



# Eighth Update Note

## JULY 2019

UNDERCOVER  
POLICING  
INQUIRY



# Introduction

This is the Undercover Policing Inquiry's eighth update note.

Inquiry update notes provide a snapshot of the Inquiry's recent, current and planned work in getting to the truth of undercover policing and delivering recommendations for the future. In addition, the Inquiry publishes all information on its website, updates on progress via its Twitter account and regularly meets and corresponds with Core Participants.

In this update note, you will find:

- An outline of activity since July 2018 – including the Inquiry's primary publications, consultations and hearings;
- Key statistics on anonymity applications and other parts of the Inquiry's work;
- An updated timeline of the Inquiry's key milestones;
- Updates on the conduct of evidence hearings;
- Details of the Inquiry's work to ensure its practices are compliant with new requirements under the General Data Protection Regulations relating to data processing and privacy.

Since the last update note, the Inquiry has undertaken a series of engagement events with Core Participants. The Chairman has attended

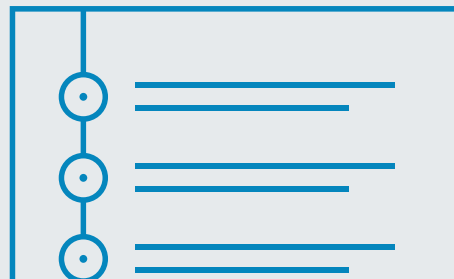
a number of these events to ensure Core Participants have had the opportunity to share their views and concerns with him directly as well as via their legal representatives.

Over the last 12 months, significant Inquiry resources have been spent addressing issues around privacy and the conduct of evidence hearings. Separately, the anonymity process for Special Demonstration Squad (SDS) officers is nearly complete, with only six final decisions still to be issued.

The Inquiry is moving forward with its substantive investigations across a number of areas of work to ensure evidential hearings can take place as soon as practicably possible. It will be completing the anonymity process for all remaining National Public Order Intelligence Unit (NPOIU) officers and will be preparing for the first set of hearings (Tranche 1 of the Special Demonstration Squad), including establishing hearing logistics and arrangements for witnesses and attendees.

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# Outline of activity since July 2018

JULY  
2018

- **Consultation:** draft issues list for Module One investigation into the NPOIU and [other undercover policing operations](#)
- **Publication:** two rulings ([Ruling 10](#) and [Ruling 11](#)) on anonymity applications from 38 SDS officers, along with a [‘Minded to’ note](#) for one further officer

AUG  
2018

- **Publication:** [ruling](#) on an anonymity application for one SDS officer
- **Consultation:** [conduct of evidence hearings](#)

SEPT  
2018

- **Publication:** [‘Minded to’ note](#) on an anonymity application from one SDS officer

OCT  
2018

- **Publication:** [ruling](#) on anonymity applications from 22 NPOIU officers, along with a [‘Minded to’ note](#) for two further officers

NOV  
2018

- **Publication:** [ruling](#) on anonymity applications from nine SDS officers
- **Publication:** [‘Minded to’ note](#) on anonymity applications from 16 NPOIU officers

DEC  
2018

- **Publication:** [Chairman’s statement](#) on conduct of evidence hearings

JAN  
2019

- **Publication:** [Chairman's statement](#) confirming hearings would not start before 2020
- **Open hearing:** [data protection and privacy \(first hearing\)](#)

FEB  
2019

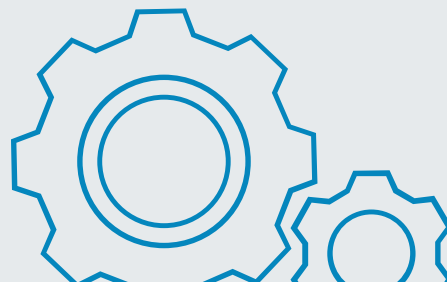
- **Consultation:** draft issues list for Module Two investigation into the [SDS](#)
- **Publication:** updated issues list for Module One investigation into the [NPOIU](#) and [other undercover policing](#)
- **Publication:** [ruling](#) on anonymity applications for two SDS officers, along with a ['Minded to' note](#) for one SDS officer

MAR  
2019

- **Open hearing:** [data protection and privacy \(second hearing\)](#)

APR  
2019

- **Publication:** [Chairman's statement](#) on data protection and privacy
- **Publication:** [ruling](#) on anonymity applications for four SDS officers



# Overview of Inquiry activities currently taking place

Ensuring the Inquiry is compliant with changes in legislation around privacy and data protection has taken up a lot of the Inquiry's time over the last 12 months. It has been vital for the Inquiry to resolve how to proceed in a way that balances fulfilling its terms of reference – in particular, to get to the truth of undercover policing - against its obligation to respect data protection and privacy rights, while being as transparent as possible.

