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## COUNSEL TO THE INQUIRY'S SECOND ADDENDUM DISCLOSURE NOTE REGARDING TRANCHE 1

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### Introduction

1. This note is produced in advance of the Tranche 1, Phase 3 hearings. It should be read in conjunction with, and is intended to supplement both the [Tranche 1 Disclosure Note](#) ('T1 Disclosure Note'), and the [Addendum Tranche 1 Disclosure Note](#) ('Addendum T1 Disclosure Note') only where necessary.

### Investigation of Special Demonstration Squad ('SDS') Managers and the Selection and Publication of Documents

2. As indicated within the T1 Disclosure Note<sup>1</sup>, the Inquiry Legal Team ('ILT') has undertaken an investigation into each manager who served within the SDS during the Tranche 1 period<sup>2</sup>. By necessity, this investigation was modified from that undertaken in respect of undercover officer ('UCOs') due to the difference in roles played by SDS managers as opposed to those they oversaw.
3. Principally, the ILT undertook a proportionate review of intelligence reporting attributed to those officers supervised by the manager in question<sup>3</sup>. The purpose of this review was not to identify every intelligence report which could have been seen or was counter-signed by the manager concerned, but rather to identify and select UCO reporting which prompted questions or otherwise related to issues of interest to the Inquiry's investigations. The Inquiry found in many cases that reports which had or were being published for the UCOs concerned<sup>4</sup>, often proved suitable for this purpose. Secondly, the ILT reviewed and selected more general management documents authored by the manager in question or otherwise relevant to their time within the SDS<sup>5</sup>.

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<sup>1</sup> Paragraph 31.

<sup>2</sup> In this context 'manager' indicates those who fall within Module 2(a) of the Inquiry's investigations and encompasses those in charge of the unit (usually in the rank of Detective Inspector or Detective Chief Inspector) and those who served wholly or largely in the back office providing administrative and other support (in a rank of Detective Constable or, more often, Detective Sergeant).

<sup>3</sup> For details of which see T1 Timeline (paragraph 29 below).

<sup>4</sup> For the criteria for publication, see paragraph 33 onwards, T1 Disclosure Note.

<sup>5</sup> Documents such as those identified at paragraph 9, T1 Disclosure Note.

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4. The Inquiry initially prioritised those managers who were still living, and used the documents identified to form the basis of requests for written evidence under Rule 9 of the Inquiry Rules 2006<sup>6</sup>. The Inquiry received 14 witness statements in response to such requests, all of which will be published subject to restriction for reasons of public interest and privacy (below)<sup>7</sup>. A similar process was also undertaken in respect of those managers who were deceased or too unwell to provide a statement<sup>8</sup>, with the documents identified forming a pack relevant to the manager.
5. At the point at which such requests were made or pack completed, the Inquiry then undertook a selection of documents relevant to the manager for publication<sup>9</sup>. Where proportionate to do so, often due to the small number of available documents, the Inquiry selected all documents of relevance to the manager for publication.
6. All selected documents and witness statements then underwent the same application process with state parties for restriction orders as outlined previously<sup>10</sup>. As before, any documents or statement to which redactions have been applied will be accompanied by corresponding open grounds schedules in the Phase 3 hearing bundle, save where it is disproportionate to do so due to the high proportion of similar redactions sought on similar grounds<sup>11</sup>.
7. It was the Inquiry's experience that there often remained some uncertainty regarding the precise dates on which managers served in the SDS, particularly towards the beginning of the Tranche 1 period. Where possible, the ILT therefore sought to use personnel records or other relevant documents to help to clarify dates of service, but this did not always prove possible especially when the manager concerned was unable to provide evidence. Where such an uncertainty arises, this will be made clear within Counsel to the Inquiry's Opening Note for Phase 3.

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<sup>6</sup> The documents concerned were subject to 'Officer eyes' checks (see p1 of the published [Internal Guidance Note](#) on privacy).

<sup>7</sup> This includes two statements from HN34 (Geoffrey Craft) due to his additional Module 2(b) role. A request for a witness statement was also prepared in relation to HN1668 (Leslie Willingale), but he sadly became too ill to provide a statement and subsequently died in the intervening period.

<sup>8</sup> HN332 and HN1668 were the only Tranche 1 managers too unwell to provide a statement.

<sup>9</sup> In this regard the criteria at paragraph 34, T1 Disclosure Note was used to inform this decision, insofar as it applied to the manager's period within the SDS.

<sup>10</sup> T1 Disclosure Note, paragraph 35 onwards.

<sup>11</sup> *Ibid.*, paragraph 52.

