

IN THE UNDERCOVER POLICING INQUIRY

OPENING STATEMENT FOR TRANCHE ONE PHASE THREE (‘T1P3’) ON BEHALF OF THE CO-OPERATING GROUP OF NPSCPS

A. INTRODUCTION

1. This opening statement is made on behalf of all the co-operating non-police non-state core participants (‘NPSCPs’). It supplements the statements that have been made directly on behalf of individuals and groups by their instructed lawyers and the first and second opening statements made by the non-state co-operating group at the start of the evidence in Tranche 1 Phase 1 (‘T1P1’) and Tranche 1 Phase 2 (‘T1P2’).¹
2. The NPSCPs once again express their concern in relation to the significant delay to the progress of this Public Inquiry. There has been a gap of twelve months since the T1P2 hearings and the NPSCPs understand that Tranche 2 (‘T2’) will not take place before 2024. The Inquiry has still not set out a clear timetable for all future hearings. The Undercover Police Officers (‘UCOs’) are of advancing age. This is particularly so in relation to the managers who are to be heard in Tranche 1 Phase 3 (T1P3), some of whom will also have evidence to give in later Tranches. The Inquiry has already lost vital evidence due to delay and the passage of time, for example, HN67 ‘Alan Bond’ is now unwell and was unable to give evidence to the Inquiry in T2.² Further delay will simply result in more crucial evidence being lost. The NPSCPs deserve clarity on the future progression of this Inquiry and so demand that the Inquiry publishes a timetable for all future hearings, as a matter of urgency.

¹ T1P1-<https://www.ucpi.org.uk/publications/opening-statement-from-npnscp-group>;

T1P2-https://www.ucpi.org.uk/wp-content/uploads/2021/04/20210415_Opening-Statement-NPNSCP-AMENDED.pdf

² A significant loss given the very recently disclosed evidence in the T1P4 gist that HN67 received “*a bit of ribbing*” about fathering a child when undercover, potentially from Vincent Harvey, as they were close friends {MPS-0748061/37}. HN1668 Leslie Willingale was listed in T1P1 Provisional List but became too unwell to provide a statement and has since died. HN332 was also too unwell to provide a statement, Counsel to the Inquiry’s Second Addendum Disclosure Note Regarding Tranche 1 (‘T1’) dated 14 April 2022, fn 7 & 8

3. In T1P3, 24 managers have been identified by the Inquiry, with 13 witness statements having been taken. This does not include a number of officers who are either deceased or too unwell to provide a witness statement.³ The NPSCPs welcome the Chair's recent decision to hear oral evidence from HN3093 Roy Creamer. However, it is disappointing that there are still only 7 officers being called to give live oral evidence to this Inquiry in T1P3. It is clear from the written statements that have been disclosed that there are crucial questions that need to be asked of all the managers and administrators, as set out in more detail in the second part of this opening statement.
4. In terms of questioning managers who have an involvement in later Tranches, the NPSCPs accept that this Inquiry is not able to stray beyond 1982 in respect of all topics and for all managers, where disclosure is outstanding. However, there are some matters of central importance to this Inquiry which certain managers should be prepared to address in the T1P3 hearings. If this course is not taken, there is a significant risk that crucial evidence could be lost, given the age of witnesses and the dates of the next Tranches.

B. THE EVIDENCE

5. As the Inquiry moves into T1P3, the period 1968 – 1982, it will focus on the activities of the managers and administrators from the Special Demonstration Squad ('SDS').⁴ In T1P2, the Inquiry heard truly shocking evidence about UCOs operating an unjustifiable, unlawful, and profoundly anti-democratic system of surveillance that was fundamentally flawed. We have had a glimpse into a system that obviously violated fundamental rights and was contrary to basic policing principles, as set out in detail in the Category H T1P3 Opening Statement. The UCOs described how they produced huge volumes of disproportionate, irrelevant, deeply offensive, and intrusive reporting that had nothing to do with public order policing duties. This reporting was focussed only on groups on the political left wing, who represented no credible subversive threat. The UCOs could point to no managerial training beyond informal discussions in the safe house. There were no rules, no codes of conduct and no external oversight. In many instances, the UCOs engaged in abhorrent

³ HN68 'Sean Lynch' deceased has not been listed as a manager under T1P3 despite succeeding Trevor Butler in 1981. See above fn 2 for unwell and deceased managers.