## Witness statements

The Inquiry legal team are compiling investigation files, obtaining witness statements from undercover officers, then managers and civilian witnesses. Witness statements have already been received from 15 officers.

From November 2019, the Inquiry will start to contact the first civilian witnesses to ensure they are aware of the Inquiry's work, and give them the opportunity to provide statements should they be willing to assist. The Inquiry has put forward a proposal for how this could be done while managing the privacy issues that arise from the personal information within the documents. The Chairman is currently considering the views expressed by non-state core participants as to the Inquiry's proposed approach and will shortly issue a statement setting out the way the Inquiry intends to proceed.

## *Other privacy issues*

The Inquiry has also had to consider the extent to

which it has an obligation under the General Data Protection Regulations and the Data Protection Act 2018 to provide information to those whose data it is processing. It has received written submissions on this issue from those engaged with the Inquiry, and there was a public hearing at which the submissions were further developed. The Chairman issued a [statement](#) setting out the Inquiry's position on this issue on 11 April 2019.

## Rehabilitation of Offenders Act

The Chairman's [ruling](#) on The Rehabilitation of Offenders Act 1974 and its impact on the Inquiry's work dated 29 November 2017 set out an intention to invite the Secretary of State for Justice to lay before Parliament an amendment to Schedule 3 to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 for the reasons set out in that ruling. This invitation was sent on 12 December 2017. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2019 was made on 24 June 2019 and definitively addresses a gap in the statutory scheme for the conduct of inquiries.

The Inquiry requested the amendment for two primary reasons: in order for the Inquiry to fairly examine whether any justification for deployment of an undercover officer was sufficient the Inquiry will need to consider the activities of the individuals and/or groups targeted including their previous convictions and the circumstances ancillary to their

convictions which were known by the police at the time of determining whether the deployment was justified. In addition, the Inquiry needs to be able to look at the circumstances surrounding a conviction in order to determine whether any convictions were unsafe due to the unknown involvement of an undercover officer.

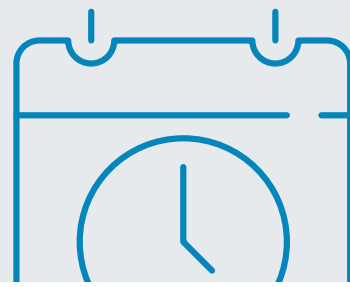
## Anonymity applications

The process of determining anonymity applications from former SDS officers and managers is nearly complete, with only six final decisions still to be reached. Processing anonymity applications from officers associated with the NPOIU is progressing alongside the Inquiry's substantive investigations and will be completed in good time to allow witness statements to be taken.

Cover names not subject to a restriction order continue to be published by the Inquiry once pre-publication checks have concluded. This exercise involves the Inquiry contacting those who may have been affected by the officer's deployment, such as an individual who had a close relationship with the officer, or a close relative of a deceased child on whom the officer based their cover identity. All anonymity applications submitted by non-state core participants and witnesses have now been processed; where further individuals come forward or are contacted, the question of anonymity is considered at the outset of the individual's engagement with the Inquiry.

## Hearing preparations

Preparations for evidence hearings continue. The Inquiry will be publishing a protocol for the management and conduct of hearings in due course. It is expected this will be at least six months in advance of the first evidence hearing.



# Inquiry timetable

The timetable that follows sets out Inquiry projections for its future stages. As there are several complex issues still to be determined that require engagement with Core Participants, there remains some uncertainty around the completion date for certain stages; however, those milestones on which the dates are more certain are listed.

The milestones listed here have also been updated to reflect how the work of the Inquiry is structured.

