

Explanatory note

Module One Other Undercover Policing Issues List

Responses to the consultation

1. This explanatory note accompanies publication by the Inquiry of the Module One Other Undercover Policing [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 Other Undercover Policing Issues).
 - 1.3. Observations on behalf of the National Police Chiefs' Council on Draft Lists of Issues for Module One (Other Undercover Policing).

Context in which the Issues List should be read

2. The Chairman has considered the various submissions made in the responses listed in paragraph one above and amended the original draft.
3. At the consultation stage the Inquiry made clear that whilst the undercover operations of the Special Demonstration Squad and National Public Order Intelligence Unit (and their predecessor and successor units) are a priority for the Inquiry, undercover policing more generally, as conducted by all police forces in England and Wales (including the Metropolitan Police Service, regional units and national units such as the Regional Crime Squads and National Crime Squad), also falls within the Inquiry's terms of reference. It is this sort of undercover policing, which has been very often targeted at serious and organised criminals, to which this list of issues is directed.
4. The Inquiry also reiterated, at the consultation stage, that it has adopted a different, less intensive approach to its investigation of this undercover policing so as to enable the primary focus to remain on the Special Demonstration Squad and the National Public Order Intelligence Unit. The Inquiry has invited self-disclosure by police forces of both the good and the bad which has arisen from all of their other undercover policing operations. The Inquiry is taking steps to verify that the self-disclosure has been frank and representative. Individual case studies which appear to merit further investigation are being followed up by the Inquiry team. In relation to those cases, the

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

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Inquiry will adopt a more rigorous and intensive approach to investigate fully the reasons why, for example, a particular problem may have arisen in connection with a deployment.

5. As a result, this list of issues is deliberately drafted at a general level of detail and is intended to set out the overarching issues relevant to this part of the Inquiry's investigation. As explained above, individual case studies which appear to merit further investigation are being followed up by the Inquiry team in more detail. In those cases, the Inquiry is likely to look closely at issues such as recruitment, selection and training, conduct whilst deployed, management, supervision and oversight and welfare. The extent and degree to which those issues will be investigated will be determined on a case by case basis and is likely to vary.
6. In relation to the amendments proposed, it should be noted that this is a Module One Issues List. As a result, some higher level managerial issues have been omitted because, notwithstanding the significant overlap between Modules One and Two, they are matters for Module Two. Examples of such issues include (a) the training provided to managers, (b) the leadership, training and accreditation provided by national bodies such as the National Undercover Working Group, (c) the extent to which, if at all, there has been tasking of undercover policing at a national level and (d) the approach to decision making regarding proceeding with a prosecution involving an undercover officer (including the involvement of the Crown Prosecution Service in relation to such decision making). The Inquiry does expect, however, that these or similar issues will be included in a Module Two Issues List.
7. 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.
8. 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, when 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). Given that Other Undercover Policing has been very often targeted at serious and organised criminals, the Inquiry recognises that core participant engagement is less likely than in connection with the Inquiry's investigations into the Special Demonstration Squad and the National Public Order Intelligence Unit, but this will be kept under review.

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