

Draft Module One Special Demonstration Squad Issues List for Consultation

Introduction

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

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

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

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

The draft Module One Special Demonstration Squad issues list for consultation

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

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

The establishment of the SDS within the MPS Special Branch

1. Why was the SDS created? What was the trigger?
2. Who authorised its creation?
3. Who knew of the existence of the SDS?
4. Was the highly secret nature of the SDS simply an extension of the secret nature of the Special Branch? If not, in what way was it different?
5. What policies were in place in relation to record keeping generally (including recording of decision-making and retention of intelligence / information) within the Special Branch?
6. And what policies were in place in relation to the operation of SDS? Were they different from the Special Branch generally? If so, in what way?
7. What were the envisaged arrangements for the review of the policies and practices of the SDS?
8. If there was an annual review, who was it conducted by?
4. Who were the findings of reviews sent to? Were they acted upon? If not, why not?

Size, organisation and composition of the Special Demonstration Squad

9. How big was the Special Demonstration Squad at any one time?
10. How was it organised and who served in it?
11. How many members of the SDS were women, how many were from BME backgrounds or were from one of the other protected groups?
- ~~1. Who made decisions on recruitment and training of SDS members?~~

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12. What records were kept about recruitment, selection and training of SDS members?

13. Why was the SDS financed by the Home Office and not the MPS? Did this change? If so why?

14. Approximately how much did the SDS cost the taxpayers (including officers' salaries and overtime) from 1968 to 2008?

Recruitment, selection and training

15. Who made decisions on recruitment and training of SDS members?

16. What records were kept about recruitment, selection and training of SDS members?

17. In relation to those SDS officers recruited from within the police service, how were officers selected? What was the criteria for selection? How were they approached?

18. What was the vetting procedure? Was there any psychometric testing?

19. What were undercover police officers and their families told about the role when they were selected?

20. What in particular were they told about confidentiality?

21. What assurances were they given? Were these explicit? Were they recorded? Where? Were they asked for signatures?

22. What in particular were they told about the Official Secrets Act?

23. Was the picture which they were given accurate and complete?

24. What training did Special Demonstration Squad undercover police officers receive?

25. What understanding did undercover officers have of the legal framework within which undercover policing was carried out?

26. What understanding were they given about the level of management and support they could expect?

27. In what respects, if any, were selection and training adequate or inadequate?

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

28. When did the practice of using deceased children's identities begin?

29. How many SDS officers used deceased children's identities?

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8:30. How many of the identities that have been used, have been revealed to parents and/or relatives? How many have not?

9:31. What prompted undercover police officers in the Special Demonstration Squad to use the identities of deceased children?

32. How did Special Demonstration Squad undercover police officers use deceased children's identities to build their assumed identities?

40:33.

How extensive was the practice of using deceased children's identities within the Special Demonstration Squad?

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34. Did the practice stop? If so, when and why?_
35. —Was the practice of using deceased children’s identities reviewed at any time? Or on a regular basis? If so, -how often and by whom?
36. What impact or potential impact did the practice have on the families of the deceased children?
37. Who authorised undercover police officers to use deceased children’s identities and when?_
38. Did anyone outside of the MPSB know this was going on?
- 37-39. If not, what were other government departments told, for example, when they provided identity documents for those involved – e.g. passports, social security - numbers and driving licences?
- 38-40. How, in other respects, did Special Demonstration Squad undercover officers build their legends prior to their deployment?
- Targeting and initial authorisation
- 39-41. Which people / organisations were Special Demonstration Squad field officers deployed against?
- 40-42. What was the purpose or, if more than one, the principal purpose of each deployment?
- 41-43. What criminality, if any, was it intended to detect, disrupt or prevent?
- 42-44. What authorisation did Special Demonstration Squad undercover police officers receive before deploying?
45. Was targeting and initial authorisation motivated, either consciously or sub-consciously, by racism, racist attitudes and / or racist stereo-typing/?
- 43-46. To what extent did institutional racism in the MPS inform these decisions?
47. Was targeting and initial authorisation motivated, either consciously or sub-consciously, by sexism, sexist attitudes and / or gender stereo-typing?
48. To what extent did institutional sexism in the MPS inform these decisions?
49. Was targeting and initial authorisation motivated by fear of political extremism?
50. Was targeting and initial authorisation motivated by fear of political activism?

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[51. Was targeting and initial authorisation motivated by economic factors?](#)

~~44.~~

~~45.~~[52.](#) To what extent were initial authorisations for the deployment of Special Demonstration Squad undercover police officers adequate and justified at the time they were made?

