

# THE UNDERCOVER POLICING INQUIRY

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## TRANCHE 1 PHASE 2 OPENING STATEMENT OF THE METROPOLITAN POLICE SERVICE

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### INTRODUCTION

1. In its first opening statement,<sup>1</sup> the MPS looked broadly at what went wrong in respect of undercover policing, particularly in the SDS. It explained the significant changes that have been made since the events under investigation by the Inquiry and emphasised the continuing value of undercover policing.
2. This opening statement is narrower in focus and shorter. It addresses only the evidential phase ahead: the work of SDS UCOs in the period 1973-1982.<sup>2</sup> As before, the MPS will not try to pre-empt or predict what that evidence will in due course 'show'. It is possible, however, to draw on some of the issues which arise in this tranche of evidence, particularly where they occur for the first time, and, where possible, make preliminary observations about them.
3. In doing so, the MPS reiterates the important thematic points it made in its first opening statement:
  - a. The focus of the SDS's work was intelligence-gathering, so care must be taken when trying to assess the 'value' of that intelligence retrospectively.
  - b. The actions of the UCOs should be assessed by reference to their contemporaneous historical, social and regulatory context - not by the standards of today.
  - c. The evidence for this period is not comprehensive - a number of witnesses note that not all of their reports appear to have been provided. In particular, records or reports relating to public order policing may not have been recovered. In addition, witnesses are no longer available, and memories of events 40-50 years ago have faded.

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<sup>1</sup> [Opening statement](#) of the MPS, dated 22 October 2020 and published on 3 November 2020.

<sup>2</sup> The evidence in Phase 2 also covers events prior to 1973.

d. The SDS gathered intelligence to assist both mainstream policing, particularly public order policing, and the Security Service ('SyS' or MI5) in its counter-subversion work.<sup>3</sup>

4. This statement is arranged as follows:

(1) The SDS 1973-1982;

(2) Targeting and justification;

(3) Issues emerging in 1973-1982;

(4) Conclusion.

#### **(1) THE SDS 1973-1982**

5. The period between 1973 and 1982 saw a range of demands on the MPS and policing in general. The early 1970s saw a campaign of fire-bombing by the Angry Brigade against public figures, businesses and public buildings. On the 30 January 1972, 26 civilians were shot by British soldiers in Northern Ireland, during an anti-internment march in Bogside, resulting in the deaths of 13 people ('Bloody Sunday'). In 1974, the IRA launched a sustained campaign of bombings in England and on UK targets abroad, which lasted several years and included the M62 coach bombing, the Guildford and Birmingham Pub bombings, the Hyde Park and Regent's Park bombings, as well as the murder of Airey Neave MP and Lord Mountbatten.

6. This period also saw substantial industrial unrest, including a 7-week strike by the miners in January 1972, and a strike by dockers in August 1972, both of which resulted in the Prime Minister of the time, Edward Heath, calling a state of emergency. In May 1973, approximately 1.6 million workers joined a one-day strike causing disruption to railways, car manufacturing, newspaper production, mining and docks. In January 1974, the Conservative government introduced a three-day week to conserve electricity during another period of industrial action by the miners. The dismissal of Devshi Bhudia and others from the Grunwick film-processing laboratory in Willesden, North London, caused a strike which was to last for nearly two years. In September 1978, industrial action started at Ford setting off a train of events leading to the 'Winter of Discontent' - widespread strikes by public and private sector workers. Lorry drivers went on strike in January 1979 leading to shortages of heating oil and fresh food. Later in the same month, gravediggers and waste collectors joined the strike.

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<sup>3</sup> The hearing bundle for this phase includes numerous examples of requests from the Security Service, also often referred to as 'Box 500', for information from the SDS.

7. The National Front and left-wing groups clashed during violent demonstrations including the Red Lion Square disorders during which Kevin Gately died (June 1974), the 'Battle of Wood Green' (April 1977), the 'Battle of Lewisham' (August 1977), and the Southall demonstration at which Blair Peach sustained injuries from which he later died (April 1979).
8. The period towards the end of the Phase 2 also saw an increase in racial tensions between the police and local African-Caribbean communities, leading to riots in Brixton, Manchester, Birmingham and other inner cities. The Scarman Report which followed led to the enactment of the Police and Criminal Evidence Act 1984. The period also saw the start of activity on the part of the Animal Liberation movement, and the establishment of the peace camp at Greenham Common.

