

DRAFT ISSUES LIST FOR THE SPECIAL DEMONSTRATION SQUAD

MODULE 2(A)

For consultation

1. *The purpose of this document is to communicate the Inquiry's draft list of issues for its Module 2(a) investigation of the Special Demonstration Squad. Written observations on this list are invited by 12 April 2019.*
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. *As the Inquiry explained in the Strategic Review published in May 2018 (page 11), for the purposes of structuring its investigations (and the evidential hearings) it will approach Module Two through three sub-sections:*
 - a. *Module 2(a) – investigation of managers, supervisors and administrators from within undercover policing units*
 - b. *Module 2(b) – investigation of senior management in the chain of command, as well as police personnel who handled intelligence provided by undercover police officers*
 - c. *Module 2(c) – will consider the remaining aspects of Module 2 and will involve other government bodies with a connection to undercover policing, including the Home Office*
4. *It follows that this draft list sets out the issues that the Inquiry intends to investigate in relation to the role of managers and administrators from within the Special Demonstration Squad. The Inquiry is presently working on the basis that this includes anyone in a management or administrative position up to and including the officer who*

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commanded the Special Demonstration Squad, commonly at the rank of Detective Chief Inspector.

5. *When considering and/or responding to this draft list, it is important to bear in mind that*
 - a. *There is significant overlap between Module 1 and Module 2(a). A number of the issues previously included in the issues list for Module 1 – Special Demonstration Squad are also included in this draft list without any or any significant amendment. That is because they are issues that the Inquiry considers need to be explored both with undercover officers and their managers albeit in Module 2(a) the Inquiry will be focussing on the role and perspective of managers rather than the undercover officers.*
 - b. *Second, there is likely to be significant overlap between the issues to be considered in Module 2(a), and those that will be considered as part of Module 2(b) and 2(c).*
 - c. *Third, the list relates to the whole of the Special Demonstration Squad over the unit's entire 40 year history. It is necessarily drafted at a general level of detail. The Inquiry intends to conduct its Module 2(a) investigations by considering managers' involvement one-by-one, and more specific and detailed questions are likely to arise in relation to the evidence of a particular manager in that context. In particular, the Inquiry considers it likely that the evidence received from witnesses in Module 1 will raise issues that will need to be addressed with Module 2(a) witnesses, and which cannot be anticipated now. The extent and degree to which issues will be investigated in individual cases may vary, but nothing in this list will constrain the Inquiry from investigating further issues that may emerge from the documentary record and witness testimony (insofar as those issues fall within the terms of reference).*
 - d. *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*

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categories of non-police, non-state core participants (although not limited to the core participants themselves).

e. Fifth, the issues list will not be set in stone – it may be amended as the Inquiry's investigation proceeds.

6. *The draft list of issues upon which the Inquiry is now consulting is immediately below:*

The establishment of the Special Demonstration Squad

1. Why was the Special Demonstration Squad created?
2. Who authorised its creation?
3. Who funded it?
4. How was the budget set?
5. How big was the budget?
6. What was the legal and regulatory framework within which undercover policing was conducted when it was established?
7. Who knew of its existence?
8. What, if any, provision was made for the review of its continued existence after its initial purpose or purposes were fulfilled?

The function of the Special Demonstration Squad

9. What was the function / were the functions of the Special Demonstration Squad?
10. How, if at all, did the function/s of the Special Demonstration change over time and for what reason/s?

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Size, organisation and composition of the Special Demonstration Squad

11. How big was the Special Demonstration Squad at any one time and who served in it?

Management and supervisory structure and function

12. At the time of the creation of the Special Demonstration Squad, what provision was made for the management and supervision of the officers deployed undercover?

13. How, if at all, did that provision change over time?

14. What prompted those changes?

15. Who managed, supervised and/or supported the deployment of undercover officers throughout the existence of the Special Demonstration Squad?

16. What role(s) were those individuals expected to play in relation to undercover officers?

17. What, if anything, was done to commend undercover officers who deserved commendation?

18. What, if anything, was done to discipline undercover officers who required disciplining?

19. If nothing was done in any particular case, why was it not done?

Selection and Recruitment

20. How were undercover police officers selected for the Special Demonstration Squad?

21. How were managers selected?

22. To what extent was former service as an undercover officer within the Special Demonstration Squad considered to be an advantage, or disadvantage, in the selection process for managers?