Conduct whilst deployed: relationships

~~46.~~[53.](#) What sort of relationships did Special Demonstration Squad undercover police officers form whilst undercover and how were they conducted? To include, but not be limited to: sexual relationships, intimate non-sexual relationships, relationships with people who were the target of the deployment or members of the target group.

~~47.~~[54.](#) Why did they form these relationships?

~~48.~~[55.](#) To what extent did the officers' managers know about these relationships?

~~49.~~[56.](#) To what extent were these relationships authorised?

~~50.~~[57.](#) What was the attitude and reaction of managers to these relationships?

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51-58. To what extent were officers given rules or guidance by managers about the conduct of these relationships?

52-59. To what extent were relationships brought to an end when the deployment ended, and how did officers do this?

60. What was the impact of these relationships on the persons with whom the relationships were formed and others?_

61. Who wrote the SDS “Tradecraft Manual” document? To whom was this document provided? What was its purpose? Was it disseminated to SDS officers? Were they required to adhere to it?

62. Who authorised the SDS “Tradecraft Manual” to be written?

63. Who outside the SDS knew of the existence of the SDS “Tradecraft Manual”?

53-64. What did it say in the SDS “Tradecraft Manual” about forming sexual relationships?

54-65. How regularly was the Manual -updated and by whom?

66. Was there a culture of sexism / institutional sexism in the SDS?

55-67. Were there sexist attitudes towards women on the part of either undercover officers or their managers?

56-68. If so, did they cause or contribute to undercover police officers engaging in sexual relationships with women whilst they operated in their assumed names?

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

69. To what extent did Special Demonstration Squad undercover officers participate in any spontaneous criminal activity? With what consequences?

57-70. To what extent did Special Demonstration Squad undercover officers participate in any planned criminal activity? With what consequences?

71. To what extent was participation in criminal activity authorised?_

72. What authorisation and from whom did Special Demonstration Squad undercover police officers receive before committing a crime? or

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73. What authorisation and from whom did Special Demonstration Squad undercover police officers receive retrospectively after they had committed a crime ?

58-73. Where were these arrests or participation in crime recorded? Did anyone outside of the MPSB know this was being permitted?

74. To-what extent was participation in criminal activity known to managers and what was their attitude to it? _

75. What effect did the Regulation of Investigatory Powers Act (RIPA) 2000 .have on any of these SDS activities??

59-76. Is it right that SDS officers were encouraged to have an ambivalent attitude towards breaking the law because they were told that they were Special Branch Officers first and foremost and- regular police officers second? ?-

60-77. Did undercover officers encourage or provoke any criminal activity? With what consequences?

61-78. To what extent was any such encouragement or provocation authorised?

62-79. To what extent was any such encouragement or provocation known to managers and what was their attitude to it? To what extent were officers given rules or guidance by managers about participation in criminal activity?

63-80. Have circumstances arisen, in any given case, which require referral to the panel considering miscarriages of justice?

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

64-81. What happened when undercover officers were arrested?

65-82. What was the response of managers to arrests?

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~~66-83~~. What happened when undercover officers were charged? In what name were they charged any why?

~~67-84~~. What was the response of managers to charges?

~~68-85~~. What happened when Special Demonstration Squad undercover officers appeared in court as a defendant? With what consequences?

~~69-86~~. Were prosecutors and the court made aware that the defendant was really an undercover police officer?

~~70-87~~. What happened when undercover police officers appeared in court, or prepared to appear in court, in any other capacity? With what consequences?

~~71-88~~. Were the parties and the court made aware that the person appearing before it, or preparing to appear before it, was really an undercover police officer?

~~72-89~~. Were prosecutors informed, in any other circumstances, about the fact that an undercover officer had been involved in any capacity with matters relevant to a prosecution?

~~73-90~~. Have circumstances arisen, in any given case, which require referral to the panel considering miscarriages of justice?

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

~~74-91~~. Did Special Demonstration Squad undercover police officers receive or become aware of legal advice given to members of the public whilst deployed?

~~75-92~~. What did Special Demonstration Squad undercover officers do with third party legally privileged advice or information?

Reporting: general

~~76-93~~. Did Special Demonstration Squad officers report information gleaned whilst undercover for intelligence, evidential or other purposes?

~~77-94~~. How did field officers report information to their managers? To include the frequency, format and method.

~~78-95~~. To what extent were Special Demonstration Squad undercover officers aware of the extent to which their reporting was disseminated or used?