To manage such a broad remit, the Inquiry has divided its work for Modules One and Two into the following six “tranches”:

1. Special Demonstration Squad officers and managers and those affected by deployments (1968-1982)
2. Special Demonstration Squad officers and managers and those affected by deployments (1983-1992)
3. Special Demonstration Squad officers and managers and those affected by deployments (1993-2007)
4. National Public Order Intelligence Unit officers and managers and those affected by deployments
5. Other undercover policing and those affected by deployments
6. Management & oversight by mid and senior rank officers, other agencies and government departments

The table will be updated with additional dates on the Inquiry website on a quarterly basis. It is intended that all witnesses required or invited to

take part in evidence hearings will be notified six months prior to commencement that the Inquiry would like them to give evidence with an indicative date of when this is likely to be and a more specific indication closer to the time.



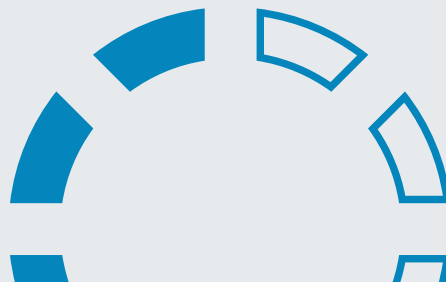
	Tranche 1	Tranche 2	Tranche 3	Tranche 4	Tranche 5	Tranche 6
Completion of anonymity applications <sup>1</sup>	3 REMAIN	1 REMAINS	2 REMAIN			
Obtaining witness statements from officers and managers	DEC 2018 - SEPT 2019					
Obtaining witness statements from those affected by deployments	NOV 2019 - FEB 2020					
Anticipated commencement of hearing	SUMMER 2020					
Anticipated end of hearing						
Closing submissions for Modules One and Two						
Panel Members for Module Three in place						
Publication of interim report						
Closing submissions for Module Three						
Module Three completed and delivery of Final Report to Home Secretary, ahead of publication						

<sup>1</sup> There may be a few instances where new individuals are uncovered or come forward at a later date.

# Changes to timetable

This Inquiry is taking a different approach to that set out in the Strategic Review. There are several reasons for this, including delays in obtaining a large number of documents and difficulties in attributing intelligence reports to officers. Furthermore, a considerable amount of the Inquiry's time has been devoted to resolving the important and difficult question of how to have proper regard for the privacy of individuals without undermining the public interest in the Inquiry being conducted as transparently as possible. Further details can be found in the [Chairman's Statement](#) from January 2019.

With many of these issues resolved and a greater evidence base to draw upon, the Inquiry is now in a position to make more informed projections for its future stages. However, with complex moving parts and engagement required from multiple parties, there is always a degree of uncertainty. Currently, the main uncertainties are around the practicalities of disseminating documents to civilian witnesses and the time needed to obtain their statements as well as the time required to process associated applications for restriction orders that may be submitted. If this process ends up taking longer than anticipated, there is the possibility of a delay in the commencement of hearings.



# Inquiry progress

## Evidence hearings

Evidence hearings are expected to start in Summer 2020. The Inquiry will consider the undercover policing activities of officers and managers and those affected by deployments in tranches ordered chronologically. The first evidence hearings will focus on officers and managers in the SDS active between 1968 and 1982. This tranche will also include evidence from non-state core participants and witnesses affected by these officers' deployment. These hearings are expected to last around one month. The Inquiry will usually sit for up to four days per week although both the frequency of hearings and times may vary.

### *Conduct of evidence hearings*

On 30 August 2018, the Inquiry invited all core participants and interested parties to share their opinions on how the evidence hearings should be conducted in relation to five areas<sup>2</sup>. Eight responses were received, with the views of state and non-state core participants of the Inquiry and the national media all represented.

Following a review of the submissions, the Chairman set out his preliminary conclusions on the Inquiry's approach to the administration of evidence hearings in [a statement](#) on 19 December 2018, which are summarised below.

The Chairman will issue a final response to the

consultation, together with a protocol for the management and conduct of hearings six months before the start of oral hearings. There will be a further opportunity for core participants to provide their views on any new issues set out in the protocol before it is published.

### **Venue**

The venue for open hearings is yet to be determined, but for convenience and efficiency, it will be in London. An overflow facility will be available.