⁴ SDS referred to for ease (in place of SOS)

behaviour unchecked by their managers. This included directing targeted groups, involvement in crimes, extensive surveillance of children and justice campaigns, blacklisting/vetting, using the identities of deceased children and engaging in inappropriate, harmful personal and sexual relationships.

6. The managers are now in the spotlight. The witness statements disclosed in this Inquiry contain a litany of denials and an apparent unwillingness to accept responsibility or admit knowledge on key decision making and events. The managers appear reluctant to give a full and honest explanation of why things went so badly wrong within the SDS in the T1 era, and beyond. Why on earth, in 2022, would witnesses to this Public Inquiry not be willing to tell the full unvarnished truth, the NPSCPs ask? Are the managers seeking to protect their professional reputation or do they still feel a sense of misguided loyalty to the Metropolitan Police Service ('MPS'), reinforced by their decades of experience of not breaking rank and protecting the institution at all costs? If this is the case, it is a deeply misplaced sentiment. As the witnesses in T1P3 will no doubt be aware, the last twelve months have seen the public once again demanding answers from the MPS following the exposure of appalling acts of racism, misogyny, and corruption. This is an institution which has been found to be institutionally racist, institutionally corrupt⁵ and marred by a culture of toxic masculinity, misogyny, and sexual harassment.⁶

7. The public and the NPSCPs are still demanding and expecting answers. The NPSCPs can see from the T1P2/3 disclosure that the SDS' managers always emphasised their robust management of UCOs, when seeking a renewal of funding from the Home Office.⁷ If this is correct, the managers, as former senior police officers appointed to serve the public, have a duty to explain in a full and honest manner why it was that abhorrent practices went on under their watch? These practices echo the abhorrent behaviour exposed in the MPS in the last twelve months. Why was it that the managers presided over an unlawful system of policing that so obviously violated fundamental rights and was contrary to basic policing principles? Did the managers conceal these practices from their political masters or

⁵ The Report of the Daniel Morgan Independent Panel, June 2021, https://www.danielmorganpanel.independent.gov.uk/wp-content/uploads/2021/06/CCS0220047602-001_Daniel_Morgan_Inquiry_Web_Accessible.pdf

⁶ Operation Hotton, Learning Report 1 February 2022

⁷ MPS-0730099/4; MPS-0728964/10

was it – as the NPSCPs suspect - that the cover-up went to the highest political level?

8. It is therefore central to the Inquiry's remit to obtain an understanding of the political knowledge of the SDS and the extent to which direction and targeting came from outside of the SDS. There is a wealth of evidence demonstrating that senior Home Office officials knew about the SDS – after all they approved the funding and often acted as the communications link between the Security Service ('SYS'/MI5) and the Home Office.⁸ However, the yearly decision to allow the SDS to continue to operate would clearly not have been theirs alone. These were political decisions. This Inquiry must establish who in the senior political hierarchy was controlling and directing SDS targeting and who beyond the Home Office civil servants ultimately signed off the funding for the SDS, and for what purpose? What motivated the alliances formed by the SDS with its customers⁹ and why, for example, did the funding for the SDS increase rapidly during this era, at a time when public disorder was on the wane?¹⁰ The Inquiry should not forget the admission by Witness Z on behalf of the Security Service, that the pressure to investigate so called subversive organisations, "*often came from the Prime Minister and Whitehall*".¹¹