## **(2) TARGETING AND JUSTIFICATION**

9. Over this period the SDS had between 9 and 12 active undercover officers at any one time. They were targeted at a range of organisations which included Trotskyists, Maoists/Marxist-Leninists, anarchists, anti-fascists, anti-nuclear and Irish nationalist support groups. SDS funding continued to be provided by the Home Office, which received information about the work of the unit in annual letters seeking permission to continue its work; and on each occasion agreed to its continuation.<sup>4</sup>
10. The MPS notes that a number of the non-state core participants raise concerns about having been targeted or reported on in the course of undercover policing in this period. This is a complex issue, which will be considered throughout the Inquiry's tranches, including the managers' evidence and in Tranche 6 (management and oversight). It will only be appropriate to form a view of justification once the fullest evidential picture has developed; and when doing so to bear in mind that relevant evidence from this time may no longer be available, particularly paper records relating to public order policing, in furtherance of which the SDS did much of its work.
11. The assessment of the justification for targeting in this period will include, but not be limited to, consideration of: the history or stated aims of a movement or individuals within it; open or concealed connections between groups or organisations; the potential for groups to pose issues for law and order (including where the deployment demonstrates that this is not in fact the case); the need to embed a false persona before moving into more security conscious organisations

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<sup>4</sup> Although outside of Phase 2, in 1984 and 1985 meetings took place with the HO and MPS about the work of the SDS, apparently with a view to ensuring the squad remains "*a current response to current problem and was not just something which had been allowed to drift on after having been set up for a specific purpose in 1968*" – see MPS-0730903/1; MPS-073747/10 (entry of 7 June 1984); MPS-073092/1. Following these meetings HO funding continued.

(‘legend building’); wider law and order concerns and pressures; and responding to requests for information from the Security Service or others.

12. In addition to the information set out in the Annual Reports, there is evidence of MPS Special Branch (‘MPSB’) critically evaluating the ongoing need for SDS intelligence. In 1976, in recognition that large scale public demonstrations had at that stage – albeit with noted exemptions – “*dwindled*” as compared with the late 1960s, MPSB internally reviewed the Squad by setting up a study group to consider whether there was continued value in its work.<sup>5</sup>
13. One specific term of reference for the study group was to consider “*what proportion of the overall intelligence gathered is of primary benefit towards assisting uniform police to control public meetings and demonstrations, and that which is of interest mainly to the Security Service.*” Concluding that the Squad should remain in operation, the study group emphasised the importance for public order policing of negative intelligence – for example that an event was not going to take place – even though in such a case “*the only positive result of [the UCO’s] attendance is seen in the subsequent report of individuals attending etc which is of interest to Box 500*”. They concluded “*Suffice it to say that the contribution made by the SDS to the national interests of the Security Service is a very considerable one; a point which is fully acknowledged*”.<sup>6</sup>
14. This conclusion is borne out by other contemporaneous paperwork.<sup>7</sup> Contact with the Security Service was frequent and productive. Detailed requests by them for information from the SDS about policies, identities and other information about the membership of organisations of interest is common. It occurred both in general terms at high-level meetings, and in the form of detailed briefings or letters (this can be seen both in the evidence of the Security Service and also on the face of some SDS reports). Indeed, the SDS appears to have viewed the agency as a ‘customer’ for its intelligence.<sup>8</sup> There are indicators that, although the MPSB’s focus was law and order whilst the Security Service’s was counter-subversion, the latter was able to exert some influence over the placement of undercover officers.<sup>9</sup>

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<sup>5</sup> MPS-0730658.

<sup>6</sup> MPS-0730745

<sup>7</sup> By way of examples only, see thanks to the SDS for its work, given in June 1976 (MPS-0730700) and July 1981 (UCPI0000028828).

<sup>8</sup> See Annual Report for 1983 at §9 (MPS-0730903/10).

<sup>9</sup> See, in this regard, the discussions between DCI Ferguson and the Security Service in 1979: UCPI0000028835, and UCPI0000030893; and feedback given, for example in February 1981 at point (c) of UCPI0000028817.

### (3) ISSUES EMERGING IN 1973-1982

#### *The use of the identities of deceased children*

15. As indicated in the MPS's opening statement in October 2020, this period saw the first use by SDS undercover officers of the identities of deceased children.
16. The first use of a real person's identity appears to be HN298, in summer 1971, although there is no evidence in this case that it was of a deceased child. HN298 says he was not instructed to go to the General Records Office, he went because he thought it would be a good place to find a real identity.<sup>10</sup> After this time, other officers recall going to find themselves an identity at the General Records Office,<sup>11</sup> and some recall being instructed to do so. In the months and years thereafter, the use by the undercover officers of the name and dates of birth of real individuals came to be standard practice.
17. The first few SDS deployments in 1968 were short – some lasting only a number of weeks. Many of the remaining first recruits, and the second recruits, remained in position for around a year, and typically these early deployments lasted only around 12-18 months (albeit with some outliers). It seems that the gradual increase in length on deployments was born of a developing judgment by reviewers at the time that, in general, intelligence product improves with length of service.<sup>12</sup>
18. Infiltration of groups beyond the Vietnam Solidarity Campaign, such as those operating in small cliques, demanded "*more sophisticated methods of penetration*" than was necessary to cover a large-scale demonstration.<sup>13</sup> The longer deployments and the move to infiltration of more security-conscious organisations also brought a need to ensure that the identities used by the undercover officers could withstand scrutiny. One of the earliest developments, for example, was in respect of accommodation. A note in the 1969 Annual Report states that it was now vital that officers' cover was adequate, and that experience had shown that individual addresses for officers were required.<sup>14</sup> A move from the use of hire cars to those purchased by or for officers was in part justified by the additional support it would provide to the officers' undercover identities.<sup>15</sup>