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79-96. How, and to what extent, were undercover officers asked to gather particular information?

Reporting: Jjustice campaigns

97. To what extent did Special Demonstration Squad undercover officers target, infiltrate and/or report information on social justice campaigns / social justice campaigners?_

98. Who -authorised the opening and renewal of -Metropolitan Police Special Branch Registry Personal and Organisational Files (RF's) on Justice Campaigns and Justice Campaigners?

80-99. Who outside Special Branch -knew these files existed?

81-100. How and why did they target, infiltrate and/or report information on social justice campaigns / campaigners?

82-101. What was done with any reporting on social justice campaigns and how was it used?

83-102. Was such undercover policing of social justice campaigns as was carried out by the Special Demonstration Squad influenced in any way by racism/racist ideology / fear of black activism?

84-103. Was whatever targeting, infiltration and/or reporting on social justice campaigns / social justice campaigners that took place justified?

85-104. What has been the impact of undercover policing on justice campaigning?

Stephen Lawrence and Duwayne Brooks OBE

86-105. Which social justice campaign groups were infiltrated?

87-106. For what purpose were they infiltrated?

107. Who directed that they should be infiltrated?

108. Were undercover officers operating, in any way, -at the Lawrence public inquiry?

88-109. Who authorised that operation and/or infiltration?

89-110. What instructions, or authorisations, were given to any relevant Special Demonstration Squad undercover officer?

90-111. What information was reported about any member of Stephen Lawrence's family?

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~~91.112.~~ What information was reported about the Stephen Lawrence campaign?

~~92.113.~~ What information was reported about Duwayne Brooks?

~~93.114.~~ What information was reported about any of the legal representatives acting for any member of Stephen Lawrence's family or Duwayne Brooks [or the Commission for Racial Equality](#)?

~~94.115.~~ What was done with any information received from any relevant undercover officer about Stephen Lawrence's family, Duwayne Brooks, their legal representatives and those campaigning in Stephen Lawrence's name?

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~~95-116.~~ What role did any relevant Special Demonstration Squad officer play in any police activity relating to Duwayne Brooks?

~~96-117.~~ Was any of the activity described above motivated by racism?

Reporting: elected politicians, political organisations and political activists

~~118.~~ To what extent did Special Demonstration Squad undercover officers target, infiltrate and/or report information on elected politicians, political organisations and political activists?

~~119.~~ Who authorised the opening and renewal of Metropolitan Police Special Branch Registry Personal Files (RFs) on elected politicians, political organisations and political activists?

~~97-120.~~ Who outside Special Branch knew this was happening?

~~98-121.~~ How and why did they target, infiltrate and/or report information on elected politicians, political organisations and political activists?

~~99-122.~~ What was done with any reporting on elected politicians, political organisations and political activists and how was it used?

~~400-123.~~ Was any targeting, infiltration of and/or reporting on elected politicians, political organisations and political activists justified?

~~404-124.~~ What has been the impact of undercover policing on political and democratic processes?

Reporting: trade unions and trade union members

~~125.~~ To what extent did Special Demonstration Squad undercover officers target, infiltrate and/or report information on trade unions and trade union members?

~~126.~~ Who authorised the opening and renewal of Metropolitan Police Special Branch Registry Personal and Organisational Files (RFs) on Trade Unions and Trade Union Members?

~~402-127.~~ Who outside the Special Branch knew these Files existed?

~~403-128.~~ How and why did they target, infiltrate and/or report information on trade

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unions and trade union members?

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

404-130. What is the correlation, if any, between those reported on by the SDS and those blacklisted?

405-131. Was any targeting, infiltration and/or reporting on trade unions or trade unions justified?

406-132. What has been the impact of undercover policing on trade unionism?

Reporting: social and environmental activists

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

134. Who authorised the opening and renewal of Met Police Special Branch Registry Personal Files (RFs) on Social and Environmental Campaigns and Campaigners?

135. Who outside the Special Branch knew these files existed?

407.—

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- ~~408-136.~~ 136. How and why did they target, infiltrate and/or report information on social and environmental activists?
- ~~409-137.~~ 137. What was done with any reporting on social and environmental activists and how was it used?
- ~~410-138.~~ 138. Was any targeting, infiltration and/or reporting on social and environmental activists justified?
139. What has been the impact of undercover policing on social and environmental activism?