## Closed Officer Evidence – Phase 4

8. In autumn 2021 the Inquiry heard evidence in closed session<sup>12</sup> from five Tranche 1 UCOs who are subject to restriction orders over both their real and cover names<sup>13</sup>. Following these hearings, the Inquiry sought to publish the evidence received from these officers in full and attributed to them, in as far as possible without undermining the restriction orders in place. Where this was not possible, the Inquiry still sought to publish the key evidence but within *unattributed excerpts* from their transcripts of evidence.
9. To that end, the ILT conducted a redaction exercise to prepare transcripts of evidence received for publication. The ILT varied the normal restriction order application process slightly by initially indicating to the state parties which passages *it* considered required restriction to protect the restriction orders in place. This modification to the normal process was undertaken due to the very limited grounds on which restriction of this evidence was likely to be merited<sup>14</sup> and for reasons of administrative convenience. Thereafter, the process outlined at Paragraphs 23-25 of the [Restriction Order Protocol](#) was adopted, and concluded with a closed restriction order hearing at which the Chairman determined a number of applications not agreed by the ILT.
10. As this exercise was undertaken *after* all open Tranche 1 UCO evidence had been received, the Inquiry considered that a full understanding of the wider context of the evidence concerned was possible. Therefore, when considering publication of the transcripts (or excerpts thereof), the Inquiry did not consider itself bound by previous decisions taken to grant restriction orders over aspects of the evidence received from the officers concerned<sup>15</sup>, and a fresh review of what was, or was not safe to publish in respect of these officers was undertaken. As a result of this approach, it has proved possible to publish more, often attributed, material than was considered safe to do previously in the [Closed Officer Gist](#) published in Phase 2.
11. The Inquiry will publish around half of the total evidence received from the officers concerned within attributed transcripts or unattributed excerpts, subject to redaction for

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<sup>12</sup> Attended by the Chairman, ILT, Commissioners Lawyers and Designated Lawyers and referred to as Phase 4.

<sup>13</sup> HN21, HN41, HN109, HN302, HN341.

<sup>14</sup> Predominately Open Grounds 1 (Subject to Anonymity Order) and 4 (Sufficient other details to identify a person).

<sup>15</sup> Such as passages in witness statements which had previously not been published or published but unattributed.

reason of public interest. Where such a redaction has been made this will be plain, although not necessarily the length of redaction applied. Accordingly, the transcripts will be presented verbatim but in a reproduced form to minimise the publication of blank or solely redacted pages. Unattributed excerpts will be presented numbered and grouped by topic, with each numbered excerpt representing the verbatim evidence of a distinct witness<sup>16</sup>.

12. Due to the extremely high proportion of redactions sought on similar, limited, grounds (paragraph 9 above), the Inquiry also considered it disproportionate to produce Open Grounds Schedules in respect of the redactions applied to the transcripts and unattributed excerpts. Therefore, no such schedules will be provided in respect of these documents.

### **Police Reporting Concerning Specific Events**

13. The Inquiry has undertaken investigations into UCO deployments which touch upon specific or notorious public events<sup>17</sup>, either due to the presence of UCO(s) at them, or their wider relevance to the question of the justification for, including the proportionality of, UCO deployments. Where such events have arisen in the course of an investigation, the Inquiry has, where an investigative need arises, sometimes sought to obtain and publish contemporaneous evidence in the form of other police or open-source (often news) reporting, in order to provide some wider evidence and/or perspective on the events concerned.

14. Whilst such events are clearly of importance to aspects of the Inquiry's work, a complete or comprehensive investigation of what occurred at them would be impractical and falls outside of the Inquiry's [Terms of Reference](#). Therefore, when attempting to obtain non-undercover police reporting relating to such events, the Inquiry has taken a proportionate approach, when necessary following reasonable lines of enquiry by way of Rule 9 or less formal request to the Metropolitan Police Service ('MPS') and requiring or conducting file reviews to locate documents.

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<sup>16</sup> I.e. evidence from different witnesses has not been combined within a single numbered excerpt.

<sup>17</sup> Such as the 'Battle of Lewisham' in 1977.

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### *'The Southall Report'*

15. Against this background, the ILT attempted to obtain what appeared to be a retrospective (non-SDS) Special Branch report concerning the events at Southall on 23 April 1979. The appendices for this report had been obtained and published as part of the Phase 1 evidence bundle<sup>18</sup>, and the Inquiry subsequently requested and received from the MPS what was *believed*, based on its location within the relevant MPS file, to be the covering report to them. However, although the report received related to the events at Southall, it appeared that it was not in fact the covering report based on its contents. The ILT therefore undertook a further in situ review of the whole MPS Special Branch file series in question but unfortunately was unable to locate the covering report.
16. Finally, the Inquiry sent the MPS Public Inquiry Liaison Team<sup>19</sup> a disclosure request, requiring further searches to be run within Special Branch file records to attempt to locate the covering report. Within their response to this request, the MPS detailed the steps taken to identify and, if available, review files of potential relevance. The Inquiry considered that this approach, which differed from the usual process whereby the ILT conducted any file review<sup>20</sup>, was reasonable given the nature of the document sought and the Inquiry's necessary focus on undercover policing.
17. The MPS response highlighted a significant number of *non-Special Branch files* which were available to review. However, the ILT considered these unlikely to contain the covering report due to its Special Branch origin, and so were not reviewed by the MPS for this purpose<sup>21</sup>. Several Special Branch files of possible relevance were also believed to have been destroyed due to the passage of time, as was common in response to search requests relating to files from this period. Unfortunately, the covering report was not located within the remaining relevant files available when they were reviewed by the MPS.

