what purposes?

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### The welfare of undercover officers and their families

161. What was the impact of their deployments and conduct during them on undercover officers?
162. What was the impact of the deployments and of the conduct of undercover officers during them on their families?
163. What support did undercover officers and their families receive before, during and after deployment?
164. Was it adequate?
165. What, if any, impact did undercover deployment have on the subsequent police careers of undercover officers?
166. What, if any, impact did undercover deployment have on the health and welfare of undercover officers?
167. What, if anything, was done to alleviate the consequences for health and welfare of deployment on undercover officers after it ceased?

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- i <https://www.ucpi.org.uk/wp-content/uploads/2016/06/Terms-of-Reference.pdf>
  - ii [https://www.ucpi.org.uk/wp-content/uploads/2018/07/20180705\\_list\\_of\\_issues\\_module\\_one\\_SDS\\_final.pdf](https://www.ucpi.org.uk/wp-content/uploads/2018/07/20180705_list_of_issues_module_one_SDS_final.pdf)
  - iii <https://www.ucpi.org.uk/wp-content/uploads/2015/07/Opening-Remarks.pdf>
  - iv <https://www.ucpi.org.uk/wp-content/uploads/2016/05/160503-ruling-legal-approach-to-restriction-orders.pdf>
  - v <https://www.ucpi.org.uk/wp-content/uploads/2017/04/20170404-Counsels-Supplementary-Note-for-hearing-on-5-April-2017.pdf>
  - vi [https://www.ucpi.org.uk/wp-content/uploads/2018/06/20180510-strategic\\_review.pdf](https://www.ucpi.org.uk/wp-content/uploads/2018/06/20180510-strategic_review.pdf)