Terms of reference, regulation, and the impact of secrecy

9. Uncovering the true nature of the shadowy political oversight of the SDS by the MPSB, the Home Office and SYS/MI5 is crucial. The evidence disclosed in Tranche 1 reveals that the Home Office knew at the time that SDS activities - for SYS/MI5 in

⁸ Sir Robert Armstrong UCPI0000004437; Sir James Waddell UCPI0000034700/4 & UCPI0000034699/4; RJ Andrew UCPI0000034697, UCPI0000004715/1 & UCPI0000004437/1; David Heaton UCPI0000004715/5 & UCPI0000004437. James Waddell was present at the initial meetings between the HO, MPS and on occasion MI5 in 1967/68 when coverage of the Anti-Vietnam Demonstration was being discussed. Waddell signed all the letters authorising funding for the SDS from 1968-1975 onwards. James Waddell and Robert Armstrong were connected to the Home Office 'Subversion at Home Committee' and 'Subversion in Public Life Group' with the former sitting on the committee. As Deputy Secretary to the Home Office he managed day-to-day liaison with MI5 and the Home Office <https://research.edgehill.ac.uk/en/studentTheses/thatchers-culture-of-conformity-the-disintegration-of-partystate-> By 1986 we know that Armstrong was chairing the 'Subversion at Home Committee' ('SAHC') <https://www.documentcloud.org/documents/6386177-CAB-301-485> Both Waddell and his successor Robert Armstrong, who signed the funding letter in 1976 and 1977, were the civil servants responsible for MI5 {UCPI0000034284} & Wright, Spycatcher, p348. Civil servant Michael Partridge signed off an SDS authorisation letter in 1984 {MPS-0730903/1} and sat on the 1987-89 SAHC. <https://discovery.nationalarchives.gov.uk/details/r/C16747871> CAB 301/486

⁹ Angus McIntosh, MPS-0747578/44, para 128

¹⁰ MPS-0730099/8

¹¹ UCPI0000034350/16

particular - were unlawful.¹² They also knew that if the SDS were exposed, it would result in a political scandal¹³ and significant embarrassment.¹⁴ As a result, from the outset, the political elite and senior MPSB police officers deliberately shrouded the SDS in secrecy and did everything they could to insulate it from external oversight. Undercover operations were conducted without clear guidance and robust terms of reference ('ToR') and there was no code of conduct or formal training. It was this secrecy that allowed the SDS managers in T1 to operate with such apparent complacency. Ultimately, it was this secrecy that allowed the abhorrent and unlawful practices of UCOs to flourish and thrive in the T1 era and beyond.

10. In terms of guidance to the MPSB/SDS, between 1969 – 1982, the only official high-level instructions were to be found in the 1967 *Responsibilities of Special Branch*¹⁵ and the 1970 *Home Office Terms of Reference for Special Branch*.¹⁶ However, the 1970 ToR was known by the Home Office and the MPS to be a woefully inadequate and vague document, with a problematic definition of subversion and no clear role assigned to the MPSB.¹⁷ The 1972 definition of subversion did not contain the reference to unlawful activity that featured in Lord Denning's 1969 definition,¹⁸ as set out in detail in the T1P3 Opening statement made on behalf of Lindsey German, Richard Chessum and Mary. The MPS 1970 ToR never contained a reference to unlawful. In 1978, Robin Cook MP commented in parliament on the 1972 amendment stating, "[Lord Harris'] definition of subversion does not turn on any reference to unlawful. It is in no way restricted to unlawful activities. It is, therefore, an invitation to the police forces that police this concept of subversion to stick their nose into any form of political or industrial activity."¹⁹

11. In the latest T1P3 disclosure, there is a clear paper trail which shows that, as early as 1974, concerns were being raised at the highest political level about the politicisation of the police and the illegitimate surveillance activities of the MPSB. Members of

¹² UCPI0000004437/7; UCPI0000004715/4, para 11(a)