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<sup>18</sup> MPS-0733404.

<sup>19</sup> See paragraph 6 T1 Disclosure Note.

<sup>20</sup> See paragraph 16 T1 Disclosure Note.

<sup>21</sup> These files were reviewed separately by the MPS in an attempt to locate the witness statement HN41 recalled giving shortly after the events at Southall (see p6 of Transcript of HN41's evidence to the Inquiry, MPS-0748063), but this was also not found.

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18. Therefore, although the ILT has made considerable efforts to locate a report which is unlikely to emanate directly from undercover policing, regrettably, the Inquiry does not feel that there are any further realistic or proportionate steps that can be taken to obtain it.

### *Red Lion Square*

19. In contrast, the Inquiry did not consider that a similar investigative need to seek non-SDS reporting arose in respect of the events at Red Lion Square on 15<sup>th</sup> June 1974. Although SDS officers recall attending the event at which Kevin Gately died, the Inquiry has been able to obtain more detailed contemporaneous evidence and has heard (and will hear further) witness evidence from differing perspectives, regarding comparable events at which there was significant public disorder during this period, such as the 'Battle of Lewisham'. As the Inquiry cannot comprehensively investigate police reporting on *all* such incidents in similar detail for the reasons given above, the Inquiry has focused on particular public incidents for which contemporaneous evidence relating to undercover policing still exists and/or touch upon wider issues relevant to the Inquiry's work or particular core participant(s).

### *Special Branch Threat Assessments*

20. The Inquiry does consider that prominent events at which public disorder occurred are of interest to the issue of justification for the continuation of the SDS more generally. Accordingly, as part of the Inquiry's Module 2(b) investigations, attempts to obtain those Special Branch threat assessments concerning such events which are still in existence remain on-going.

### **Publication of Manager Signatures**

21. The majority of signatures within police documents in Tranche 1 relate to those of SDS or Special Branch managers receiving reporting or other documents emanating from the SDS. The publication, gisting or complete redaction of manager signatures on contemporaneous documents published by the Inquiry will normally be determined by whether the signature can be confidently identified, and if so, the anonymity position of the person concerned and whether they are still living.

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22. If the signature cannot be identified<sup>22</sup>, the Inquiry's normal practice was to redact it on privacy grounds if the person concerned was below the rank of Chief Superintendent. The Inquiry considered that unknown people above that rank have no reasonable expectation of privacy given their senior role, and, in any event, signatures above that rank normally were identifiable. If the signature appeared frequently or on multiple documents and/or the Inquiry considered that an investigative need may arise to identify the person concerned, a Temporary Nominal was allocated to the signature (to allow it to be identified) and was gisted over it where it appears<sup>23</sup>.
23. If the signature could be identified, and the manager concerned *is* subject to an anonymity order over their real name, the signature was redacted to protect the anonymity order and the nominal was gisted over the signature where it appears.
24. If the signature could be identified, and the manager concerned *is not* subject to an anonymity order over their real name, publication or gisting depended on whether the person was still alive. If so, the Inquiry's practice was to redact the signature on a privacy basis and to gist the person's name over so that they can be identified. If not, the signature was to be published unredacted as no privacy issues arose<sup>24</sup>.

### Disclosure within Tranche 1 to Non-State Core Participants

25. As outlined within the Restriction Order Protocol<sup>25</sup>, and for reasons of practicality, the Inquiry will generally undertake disclosure to non-state core participants ('NSCPs') at the point in time at which they are asked to provide evidence to the Inquiry and subject at least to redaction for reason of public interest. For the purposes of Tranche 1, this therefore encompasses all NSCPs who have been asked to give evidence within it<sup>26</sup>.
26. It has also proved necessary for some disclosure to be provided to NSCPs *not* asked to give evidence within Tranche 1<sup>27</sup>. Such disclosure has been made subject to the

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<sup>22</sup> The signatures of all Tranche 1 SDS UCOs and managers can normally be identified. It was the Inquiry's experience that problems with identification largely arose in respect of Special Branch managers who were *outside* the SDS.