### **Witnesses**

Witnesses will provide live evidence in front of the Chairman, legal teams, and interested members of the public. However, witnesses can apply to provide evidence in private or anonymously, and/or with protective measures if they think there is a need, or where the Chairman considers this to be necessary to preserve information protected by existing restriction orders. Where a request is made for evidence to be provided other than openly, an application must be submitted to the Inquiry that clearly outlines why the individual cannot give their evidence without additional safeguards or measures being applied, and should set out what safeguards or measures they seek.

If an application is accepted and a witness does provide evidence with protective measures applied, a range of options are available to help the Inquiry

<sup>2</sup> The five areas are: (1) How and when evidence should be posted on the Inquiry website; (2) how best to facilitate witnesses giving their evidence; (3) the level of support that witnesses in the Inquiry would wish to receive when giving evidence, and methods by which this may be provided; (4) whether or not providing a small number of rooms for use by attendees other than witnesses would be needed; (5) views on live streaming from potential witnesses and those wishing to have access to the proceedings.

receive the evidence in the best and most open way - examples include witness screening, voice modulation and giving evidence by video-link.

## Evidential documents

As set out above, the Inquiry's work is split into 'tranches'. In advance of the hearings for each tranche, the Inquiry will publish to those participating in the hearings the open witness statements of those giving evidence and documents related to that tranche.

Following each open hearing, the Inquiry will publish a daily transcript of the hearing, together with the documents referred to that day.

Once the hearings for a particular tranche have finished, all open evidence considered as part of that tranche – even if it is not expressly referred to during the hearings – will be published.

## Live streaming and hand-held communication devices

The Chairman wants to create the optimal conditions for getting to the truth by hearing evidence in full from all sides. In his [statement](#) of 19 December 2018, he set out his views on why live-streaming of the evidence for certain witnesses would be incompatible with protecting their rights and interests and may infringe restriction order made. Further options will be considered.

There will be no restrictions on bringing hand-held communication devices into the hearing room or any overflow room during the public hearings for purposes of social media reporting, at least for Tranche I. The issue will be reconsidered if any problems with their use arise during the hearings.

## Anonymity and evidence gathering

Every participant in the Inquiry has the right to request anonymity through a restriction order.

If an application is submitted, the Chairman carefully considers the supporting evidence. A decision may be deferred if more information is needed.

In making a decision, the Chairman applies the legal principles and approach outlined by his predecessor Sir Christopher Pitchford. In doing so he considers the extent to which rejecting the application would help the Inquiry fulfil its objectives, weighing this against the grounds advanced in support of the application, which may include the public interest, and/or an individual's safety and right to private life.

Generally, a 'Minded to' note containing a provisional decision is released to the public for any submissions in opposition to be supplied. If any submissions are made, they are considered before a final decision is published in a Ruling. If an application is upheld, a restriction order will be issued.

If an individual does not submit an application for anonymity, no restriction order is made.