¹³ UCPI0000031258/2; MPS-0728980, para 14; MPS-0728985, para 7

¹⁴ Letters HO to MPS dated 6 June 1969 & 21 December 1970 {MPS0724109 & MPS0724130}; letters MPS to HO dated 22 March 1974 & 18 February 1975 {MPS0730906 & MPS0730906}

¹⁵ UCPI0000030040

¹⁶ UCPI0000004459/2

¹⁷ NB the 1969 and 1970 ToR were supplemented by two circulars from the Security Service, one in May 1974 concerning subversive activities in industrial disputes and one in December 1975 concerning with Subversion in schools {UCPI0000034697}

¹⁸ UCPI00000034250/4, statement of "Witness Z", para 13

¹⁹ <https://parliamentarian/historic-hansard/commons/1978/apr/06/subversion-definition>

Parliament ('MPs') actively raised concerns with the Home Secretary and demanded better public scrutiny of MPSB covert surveillance activities.²⁰ However, these MPs appeared to know nothing about the activities of the SDS.

12. The paper trail then continued. The Robin Cook MP debates of 1977/78 forced the Home Office to begin the slow process of revising the MPSB ToR.²¹ As part of this process Her Majesty's Chief Inspectorate of Constabulary ('HMCIC') raised concerns to the Home Office that, "*the Security Service sought more information from Special Branches than they really needed*".²² The Home Office also knew that some senior police officers in the MPS had been questioning whether there was any lawful justification for their work for SYS/MI5.²³ As early as 1974, Commander Gilbert told the SYS/MI5 that, "*the SDS did a tremendous amount of work for the [SYS] and.... that for the most part work done for us [SYS] had little or no relevance to SB's proper charter and as far as he was concerned it tied up staff, of which he was chronically short anyway, in totally unproductive activity*".²⁴ The Chair will recall that some officers in T1P2, such as HN126 'Paul Gray', spent significant amounts of time reporting the intimate personal details of school children. It now appears this information was most likely collected for the SYS/MI5 who, in 1975, specifically asked for the MPSB to look out for extensive data on school children, teachers and members of governing bodies promoting subversion.²⁵ It seems that Commander Gilbert's concerns were not heeded by the policing / security establishment.

13. The lengths to which the SDS would go to conduct unlawful surveillance work for SYS/MI5 is typified by their targeting of the Workers Revolutionary Party ('WRP').²⁶ The WRP was a political party that sought to bring about radical economic reform. It stood candidates in the 1974 general election and the Inquiry has been provided with that manifesto. The WRP was well recognised by the SDS as not using violence and not a threat to public order.²⁷ It was clearly not a subversive organisation. However, it

²⁰ Note of a meeting between the Home Secretary and certain members of Parliament on Special Branch Activities, dated 23 June 1974, UCPI000034700

²¹ UCPI0000004715

²² UCPI0000004719/1

²³ UCPI0000004437/6, para 16

²⁴ UCPI0000030051/1, para 3

²⁵ UCPI00000034698/1

²⁶ The WRP were identified as a group of interest to the Security Services at a meeting on 13.11.73 with HN294 (the sociality labour league - precursor to WRP), UCPI0000030049

²⁷ MPS-0741115/3, Special Branch Annual Report 1973 (p11): '*The declared aim of the new organisation was to become a broad-based revolutionary party with mass appeal which would be clearly recognised as a viable*

was nevertheless targeted by HN298 'Mike Scott' - who attended the WRP education centre, White Meadows, contrary to the wishes of DAC Gilbert and HN3030 'Peter Collins'.²⁸ Despite the lack of a public order threat and lawful activity, the SDS were nonetheless prepared to continue to target the WRP on behalf of SYS/MI5. In 1979, DCI Mike Ferguson, then a senior SDS officer, stated in response to a Security Service request for coverage of the Workers Revolutionary Party that, "*although the WRP was not considered to be a law and order problem, nevertheless he was ready to put a source into the WRP if this would legitimately act as a stepping stone for penetration of an SDS target*".²⁹

