

IN THE UNDERCOVER POLICING INQUIRY

OBSERVATIONS ON BEHALF OF PETER FRANCIS

RE

DRAFT LIST OF ISSUES FOR THE SDS (MODULE 2A)

1. We note the significant overlap between Modules 1 and 2 as set out at [5] of the draft list.
2. We welcome the fact that this list is not set in stone as indicated at [5 (e)] and will make further observations, if necessary, over time.
3. We have two observations on the current draft which can be briefly summarised.
4. The first observation is that there is an omission in the list of issues in relation to the actions / conduct of SDS officers whilst *off duty* during a period of SDS deployment and also, post-deployment on and off duty, and the response of managers to that conduct. The issues can be formulated in this way:
 - (i) Did SDS officers commit crimes and / or disciplinary offences in their own identities whilst off duty and deployed on the SDS?
 - (ii) Did SDS officers commit crimes and / or disciplinary offences in their own identities whilst on and off duty post SDS deployment?
 - (ii) Were those infractions dealt with in accordance with MPS policy at the time?
 - (iii) Were those infractions covered up by SDS managers to avoid wider scrutiny by the MPS (via its internal or external complaint bodies) which might expose the Unit?

5. The second observation relates to “**Whistleblowing**” at [156]. We suggest the following additional questions:

156(a): Was whistleblowing actively prevented?

156(b): Were SDS officers threatened with the sanctions of the Official Secret Act if they blew the whistle on malpractice? If they indeed were threatened, by whom?

MAYA SIKAND

GARDEN COURT CHAMBERS

12 April 2019