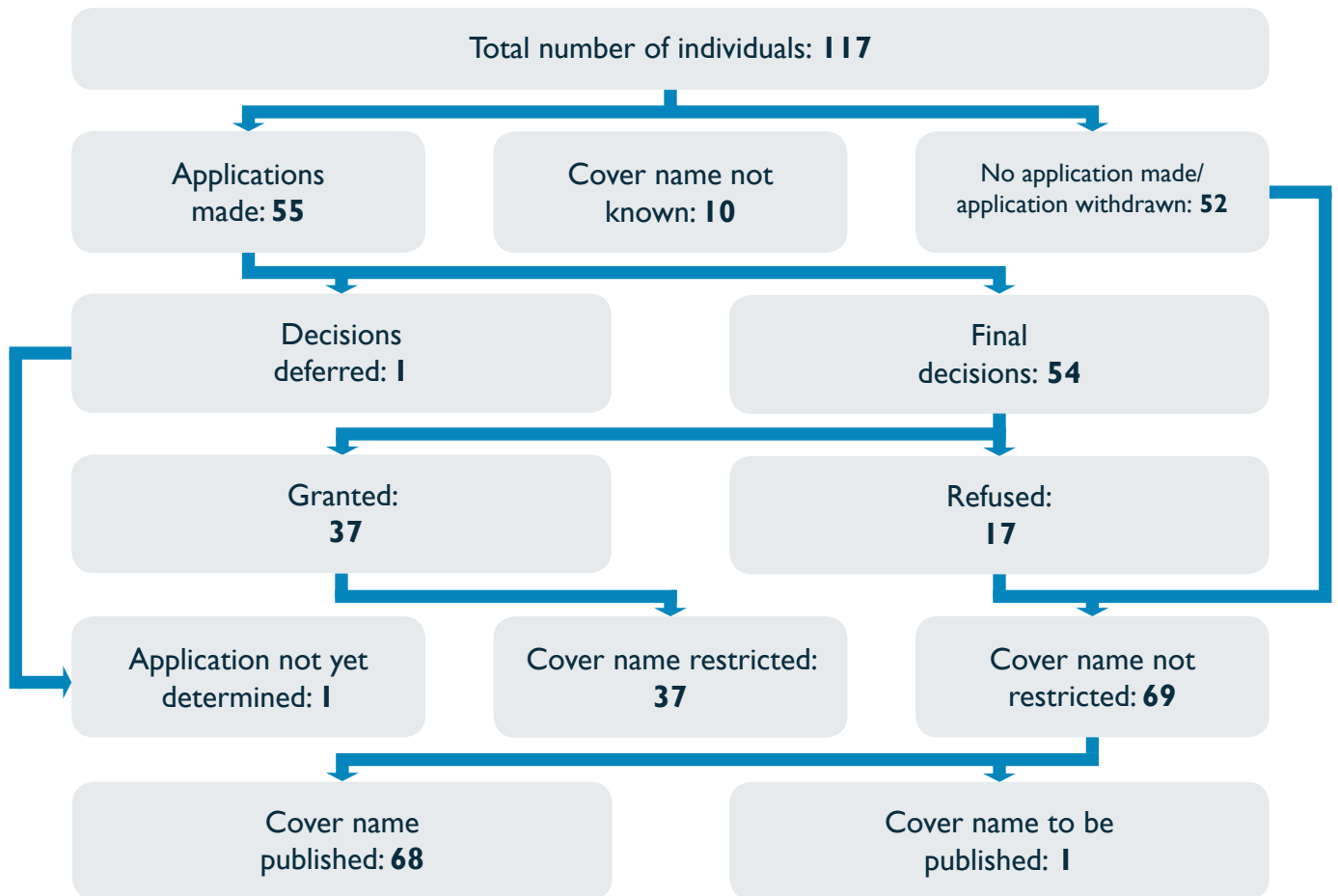
## *Special Demonstration Squad (SDS)*

In total, 165 SDS officers have been included in the anonymity process and a further four have had their real and cover names published without being included in the process. Of the 169, 52 are management or back-office staff and 117 are undercover police officers .