14. The lack of lawful justification for this type of SDS work for SYS/MI5 was well understood by the Home Office, who can be seen commenting in 1980 that the 1970 ToR did not, "*provide Ministers or chief officers with a water-tight basis on which to justify the work of police officers in investigating and recording the activities of subversives*".³⁰ However, despite knowing that they were presiding over a system of unlawful state surveillance, it appears that in 1979/1980 – on the recommendation of the head of the MPSB Deputy Assistant Commissioner Robert P Bryan - an early redraft of the MPSB ToR was shelved on the grounds that, "*it might stimulate more questions than it answered*".³¹ The Inquiry is presented with clear evidence of senior members of the MPSB seeking to cover-up and perpetuate the unlawful activities of the MPSB, which was typified by the SDS.

15. In terms of external oversight of the SDS, Home Office communications to Sir Brian Cubbon, the then Permanent Under-Secretary of State at the Home Office, noted that "*HMCIC proposed that there should be a systematic, planned inspection of all headquarters, Special Branch units and selected port units. However, on further consideration it was thought that some chief officers might resist such an*

alternative to the Labour Party. ...there is no reason to suppose that these moves will lead to any sudden upsurge of militancy likely to present a public order problem'; Special Branch Annual Report 1981 (p9): '*The [WRP] remains a well-organised and affluent Trotskyist organisation with the largest paper membership of a group of its kind in the [UK]. ...The Party organised only two minor demonstrations in 1981 and is not considered to be a threat to public order*'.

²⁸ A Home Office Paper written in 1980 describes this as: "Raid on the Workers' Revolutionary Party Training Centre on the advice of the Security Service, but much against the advice of the Metropolitan Police Special Branch (1975)

²⁹ UCPI0000028835/1, para (b)

³⁰ UCPI0000004437/7, para 21; see also Home Office Consultation on the Special Branch terms of reference in 1980, UCPI0000004715/4, para 11(a)

³¹ UCPI0000004715/3, para 8

approach".³² It now seems that there was never any external oversight of the SDS or MPSB during this era and beyond. It would appear that this was a decision known about and sanctioned at the highest political level within the Home Office. The Inquiry is here presented with clear evidence of Home Office complicity in covering-up and insulating from external scrutiny the unlawful activities of the MPSB, as typified by the SDS. The NPSCPs ask the Inquiry to investigate whether HMCIC ever came to learn about the existence of the SDS and if not why?

16. Who else was controlling and influencing the oversight and regulation of the MPSB and the SDS, the NPSCPs ask? Evidence has also emerged that in 1980 it was SYS/MI5 that had a decisive hand in preventing the publication of a new MPSB ToR.³³ This gives the Inquiry an insight into the extent to which SYS/MI5 exercised control over the MPSB. However, the decisive factor in closing the door on any form of regulatory framework or revised ToR appears to have been the election of Margaret Thatcher in 1979. Mrs. Thatcher is noted as not sharing her "*predecessors' disquiet about the work of Special Branches*".³⁴

SDS rules and training

17. It was not just the political elite and MPSB hierarchy that resisted clear rules and guidance on undercover policing and surveillance. Whilst the architect of the SDS, Chief Inspector Conrad Dixon, authored the first guidance on the SDS in his '*Penetration of Extremist Groups*' dated 26 November 1968, this document seemingly remained buried.³⁵ This paper ran almost parallel with the Home Office Circular 97/1969 entitled, '*Informants who take part in crime*'³⁶. One would think that these documents would provide important early guidance to the SDS. It seems, however, that they were ignored. Most importantly, these documents suggested that deployments should last no longer than twelve months, in recognition of the stresses of undercover life - unless there were special circumstances. Dixon also directed that members should not "*take office in a group, chair meetings, draft leaflets, speak in public or initiate activity*". However, these apparent rules were immediately broken,