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<sup>10</sup> HN298 witness statement (MPS\_0746258) at §18.

<sup>11</sup> The General Records Office was located in Somerset House until 1970 and thereafter in St Catherine's House.

<sup>12</sup> See, for example, 1970 Annual Report 18 November Memorandum at §8 (MPS—0728972).

<sup>13</sup> See, for example, 1970 Annual Report 18 November Memorandum at §25 (MPS—0728972).

<sup>14</sup> See 7 November Memorandum in 1969 Annual Report at §11 - MPS-0728973 (and see 1970 Annual Report 18 November Memorandum at §17; 1971 Annual Report 18 November Memorandum at §16; 1972 Annual Report 14 February 1973 Memorandum at §24).

<sup>15</sup> See 27 July 1972 memorandum on the use of motor vehicles at §4, §6 and §11 within MPS-0728970 (1970 Annual Report).

19. However, there was no viable means of inserting a fictitious entry into publicly available hard copy records held by the General Records Office. Thus, if checks were made there a fictitious name would be revealed. It was believed that using a genuine identity would therefore better withstand scrutiny. As Operation Herne concluded “...the practice of using a genuine identity was an imperfect solution of the time to address the need to backstop a cover identity and that the unit had little choice before 1994.”<sup>16</sup>
20. However, the MPS has and does acknowledge and apologise for the distress and offence that this practice will have caused to the families of children whose identities were relied upon in this way. Some of those families are core participants and will engage with the Inquiry in this phase and help the Inquiry in this and future phases to explore the background to this practice, no doubt including testing the extent to which it was operationally necessary, and whether and if so how the genuine backgrounds of the deceased children were relied upon beyond the information on the birth certificate. The MPS takes this opportunity to restate that this practice is not in use today.

#### *Inappropriate and/or sexual relationships by UCOs in their undercover identities*

21. As the MPS made clear at the outset of this Inquiry: sexual relationships between undercover officers and the targets of their deployments, or people with whom they had contact while in their undercover persona, should not have happened. This is the case however short-lived those relationships may have been. The sexual relationships which occurred in this phase were not justified. No attempt at justification will be made by the MPS – which apologises unreservedly for them.<sup>17</sup>
22. The MPS recognises that there will naturally be questions about what MPS management knew and did not know about these events: that is a matter which will be considered in more detail during Phase 3 of Tranche 1 (1968-1982 managers) and also with managers in the later tranches.

#### *UCOs engaging in criminal activity and the criminal justice system*

23. In Phase 2 the Inquiry will for the first time hear live evidence of undercover officers engaging in criminal activity and with the criminal justice system. This will include the actions of HN298/Michael Scott, who was one of several people<sup>18</sup> convicted in May 1972 of obstruction of the highway and obstructing police,

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<sup>16</sup> Operation Herne Report 1 – Use of Cover Identities, at §4.6; §11.4. The reference to 1994 is to the GRO becoming computerised.

<sup>17</sup> See the apology of Assistant Commissioner Martin Hewitt, quoted in §19 of the MPS’s opening statement dated 22 October 2020.

<sup>18</sup> Including Ernest Rodker, Jonathan Rosenhead and Christabel Gurney, from whom the Inquiry has received evidence.

following an incident in which vehicles and protesters sought to block the South African rugby team bus from travelling to the airport at the end of their tour.

24. In HN298's case there are some records of managerial decision-making. However, the assessment of what inferences can properly be drawn about senior officers' knowledge and authorisation of such activities, and how they were subsequently managed, including within the justice system, must necessarily await the managerial and 'back office' evidence in Phase 3, to be heard in the Autumn. As the MPS stated in its first opening statement, there will be occasions where the SDS management did not get it right.<sup>19</sup>

### *'Blacklisting'*

25. The MPS notes the concern raised by core participant Richard Chessum that information gleaned from SDS reporting about him may have led to him being unable to secure certain employment in ensuing years.<sup>20</sup>
26. So-called blacklisting organisations used numerous methods for collating their information. Separately, the police, including Special Branch, themselves accrued material from wider sources than undercover policing. Whether and to what extent Mr Chessum's allegation falls within the Inquiry's terms of reference and should be investigated is a matter for the Inquiry.