<sup>23</sup> These appear as 'TNXX' on the face of the document. See paragraph 30 of T1 Disclosure Note.

<sup>24</sup> To aid identification of signatures of managers to be considered in Phase 3, the Inquiry will provide a document with examples of the signatures of the SDS managers who remain unredacted for this reason.

<sup>25</sup> Paragraphs 39-40.

<sup>26</sup> With the exception of Lindsay German. Due to the late stage at which she was designated a core participant, disclosure was limited to Tranche 1 for reasons of practical necessity.

<sup>27</sup> Paragraph 43 Restriction Order Protocol.<sup>28</sup> Thus, distinct from NSCPs asked to give evidence in Tranche 1 mentioned above.

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caveats within paragraph 33(i) of the T1 Disclosure Note and solely in respect of those documents within the Inquiry's possession which name a NSCP and relate to the Tranche 1 time period<sup>28</sup>. Further necessary disclosure to such NSCPs will be considered in subsequent tranches.

27. The Inquiry has also made similar disclosure for the same purpose to some people who are named in documents who are not NSCPs, and in respect of whom the circumstances envisioned in paragraph 47 of the Restriction Order Protocol apply.

### **Phase 3 Hearing Bundle**

28. The Tranche 1 Phase 3 hearing bundle will largely follow the structure of previous bundles and will consist of 9 tabs:

i. *Tab A – Open-Source Documents*

This contains public documents from the Tranche 1 era which provide further context to the period, such a press reporting of the VSC October Demonstration and the 'Battle of Lewisham'. Documents in this tab also concern ministerial meetings, relevant to Module 2(b) and (c) of the Inquiry's investigations, and an extract from a dissertation by Diane Langford referred to in the course of the Phase 2 hearings.

ii. *Tab B – Special Branch Annual Reports (1970-1983)*

These reports were prepared on behalf the Commissioner and summarised the work of Special Branch over the preceding year. As these documents relate to wider, not just undercover, policing, the Inquiry has taken a proportionate approach to their publication. Extracts of interest have therefore been provided for all years other than the report for 1979, which has been provided in full, subject to redaction for reason of public interest and privacy.

iii. *Tab C – Special Branch Management and Security Service Documents*

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<sup>28</sup> Thus, distinct from NSCPs asked to give evidence in Tranche 1 mentioned above.



## UNDERCOVER POLICING INQUIRY

Documents within this tab originate from a police file concerning interaction between Special Branch management and the Security Service. This file was provided by the MPS in its entirety and the Inquiry has published all documents of relevance found within it.

### iv. *Tab D – Home Office Documents*

This tab includes documents which did not necessarily originate from the Home Office but were identified from their disclosure provided to the Inquiry. Documents of interest include a circular issued by the Security Service concerning ‘subversive activities in schools’ and documents relating to internal discussions within the Home Office concerning Special Branch involvement with Trade Unions and a proposed revision to the Special Branch Terms of Reference<sup>29</sup>. Some gaps are apparent within these documents, but as they are largely relevant to Module 2(b) and (c), the Inquiry’s investigations in respect of them remain on-going.

### v. *Tab E – Police Regulations and General Orders*

This contains some internal police regulations which were in force during the Tranche 1 era. The documents within this tab are substantially incomplete as many of the applicable police rules were no longer available. Extracts which pertain to policing issues relevant to Tranche 1 (e.g. public order) have been published from the available documents.

### vi. *Tab F – Civilian Witness Statements and Documents*

This tab contains witness statements received from and documents relating to seven civilian witnesses<sup>30</sup> who were affected by the SDS or otherwise provide evidence relevant to events falling within Tranche 1.

### vii. *Tab G – Manager Witness Statements and Documents*

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<sup>29</sup> UCPI0000004459, published in the Phase 1 bundle.

<sup>30</sup> One of whom (‘Madeleine’) gave evidence in Phase 2 and has provided a supplementary statement.

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This section contains witness statements from former managers received by the Inquiry in response to requests for evidence. Also included are documents which the Inquiry considers are relevant and necessary to the manager concerned (paragraph 3 above). Where no witness statement has been obtained by the Inquiry because the manager is unable to give evidence, documents relevant to that manager's period within the SDS are published.

viii. *Tab H - Further UCO Reporting and Associated Documents*

This tab contains further reporting and some other documents not previously published, which predominately originate from Tranche 1 UCOs and are relevant to their deployments and/or NSCPs. A table of UCO attribution (as far as it is known) has been provided to assist comprehension of these documents.

ix. *Tab I – Phase 4 Closed Officer Evidence*

This contains five transcripts of evidence given by closed officers along with unattributed excerpts from their evidence.

29. The Inquiry has also published a Tranche 1 timeline along with a separate explanatory note.

**Counsel to the Inquiry**

**14 April 2022**