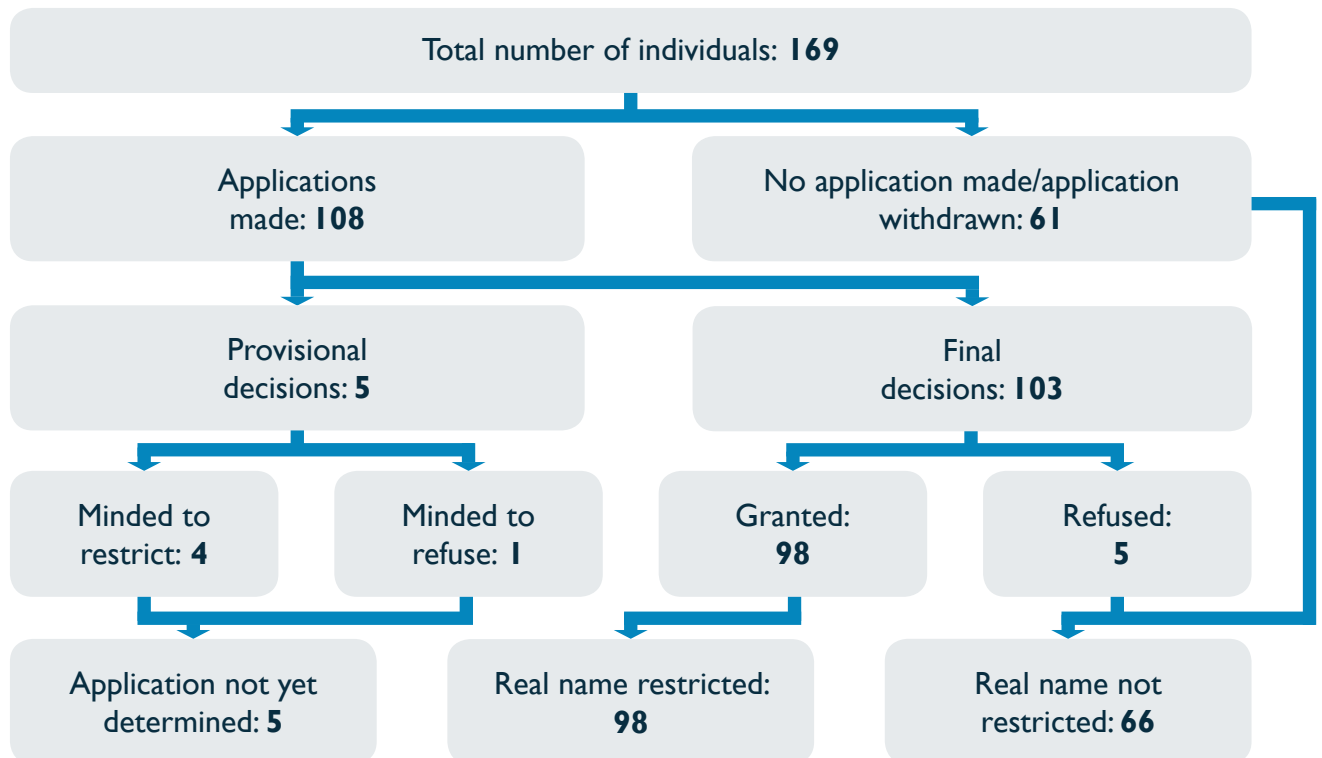
[Sixty-eight cover names](#) along with a list of 76 groups that the SDS was known to have infiltrated have now been published on our website to enable members of the public to determine whether they have been affected by undercover policing and to come forward with evidence. In some cases, the cover names may not be known – for instance, where no record of the cover name has been found and the officer is deceased.

Further statistics are provided on the following page. These may change if new officers are uncovered or come forward at a later date.

## Cover names (undercover officers)



## Real names (all staff)



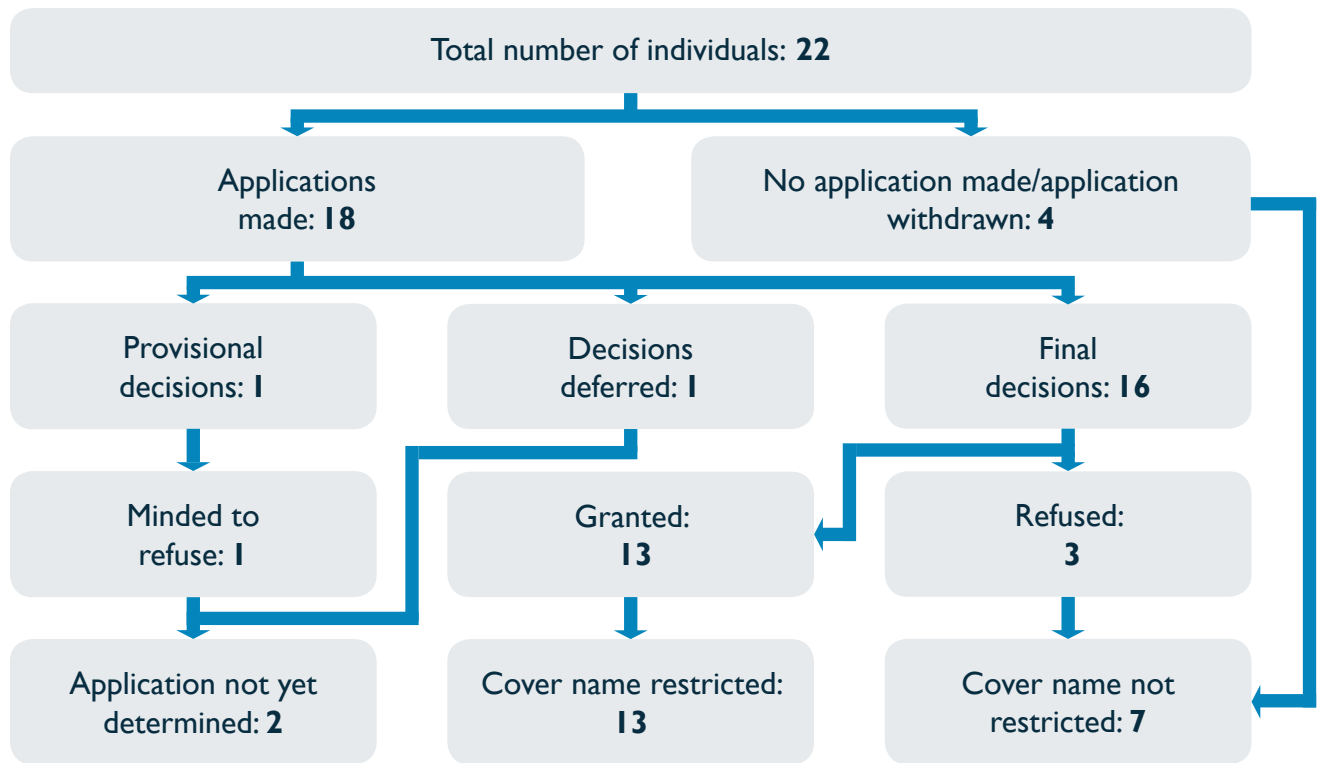
## *National Public Order Intelligence Unit (NPOIU)*