### *Reporting about Blair Peach*

27. Blair Peach died on 24 April 1979, having been struck on the head while attending an anti-Nazi demonstration in Southall the previous day. Investigations at the time indicated that he had been fatally injured by a police officer. In 2010, the MPS and the then Commissioner, Sir Paul Stephenson, acknowledged that Mr Peach's death in these circumstances was a matter of grave concern. This remains the case. However, the Crown Prosecution Service ('CPS') has concluded that no further investigations are now possible.<sup>21</sup>
28. The Inquiry is not investigating the death of Blair Peach. However, it has obtained evidence from a former undercover officer who states that they attended the demonstration in Southall prior to Mr Peach's fatal injury, and another who attended Mr Peach's funeral.<sup>22</sup> The Inquiry will also hear evidence regarding reporting into the campaigning and public demonstrations that followed Mr

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<sup>19</sup> MPS opening statement (22 October 2020), §24.

<sup>20</sup> See witness statement of Richard Chessum at p73 (vi) and (vii).

<sup>21</sup> See the [statements](#) by the MPS and Sir Paul Stephenson in 2010, which accompanied the release of reports and other material relating to Mr Peach's death.

<sup>22</sup> UCPI0000034307 - §§35 and 36.

Peach's death, surrounding his inquest and thereafter, typically referenced in the context of reporting about groups which supported the campaign.

### *Intelligence collation and personal information*

29. It is correct to observe that the reporting in this period includes a substantial volume of personal information. Some of this – such as a person's approximate age, their physical appearance, their address, profession or trade, employment and employment history, contacts, and associated vehicles – may be understood as being relevant to reporting on persons of interest to MPSB or the Security Service. Indeed, the papers show that SDS officers were frequently asked to provide exactly this sort of information.<sup>23</sup>
30. There is also reporting on sensitive personal information which may or may not have been justifiable to record, depending on the context. Such reporting might include detail about relationships starting and ending, with reasons, or attendees at social events, and the members of a person's family or household. The MPS acknowledges that some of the information about personal lives was set down in more detail than was necessary. But it reiterates that intelligence collection does on occasion require the recording of detail which may *seem* innocuous or irrelevant, but may be significant at a later date, because it explains the contacts and likely associations of a person of interest, or can be connected to other information to form a more complete picture of person's motivations.<sup>24</sup>
31. Additionally, in the years preceding the Regulation of Investigatory Powers Act 2000 ('RIPA'), the MPS did not approach the risk of collateral intrusion, or its avoidance or minimisation, as it currently would.<sup>25</sup> In period 1973-1982, the concept of collateral intrusion would simply not have been appreciated by undercover officers and their managers.
32. Within the SDS's reporting, there are also descriptive words and phrases that are, by modern standards, out of date and which clearly would not be acceptable now – including words such as "*coloured*".<sup>26</sup> The MPS observes only that the Inquiry should not criticise officers for use of language 40-50 years ago which was uncontroversial at the time, notwithstanding that it would not now be used. However, no attempt will be made to justify the use of language that was

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<sup>23</sup> See, for example, MPS-0739241 (requesting employment history); UCPI0000013647 (requesting help in identifying a member of the SWP).

<sup>24</sup> MPS opening statement (22 October 2020), §87.

<sup>25</sup> MPS opening statement (22 October 2020), §§33-36.

<sup>26</sup> UCPI0000012336.



discriminatory, gratuitously insulting, or clearly irrelevant and without any conceivable intelligence value.

### *Training and support for undercover police officers*

33. Just as in Phase 1, throughout this period there was no national undercover training or standards of best practice. Undercover policing was not subject to the legal, regulatory and professional structures, or policies and training that are now in place. Whilst the officers continued to rely upon their police and Special Branch training, a system developed of spending time in the back office during which period officers learnt about the work of the SDS from those who were doing it already.
34. The system of regular meetings and access to management – both at a group and individual level – throughout deployments appears to have been formalised during this period, the importance of welfare and support plainly being a noted priority.<sup>27</sup> The MPS recognises, however, that the officers have a range of views about the level of support they received and the effects of deployment on them and their families.

### CONCLUSION

35. The MPS does not suggest that the points mentioned in this opening are comprehensive. This is not the place for a detailed review of the evidence and all issues arising in this phase of evidence. However, the MPS will continue to participate fully in, and facilitate, the Inquiry's work in Tranche 1 Phase 2 of its investigations and to do so, as throughout, with openness, transparency and willingness to learn and improve.

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**14 April 2021**

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<sup>27</sup> See, for example, 1974 Annual Report at §10 (MPS-0730906/11); and the 1977 Annual Report at section 4 "Welfare/Supervision" (MPS-0728964/10).