23. Was that view justified?

24. How, if at all, did the selection of officers for undercover work and managers in the Special Demonstration Squad change over time, and why?

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25. What, if any, assessments (including psychiatric and psychological assessments) were undertaken in relation to potential recruits?
26. When were those assessments introduced?
27. Why were those assessments introduced?
28. Who conducted the assessments?
29. When in the course of the selection and recruitment process were the assessments carried out?
30. To what extent did the outcome of those assessments influence decisions as to whether or not to recruit individuals for undercover work?
31. To what extent did the assessments fulfil the purpose for which they were introduced?
32. What involvement did managers have in meeting the families of prospective undercover officers to inform them about the role?
33. What were undercover officers and their families told about their prospective role?
34. Was the information given accurate and complete?
35. What, if any, undertakings were given to potential recruits about (a) anonymity; (b) their welfare and that of their family, if appropriate; and/or (c) their future police career?
36. What obligations, if any, of secrecy were imposed upon Special Demonstration Squad officers?
37. Were the selection and recruitment processes in place adequate or inadequate, and if so, in what respects?

Training and Guidance

38. What, if any, training did Special Demonstration Squad undercover officers receive, both before and after selection?
39. What, if any, training was given to managers?
40. What, if any, instruction and/or guidance about performance of undercover duties was given (a) by managers to undercover officers and (b) by others to managers?

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41. What, if any, instruction and/or guidance about performance of management duties was given to managers within the Special Demonstration Squad, and by whom?
42. What policies and procedures were adopted and used by the Special Demonstration Squad?
43. Were Special Demonstration Squad officers made aware by their managers of the applicable legal and regulatory framework within which they conducted undercover operations?
44. Was the training, guidance and instruction provided to undercover officers adequate or inadequate, and if so, in what respects?
45. Was the training, guidance and instruction provided to the managers of undercover officers adequate or inadequate, and if so, in what respects?

Legend building

46. What involvement did managers have in legend building activity by prospective undercover officers, including any involvement in authorising legend building activity?
47. When and why did the practice of using deceased children's identities begin?
48. Who devised and/or authorised the practice?
49. What, if any, thought was given by managers to the impact on the surviving family of a deceased child of the use for police purposes of their identity?
50. When and why did the practice cease?

Targeting and initial authorisation

51. Who was responsible for selecting the groups or individuals to be targeted?
52. Who authorised such targeting?
53. Which groups and individuals were targeted?
54. On what ground or grounds was each targeted group or individual selected?
55. Were undercover officers tasked to gather particular information?

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- 55.1. If so, by whom and for what purpose(s)?
56. Was any aspect of targeting influenced by either conscious or subconscious racism?
57. What, if any, reasons were recorded for the targeting of each group and individual?
58. Did those reasons justify each deployment?
59. What was the true purpose of each deployment?
60. What conduct, if any, was each deployment intended to detect, disrupt or prevent?
61. In relation to each deployment, did it achieve its purpose?

Role of supervisors/managers - general

62. What was the primary role(s) of each manager within the unit?
63. What was the extent and nature of the contact between deployed undercover officers and their supervisors/managers, during the period of deployment?
64. By what means and when did undercover officers report information to their managers?
65. What information did undercover officers report to their managers?
66. What record was kept of information reported by undercover officers to their supervisors/managers?
 - 66.1. How was that record created?
 - 66.2. What form did that record take?
 - 66.3. What was its primary purpose?
67. What did supervisors/managers do with information reported by undercover officers?
68. In what circumstances and by what means was information gathered by undercover officers disseminated to others?
69. To whom and for what purpose(s) was it disseminated?
70. Did previous service as an undercover officer within the Special Demonstration Squad influence the role played by individual managers?

Reporting - justice campaigns

71. Was authorisation given for undercover officers to infiltrate and/or gather intelligence on social justice campaigns and/or campaigners?

71.1. If so, by whom and for what purpose were they authorised to do so?

71.2. Was that authorisation influenced by either conscious or subconscious racism?

72. If intelligence on social justice campaigns or campaigners was gathered without authorisation, which managers became aware of this, and how?

72.1. What was their response?

73. To whom and by what means was such intelligence reported and disseminated?

74. What, if any, use was made of the information so reported and disseminated and by whom?

75. Was such activity justified?

76. What impact, if any, did such activity have on the justice campaigns infiltrated and/or reported upon?

Reporting - the Stephen Lawrence campaign and Duwayne Brooks OBE

77. Which groups and individuals relevant to the Stephen Lawrence campaign and Duwayne Brooks OBE were targeted and/or reported upon?

