

Explanatory note Module 2(a) Special Demonstration Squad Issues List

Responses to consultation

1. This explanatory note accompanies the publication by the Inquiry of its List of Issues for Module 2(a) insofar as it concerns the Special Demonstration Squad, and of the substantive responses received by the Inquiry to the draft list 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-state non-police core participants;
 - 1.2. Observations on the draft List of Issues on behalf of Peter Francis;
 - 1.3. Submissions on and proposed amendments to the draft List of Issues on behalf of the 'Category M' non-state core participants;
 - 1.4. A letter responding to the draft List of Issues on behalf of the 'Designated Lawyer officers' of the Metropolitan Police Service;
 - 1.5. Written observations made on behalf of the Metropolitan Police Service (Commissioner's Legal Team).

Context in which the List of Issues should be read

2. At the time of issuing the draft List of Issues for consultation, the Inquiry drew attention to five important observations concerning how the list should be understood. All of those observations apply equally to the final List of Issues and can be found [here](#).

The Issues List

3. The Chairman has considered the submissions, observations and proposed amendments listed at paragraph 1, above, and developed the consultation draft which included 202 issues into a final list containing 219 issues.
4. Whilst the submissions and proposals made were constructive and gratefully received, those reading the final List of Issues alongside the submissions will note that not all of the proposed changes have been incorporated within the final list.
5. The List of Issues is intended to act as a guide and framework for the work of the Inquiry and is not intended to include every individual issue about which evidence

UNDERCOVER POLICING INQUIRY

might be heard; so whilst the Inquiry agreed that many (but not all) of the proposed issues were relevant, not all have been included. There are various reasons why not, for example:

- 5.1. A number of the proposals made were, in the view of the Inquiry, already adequately covered by an issue contained in the draft list;
 - 5.2. A further number were considered to be too detailed, or to be of insufficient prominence in the Inquiry as a whole, to warrant inclusion as free-standing issues (although the proposals made will be taken into account when questions are asked of officers and managers in requests made under rule 9 of the Inquiry Rules 2006);
 - 5.3. Some suggestions made by the non-state non-police Core Participants were considered to be more relevant to Module 2(b) and not Module 2(a) – such as interaction with other police forces and bodies, including Special Branches, and the wider use(s) to which reporting from the Special Demonstration Squad was put, and fall to be considered for inclusion in later lists of issues.
6. It should be borne in mind that the List of Issues is a tool to assist the Inquiry to fulfil its Terms of Reference and is not intended to fetter its work. The list can and will be amended should the ongoing investigation uncover matters which require the current list to be revisited.
 7. It is also important to note that nothing in the List should be understood as indicating that the Inquiry has reached conclusions about any matter on which it is due to hear evidence, including the roles and responsibilities of those individuals variously termed ‘managers’, ‘back-office staff’, and ‘administrators’ within the Special Demonstration Squad – the Inquiry will consider on an individual basis the role of each person working within the Special Demonstration Squad and base its conclusions on the evidence it obtains. Submissions made on behalf of the Designated Lawyer officers misunderstood this position.
 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, including the management of them. We currently anticipate the 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).

30 September 2019