Reporting: Lawyers

140. To what extent did the SDS target lawyers acting on behalf of any or all of the above groups in whatever legal context?
141. Who authorized the opening and renewal of Metropolitan Police Special Branch Registry Personal and Organisational Files (RFs) on lawyers and/or solicitors' firms?
142. Who outside SB knew these files existed?
143. How and why did they target, infiltrate and/or report information on lawyers and/or firms?
144. With whom was any reporting on lawyers and/or firms shared and for what purpose?
145. Was any targeting, infiltration and/or reporting on lawyers and/or firms justified?
- _____
146. What impact, if any, did that have on any -legal proceedings in which the lawyer/ firm and/or targeted group member was involved?

The prevention and detection of crime

147. 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?
148. How many recorded arrests and / or prosecutions and / or convictions resulted directly

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[from the work of the SDS?](#)

~~441.~~_____

Management, supervision and oversight

~~442-149.~~_____ Who managed, supervised and/or supported Special Demonstration Squad undercover officers? [How many Women Managers \(DIs or DCIs\) were ever directly in charge of the SDS? Likewise, how many BME SDS Managers were there from 1968 to 2008?](#)

~~150.~~_____ What management, supervision and support did undercover officers receive whilst deployed (to include, but not be limited to, any steps taken to assess whether a deployment should continue and whether the conduct of the undercover police officer was appropriate)?

~~443-151.~~_____ [What records were kept of the above?](#)

~~444-152.~~_____ To what extent did senior police officers visit, or otherwise have contact with Special Demonstration Squad undercover officers?_

~~445-153.~~_____ To what extent were Special Demonstration Squad undercover officers personally commended or otherwise acknowledged by senior police officers, politicians or others?

~~446-154.~~_____ Where officers were identified as having failed to comply with any instructions, regulations, or authorisations, what happened, why did they do this and what steps were taken in response? [What records were kept of the failures and the consequences?](#)

~~155.~~_____ To what extent did those charged in any way with oversight or regulation or responsibility for policing visit, or otherwise have contact with Special Demonstration Squad undercover officers?

~~156.~~ [Was there an annual inspection of the SDS by HMIC? If so, how often?](#)

~~157.~~ [Were they given full access to SDS activity and record keeping? What happened to their findings?](#)

[Documents / record-keeping](#)

~~158.~~ [What was the SDS policy on retention of information?](#)

~~159.~~ [Were personal files of undercover officers maintained? Where were they stored?](#)

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160. Were files on targets maintained? Where were they stored? Who authorised the opening and renewal of these files-? Who outside Special Branch knew these files existed?

447-161. Were such files knowingly shredded by employees of the MPS? Why were they shredded? Who authorised -their shredding?

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Withdrawal from deployment

~~418-162.~~ How long were Special Demonstration Squad deployments?

~~419-163.~~ For what reason/s did deployments come to an end?

~~420-164.~~ How did Special Demonstration Squad undercover officers withdraw from their deployments?

Management of post deployment conduct

~~421-165.~~ Did Special Demonstration Squad managers, or the wider Metropolitan Police Service, take any steps to prevent the continued use of undercover legends after deployments had ended?

~~422-166.~~ Did former Special Demonstration Squad officers continue to use their undercover legends or associated material after deployments had ended? For what purpose and with what consequences?

~~423-167.~~ If so, did Special Demonstration Squad managers, or other managers in the chain of command, know?

~~424-168.~~ Did Special Demonstration Squad managers, or the wider Metropolitan Police Service, take any steps to prevent the continued use of information obtained by undercover officers, whilst deployed, after their deployments had ended?

~~425-169.~~ Did former Special Demonstration Squad officers use confidential information obtained whilst deployed for either private security work or blacklisting, and with what consequences?

~~426-170.~~ If so, did Special Demonstration Squad managers, or other managers in the chain of command, know?

Debriefing

~~427-171.~~ Who debriefed undercover officers during or after their deployment and for what purpose?

The welfare of undercover officers and their families

~~428-172.~~ What was the impact of their deployments and conduct undercover on Special Demonstration Squad officers?

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~~429-173.~~ What was the impact of the undercover officers' work and conduct undercover on their close family?

~~430-174.~~ What support, [including psychiatric support](#), did field officers and their families receive before, during and after deployment?

~~175.~~ Was the support afforded to Special Demonstration Squad undercover officers and their close families by the Metropolitan Police Service adequate?_

~~434-176.~~ [How many SDS officers are known to have suffered from psychological and / or psychiatric conditions related to their SDS deployments?](#)

Conduct of undercover police officers overall

~~432-177.~~ To what extent was the conduct of Special Demonstration Squad officers deserving of praise or criticism?