³² UCPI0000004715/3

³³ UCPI0000004437/5, para 14

³⁴ UCPI0000004715/5 para 14

³⁵ MPS-0724119 Penetration of Extremist Organisations Appendix B

³⁶ MPS-0727104

including by Dixon himself. Dixon, along with his fellow UCOs, not only voted in meetings but either Dixon or HN329 also penned an article for “Red Camden”.³⁷

18. The administrator HN3095 William Furner who, significantly, is not being called to give evidence in T1P3, characterises Dixon as having a “*very loose reign*” (*sic*), whilst another manager, Riby Wilson, describes him as being “*very free and easy*”.³⁸ Did this approach become the blueprint for the SDS, the NPSCPs ask?
19. Even in the early days, the deployments lasted significantly longer than Dixon himself considered appropriate. We can see that HN68 ‘Sean Lynch’ was in the field from 1968 to 1973. By the mid 1970s, HN200 ‘Roger Harris’ was deployed from 1974-77, commenting “*I was not told how long I would be in the SDS. ... I feel that the first year you find your feet, the middle year is the most effective, and in the third year there is a danger you could become careless or overconfident. For example, when I was nearing the end of my deployment, I signed one of my personal cheques in my cover name. I knew the person serving me at the bank and so it was not a problem, but it made me think it was time to stop working undercover*”.³⁹
20. By the mid-1970s, the accepted duration became a standardised four years.⁴⁰ HN304 ‘Graham Coates’ (1976-79), HN354 Vincent Harvey (1976-79), HN80 ‘Colin Clark’ (1977-82), HN106 ‘Barry Tompkins’ (1979-83) and HN155 ‘Phil Cooper’ (1979-84); all of these UCOs have indicated that they were told or expected their deployment to last around four years, in the words of HN80, to get the return on the investment.⁴¹ According to HN304, “*I was told that my deployment would be 4 years. I was told that this was the perfect length because it would take 12 months to become properly efficient, but if the deployment was more than 4 years I would either burn out or become so stressed that I would be ineffective*”.⁴²
21. The four-year deployment remained in place into the 1980s, with the 1982 SDS Annual Report also noting that a tour of duty in the SDS was “*normally a maximum of*

³⁷ UCPI000007701/9, see also T1P1 transcript day 9, 12/11/2020 {page 30:18 -24}

³⁸ MPS-0747104/11

³⁹ MPS-0740968/10, para 40

⁴⁰ MPS-0728964

⁴¹ UCPI000003362/13, para 37

⁴² MPS-0742282

four years.”⁴³ The NPSCPs want to understand whether there was a positive and considered managerial decision to extend all deployments well beyond twelve months and, if so, by whom? Were any risks taken into consideration or were the UCOs simply allowed to drift on without robust management and clear guidance? ⁴⁴

22. The length of deployments is a significant consideration. It is not rocket science that the longer a UCO is deployed, the greater chance there is of collateral intrusion, the development of close personal ties, sexual and intimate relationships, misconduct and abuse of power and trust.

23. The extent to which managers knew about the risk of UCOs engaging in sexual relationships when undercover is both highly sensitive and contentious. Roy Creamer says in his witness statement that, “*I would give them fatherly advice like not taking drugs, not getting involved with mischief and, not getting illnesses*”.⁴⁵ Mischief and illnesses are, curiously, not defined. Managers clearly decided that married UCOs were preferable for deployments. Very few are willing to admit, however, that this was an attempt to guard against sexual activity when undercover. It is of note that David Bicknell – a manager who oversaw the SDS move to S Squad in 1974 – states “*the reason married men were favoured is because it was considered that there would be less temptation for them to enter into inappropriate relationships with women. The maximum that an officer was allowed to be a ‘hairy’ was two years, this was considered an absolute rule.*”⁴⁶ If there was an absolute two-year rule, why was it so blatantly broken? Did the managers simply ignore the obvious risks, knowing what the inevitable consequences might be, particularly regarding inappropriate relationships?