78. For what purpose were they targeted and/or reported upon?

79. Who decided upon and/or authorised this activity?

80. Who carried it out?

81. What information was reported about any member of Stephen Lawrence's family, the Stephen Lawrence campaign, Duwayne Brooks OBE, and any of the legal representatives acting for any of them?

82. To whom was that information disseminated?

83. What use was made of it and by whom and for what purpose?

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84. What, if any, role did any undercover officer play in relation to any police activity concerning Duwayne Brooks OBE?
85. Was any of the undercover policing in this subsection influenced by either conscious or subconscious racism?
86. Was the undercover policing in this subsection justified?

Reporting - elected politicians, political organisations and political activists

87. Were undercover officers authorised to target, infiltrate and/or report on elected politicians, political organisations and political activists?
 - 87.1. If so, who authorised them to do so?
 - 87.2. For what purpose?
88. If intelligence on elected politicians, political organisations and/or political activists was gathered without authorisation, which managers became aware of this, and how?
 - 88.1. What was their response?
89. What information was reported about elected politicians, political organisations and political activists?
90. By what means, when and to whom was that information reported?
91. To whom was it disseminated and why?
92. What was done, when, and by whom with such information?
93. Was such targeting, infiltration and/or reporting justified?
94. What, if any, impact did such activities have on the political and democratic process?

Reporting - trade unions and trade union members

95. Were undercover officers authorised to target infiltrate and/or report on trade unions and/or trade union members?
 - 95.1. If so, who authorised them to do so?

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95.2. For what purpose?

96. If intelligence on trade unions and/or trade union members was gathered without authorisation, which managers became aware of this, and how?

96.1. What was their response?

97. What information was reported about trade unions and/or trade union members?

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

99. To whom was it disseminated and why?

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

101. If so, for what purpose?

102. Was it further disseminated to private sector organisations?

Reporting - social and environmental activists

103. Were undercover officers authorised to target, infiltrate and/or report on social and environmental activists?

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

103.2. For what purpose?

104. If intelligence on social and environmental activists was gathered without authorisation, which managers became aware of this, and how?

104.1. What was their response?

105. What information was reported about social and environmental activists?

106. To whom was it disseminated and why?

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

108. Were such activities justified?

109. What impact, if any, did undercover policing have on social and environmental activism?

Management knowledge of and attitudes towards relationships between undercover officers and targets/those upon whom they reported

110. What, if any, policy, instruction, procedure or guidance existed concerning relationships between undercover officers and targets/those upon whom they reported?
 - 110.1. How, when and by whom was that policy, instruction, procedure or guidance communicated to undercover officers?
 - 110.2. Who authored any written policy, instruction, procedure or guidance?
111. Were such relationships authorised by managers?
112. Who gave that authorisation?
113. Were managers aware of relationships between undercover officers in their cover identities and those upon whom they were reporting, or with whom they came into contact as a result of their undercover deployment?
 - 113.1. If so, what were their attitudes to those relationships?
 - 113.2. If not, should they have been?
114. Were such relationships tolerated by managers?
115. If not, what, if anything, was done to ensure that they did not occur?
116. What, if any, thought was given to the impact on those with whom relationships were formed of the deception implicit in them?
117. What, if any, thought was given to the impact on those with whom such relationships occurred about the consequences of them for them?
118. What, if any, thought was given to the impact on the families of undercover officers who formed relationships with their targets/those upon whom they reported?
119. 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 their managers?

Management knowledge of and attitudes towards participation in, or encouragement of, crime by undercover officers

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120. What, if any, policy, instruction, procedure or guidance existed concerning participation in, facilitation or encouragement of, crime by undercover officers?
 - 120.1. How, when and by whom was that policy, instruction, procedure or guidance communicated to undercover officers?
 - 120.2. Who authored any written policy, instruction, procedure or guidance?
121. Were undercover officers authorised to commit, facilitate or encourage others to commit criminal offences?
 - 121.1. If so, which criminal offences were they authorised to commit, facilitate or encourage others to commit, and why?
 - 121.2. Who gave that authorisation?
122. Did undercover officers commit, facilitate or encourage others to commit criminal offences?
123. Were managers aware of undercover officers participating in, facilitating, or encouraging crime?
 - 123.1. If so, what was their response upon learning of such events?
 - 123.2. If not, should they have been?
124. Was unauthorised participation in, facilitation and/or encouragement of crime tolerated by managers?
125. If not, what, if anything, was done to ensure that it did not occur?
126. In any given case, does the participation of an undercover officer in the commission of a criminal offence, or in facilitating or encouraging its commission, require referral to the panel considering miscarriages of justice?