In total, there are 67 NPOIU officers which have been included in the anonymity process. Of the 67, 22 are undercover officers and 45 are management staff.

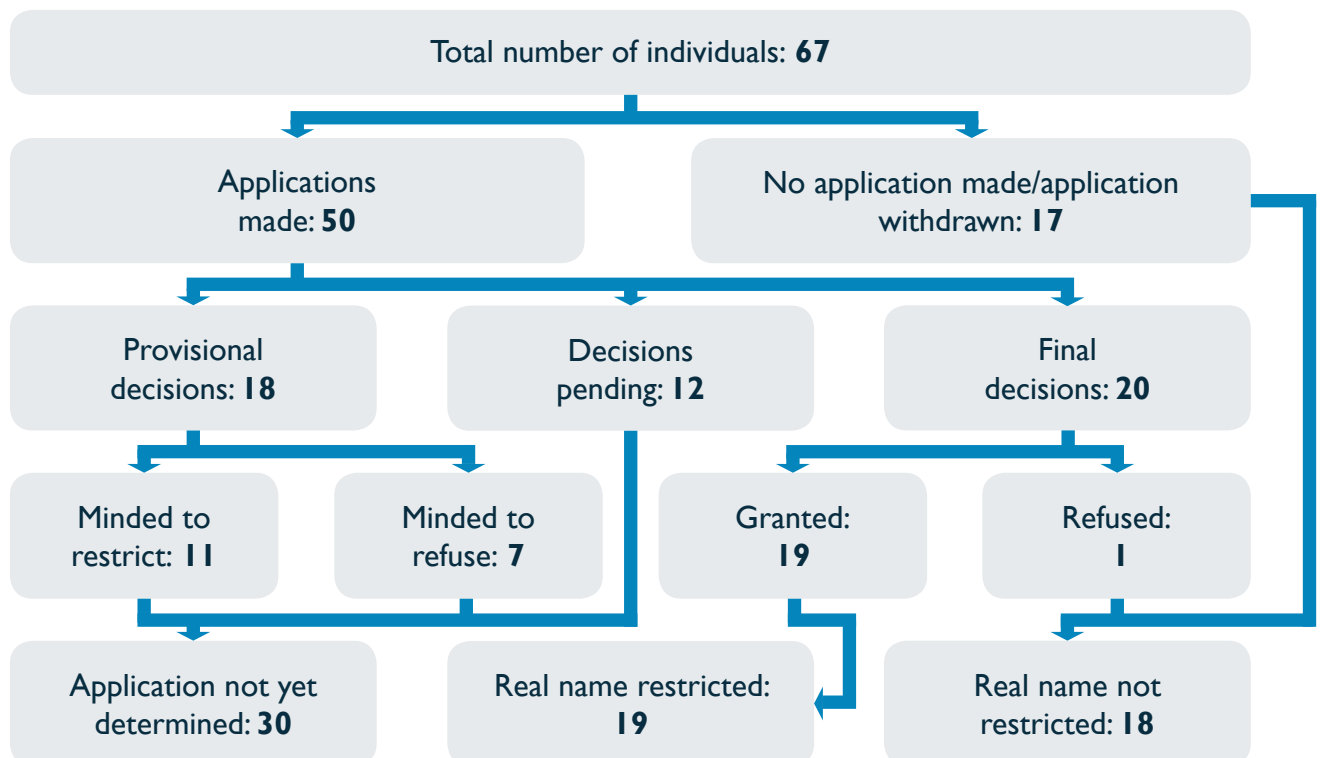
Four NPOIU officers did not pursue applications to restrict their cover names, and they have already been identified on the Inquiry website: “Mark Stone”/Mark Kennedy, “Lynn Watson”, “Rod Richardson” and “Marco Jacobs”. The Inquiry will publish a table of cover names for NPOIU officers in due course.

