

Explanatory note

Module One National Public Order Intelligence Unit Issues List

Responses to the consultation

1. This explanatory note accompanies publication by the Inquiry of the Module One National Public Order Intelligence Unit [Issues List](#) ¹ 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. Metropolitan Police Service Written Observations on Draft Issues List (Module One National Public Order Intelligence Unit Issues).
 - 1.3. Observations on behalf of the National Police Chiefs' Council on Draft Lists for Module One (National Public Order Intelligence Unit).

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](#). ²

The Issues List

3. The Chairman has considered the various submissions made in the responses listed in paragraph one above and amended the original draft.
4. In the introduction to their proposed amendments, the non-police, non-state core participants maintain their submission that all of the specific issues identified in their Module One Special Demonstration Squad submissions should also be investigated in respect of the National Public Order Intelligence Unit. As in relation to the Module One Special Demonstration Squad Issues List, a number of those proposals have not been incorporated. The reasons for this in many instances reflect the reasoning set out in the Module One Special Demonstration Squad Issues List Explanatory Note. Those reasons include the fact that, in some instances, it is simply that the proposed issue

¹ https://www.ucpi.org.uk/wp-content/uploads/2019/02/20190221-NPOIU-Module_One-List_of_issues.pdf

² https://www.ucpi.org.uk/wp-content/uploads/2018/07/20180726-NPOIU_Draft_Module_One_Issues_List.pdf

UNDERCOVER POLICING INQUIRY

(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. Some higher level managerial issues have been omitted because, notwithstanding the significant overlap between Modules One and Two, they are matters for Module Two. An example of this is the proposal that an issue regarding how annual budgets were set and what those budgets were for each year of the Unit's operation should be included. Likewise, what, if any, training was provided to managers will be addressed as part of Module Two. The Inquiry does expect, however, that those issues will be included in a Module Two Issues List. Proposed issues were not adopted if they fell outside the terms of reference (i.e. 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 (i.e. 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 should be noted that the Inquiry's present understanding is that the National Public Order Intelligence Unit did not infiltrate or report on justice campaigns.
6. It is emphasised that the Issues List is a tool to assist the Inquiry and not a straightjacket 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.
7. As previously stated by the Inquiry, 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 that 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).

21 February 2019