Management knowledge of and attitudes towards undercover officers' involvement in criminal proceedings

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127. What, if any, policy, instruction, procedure or guidance existed concerning an undercover officer being arrested, charged or summonsed in his or her cover identity?
 - 127.1. How, when and by whom was that policy, instruction, procedure or guidance communicated to undercover officers?
 - 127.2. Who authored any written policy, instruction, procedure or guidance?
128. Were undercover officers authorised to maintain their cover identities upon arrest, charge, or in response to a summons?
129. If so, who authorised this?
130. What happened when undercover officers were arrested and/or charged or summonsed?
131. Did undercover officers maintain their cover identities upon arrest, charge, or in response to a summons?
132. Were managers aware of this conduct?
 - 132.1. If so, what was their response?
 - 132.2. If not, should they have been aware?
133. What, if any, policy, instruction, procedure or guidance existed concerning an undercover officer appearing in court as a defendant or defence witness in his/her cover identity?
 - 133.1. How, when and by whom was that policy, instruction, procedure or guidance communicated to undercover officers?
 - 133.2. Who authored any written policy, instruction, procedure or guidance?
134. Were undercover officers authorised to maintain their cover identities if they appeared in court as a defendant or defence witness?
135. What happened when undercover officers appeared in court as a defendant or defence witness?
136. Were managers aware of this conduct?
 - 136.1. If so, what was their response?
 - 136.2. If not, should they have been?

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137. Did undercover officers ever appear in court other than as a defendant or defence witness?
138. If so, in what circumstances did this occur?
139. Were managers aware of this conduct?
140. If so, what was their response?
141. What arrangements were made to ensure that prosecuting authorities and/or courts were informed about the status of an undercover officer appearing in court in any capacity in his/her undercover identity?
142. Were arresting/investigating police officers, prosecutors, the courts and/or other parties to the proceedings made aware when an undercover officer was (a) arrested, (b) charged, (c) responded to a summons, (d) appeared as a defendant, (e) appeared as a defence witness and/or (f) appeared in a criminal court in any other capacity in his/her cover identity, that the person concerned was an undercover officer?
- 142.1. If so, who made them aware and by what means?
- 142.2. If not, why not?
143. 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?
- 143.1. If so, was it?
144. In any given case, does the participation of an undercover officer in proceedings before a court or in connection with proceedings before a court required referral to the panel considering miscarriages of justice?

Management knowledge of and attitudes towards undercover officers' involvement in civil proceedings

145. What, if any, policy, instruction, procedure or guidance existed concerning an undercover officer being involved in his or her cover identity in civil proceedings?
- 145.1. How, when and by whom was that policy, instruction, procedure or guidance communicated to undercover officers?

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- 145.2. Who authored any written policy, instruction, procedure or guidance?
146. Were undercover officers authorised to maintain their cover identities if involved in civil proceedings?
- 146.1. If so, who authorised this?
147. Were undercover officers engaged in activities which became the subject of civil proceedings?
148. If so, were managers aware?
- 148.1. If so, what was their response?
- 148.2. If not, should they have been?
149. Should the participation of the undercover officers have been disclosed to the parties or the court?
150. If it wasn't disclosed, why not and with what consequence?

Management knowledge of and attitudes to infringement of legal professional privilege by undercover officers

151. What, if any, policy, instruction, procedure or guidance existed concerning an undercover officer coming into possession of legally privileged information?
- 151.1. How, when and by whom was that policy, instruction, procedure or guidance communicated to undercover officers?
- 151.2. Who authored any written policy, instruction, procedure or guidance?
152. Were undercover officers authorised to obtain legally privileged information?
- 152.1. If so, who authorised this?
153. Did undercover officers acquire knowledge of information that was the subject of legal professional privilege?
154. If so, what was done with it by them and by those to whom they imparted it?
155. Were managers aware of undercover officers obtaining legally privileged information?

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155.1. If so, what was their response?

Whistleblowing

156. What, if any whistleblowing procedures were in place to facilitate the exposure of any wrongdoing within the Special Demonstration Squad?