Further statistics are provided on the following page. These may change if new officers are uncovered or come forward at a later date.

## Cover names (undercover officers)



## Real names (all staff)



## Non-state core participants and witnesses

For non-state core participants and witnesses – including women deceived into relationships with undercover officers - anonymity has been granted to 30 individuals.

Further information on anonymity and restriction orders can be found [here](#).

## Core participant engagement

The Chairman has continued to meet with and gain input from a range of core participants, including:

- Women who were deceived into relationships with undercover officers
- Social and environmental campaigners
- Family justice campaigners
- Relatives of deceased individuals whose identities were used by undercover officers
- Families of former undercover officers
- Former undercover officers

These meetings have been invaluable in helping to inform and progress the Inquiry's work and to build engagement with those affected by undercover policing.

## Issues lists

Another key milestone in the preparation for hearings are the issues lists that identify the focus and direction of the Inquiry's investigations. The Inquiry has now published four lists.

- 1. Module One investigation into the SDS:**  
The [list](#) was published before the period covered by this update note.
- 2. Module One investigation into the NPOIU:** The draft list was released for consultation on 26 July 2018, with the [list](#) published on 21 February 2019. The updated list

now includes 161 questions, covering a range of issues including targeting of groups, police officers' conduct while deployed, reporting on deployments, prevention and detection of crime, management oversight, withdrawal from deployment, post-deployment, and the welfare of officers and their families.

- 3. Module One investigation into other policing operations:** The draft list was released for consultation on 26 July 2018, with the [list](#) published on 21 February 2019.
- 4. Module Two (a) investigation into the SDS:** The [draft list](#) was released for consultation on 27 February 2019, with the updated list expected to be published in the summer.

## Costs

As of 31 March 2019, the Inquiry has spent £17,248,900. A full breakdown of the Inquiry costs is available [here](#). These costs are updated on a quarterly basis. Supporting the Chairman is a team of around 90 staff.





# Other Inquiry statistics

## Core participants and other associated parties

- Number of core participants: **226**
- Number of core participants receiving funding for legal costs: **211**

## Witness statements

- Number of investigation files completed: **59**
- Number of officer witness statements requested as part of substantive investigations: **25<sup>3</sup>**
- Number of officer witness statements received as part of substantive investigations: **15<sup>4</sup>**

## Publications

- Number of directions published: **43**
- Number of rulings and notes published: **129**

- Number of orders published: **115**

## Hearings

- Days of preliminary hearings: **17**

Further information on the Inquiry can be found in our FAQs and on our [website](#).

<sup>3</sup> This figure only includes witness statements requested in relation to the Inquiry's substantive investigations. This does not include the total number of requests for information made by the Inquiry including those in relation to [preliminary issues](#) such as deceased children's identifies, privacy, standard of proof and undertakings.

<sup>4</sup> This figure only includes witness statements received in relation to the Inquiry's substantive investigations. This does not include the total number of requests for information which have been fulfilled, including those in relation to [preliminary issues](#) such as deceased children's identifies, privacy, standard of proof and undertakings.



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