Withdrawal from deployment

157. What, if any, policy, instruction, procedure or guidance existed concerning the withdrawal of undercover officers from their deployments?

157.1. How, when and by whom was that policy, instruction, procedure or guidance communicated to undercover officers?

157.2. Who authored any written policy, instruction, procedure or guidance?

158. How long were Special Demonstration Squad undercover deployments?

159. For what reason or reasons did deployments come to an end?

160. How did undercover officers withdraw from deployments?

161. What involvement did managers have in the withdrawal of undercover officers from deployments?

Debriefing

162. Who debriefed undercover officers during or after their deployment and for what purpose(s)?

163. What did managers do with information received during debriefs?

Management of post-deployment conduct

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164. What, if any, steps were taken by managers and/or the Metropolitan Police Service to prevent the continued use of undercover legends and/or techniques after deployments had ended?
165. Did former undercover officers use their legends and/or associated material after deployments had ended?
166. If so, for what purpose?
167. Did managers and/or the Metropolitan Police Service know that they had done so?
168. If so, what, if anything, did they do about it?
169. Did former undercover officers and/or managers make use of information obtained whilst performing Special Demonstration Squad duties for private sector purposes?
170. If so, for what purposes and with what consequences?
171. Did managers and/or more senior officers know that they had done so?
172. If so, what, if anything, did they do about it?

The welfare of undercover officers and their families

173. What management and supervision did undercover officers receive from managers, back office staff and expert professionals, such as psychiatrists and psychologists, whilst deployed?
174. Was the level of management and supervision of officers whilst deployed undercover adequate?
175. If not, in what way(s) was it inadequate?
176. What support did undercover officers and their families receive before, during and after deployment?
177. Was it adequate?
178. If not, in what way(s) was it inadequate?
179. What, if any, impact did undercover deployment have on the subsequent police careers of undercover officers?

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180. To what extent were managers aware of that impact?
181. To what extent was it taken into account in relation to decisions about the withdrawal and post-deployment roles of undercover officers?
182. What, if any, impact did undercover deployment have on the health and welfare of undercover officers?
183. What, if anything, was done to alleviate the health and welfare consequences of deployment on former undercover officers?

The prevention and detection of crime

184. Did the activities of the Special Demonstration Squad help the prevention, detection and prosecution of crime, in particular serious crime?
185. Did the activities of the Special Demonstration Squad facilitate the prevention and control of public disorder?
186. If so, and in any event, did that consequence justify its activities?

Interaction between Special Demonstration Squad managers and those responsible for overseeing its operation

187. To what extent, by whom, and how were the activities of the Special Demonstration Squad overseen within the Metropolitan Police Service?
188. What was the extent of contact between managers within the Special Demonstration Squad, and those above them in the Special Branch chain of command?
189. To what extent did Special Demonstration Squad managers inform those higher in the chain of command about the day-to-day activities of undercover officers?
190. To what extent were the Special Demonstration Squad's procedures, targeting, operations, tactics, techniques and reporting methods directed, controlled, or in any other way influenced by the chain of command above the unit itself.
191. What praise or commendation did the Special Demonstration Squad and its members receive from the chain of command?

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192. What criticism did the Special Demonstration and its members receive from the chain of command?
193. Was the Special Demonstration Squad visited or inspected by senior police officers?
194. If so, who visited, and how frequently did this occur?
195. On such visits, what was the extent of contact between senior officers and (a) undercover officers, (b) Special Demonstration Squad Managers.
196. Were the activities of the Special Demonstration Squad the subject of investigation and/or reporting by oversight bodies such as Her Majesty's Inspectorate of Constabulary and/or the Independent Police Complaint's Commission or its predecessor?

Dissemination of Intelligence

197. How, to whom and for what purpose/s did the Special Demonstration Squad disseminate the intelligence which it gathered?
198. What were the respective roles of the unit's managers (including administrators) in the dissemination of the Special Demonstration Squad's intelligence?

Interaction with the Security Service

199. What contact did Special Demonstration Squad managers have with the Security Service and for what purpose/s?
200. Did the Special Demonstration Squad have a counter subversion role? If so, what was the role and how was it discharged?
201. Did the Special Demonstration Squad have any other role, formal or otherwise, connected, in any way, to the Security Service? If so, what was it and how was it discharged?
202. What influence, if any, did the Security Service have, either directly, or indirectly through the higher chain of command, on Special Demonstration squad procedures, targeting, operations, tactics, techniques and reporting methods?

26 February 2019