24. In terms of training, the UCOs who gave evidence in T1P1 and P2 have told this Inquiry that the early guidance documents referred to above were not shown to them by managers, but some did seem to know from their basic police training that they should not commit crimes or have relationships when undercover. In the very early years of the SDS, Roy Creamer and Conrad Dixon had significant knowledge of left-

⁴³ MPS-0730904

⁴⁴ NB MPS-0724121 Dixon foresees longer deployments: “*This experience has enabled us to obtain a very fair idea of the basic requirements for a long-term operation of this type involving penetration in depth of these organisations*”

⁴⁵ MPS-0747215/6

⁴⁶ MPS-0726608/4

wing politics and would provide political briefings. However, apart from some time in the back-office, UCOs reported having no, or very scant, training. There was certainly no training for UCOs about not actively participating in groups, what intelligence to collect, and privacy concerns. Some UCOs have given evidence in closed hearings, in Tranche 1 Phase 4 ('T1P4'). These officers have reported the existence of a large, possibly black, loose-leaf folder with notations from previous officers on tradecraft.⁴⁷ Why have all the UCOs who have already given evidence in the open hearings not referred to this folder, the NPSCPs ask?

25. This Inquiry must, we say, look at the basic police training given to all UCOs whilst attending police staff college at Bramshill. Police officers must surely have received basic training on legal principles and professional conduct, such as: the lawfulness of entering a private property without a search warrant, engaging in sexual relationships whilst on duty, participating in crimes and the basic principles of democratic policing, as enshrined by Robert Peel in the nine Peelian principles.⁴⁸ If so, how did UCOs and indeed any of the managers, reconcile this training with the undemocratic and illegitimate system of undercover policing they encountered when they joined the SDS?

26. It is also important for the Inquiry to explore how managers themselves were trained. All the witness statements to date note that managers did not receive any training other than learning on the job, however, some managers previously worked in either B Squad or C Squad.⁴⁹ It will be important for the Inquiry to understand how prior management and police experience in the wider MPSB influenced the policing tactics developed by the SDS. Separately, how did inexperienced managers such as Derek Brice and Geoffrey Craft, neither of whom had ever worked undercover in the SDS, learn about tradecraft. Did they also read the black loose-leaf folder in the back office?

27. The evidence to be heard from managers in T1P3 on training and the evolution of tradecraft is of particular importance to the bereaved families of deceased children, whose identities were used by the SDS. This is the period when this practice began and the evidence from the managers is highly relevant to how that practice came to

⁴⁷ HN21, MPS-0748062/2; HN109 MPS-0748064/2

⁴⁸ Category H Opening Statement T1P3

⁴⁹ e.g. Trevor Butler, Barry Moss

be normalised within the SDS, leading to its adoption as a tactic by the National Public Order Intelligence Unit (NPOIU). The theft of the identities of deceased children was an immoral and unlawful practice that set the tone for a unit that operated outside the usual legal and moral strictures of policing.

Empire building, funding, and justification for the SDS

28. The NPSCPs do not accept that the MPS' public order explanation could ever justify and render lawful the activities of the SDS. Without prejudice to that view, it is also clear that the public order justifications put forward on behalf of the MPS/MPSB/SDS do not stand up to scrutiny. The figures published by Stephen Taylor QC in January 2015, show the SDS budget allocation from the Home Office rose significantly from £3,000 in 1969 to £8,600 in 1975/76 and to £30,000 in 1982/83.⁵⁰ However, within the vast quantity of undercover reporting before this Inquiry, there is very little evidence of reporting relevant to public disorder, the apparent *raison d'être* of the SDS. The overwhelming majority of UCO surveillance and reporting disclosed to date focused on organisations that had absolutely no ability to be genuinely subversive and, as already established, this surveillance was known to be unlawful. Certain managers in T1P3 seek to explain the lack of public order reporting by focusing on the fact that disclosure for this Inquiry was largely obtained from the SYS/MI5, and that there are significant amounts of missing documents on SDS public order policing.⁵¹ This is simply not credible. There is little evidence within the T1 disclosure to support managers' assertions that the SDS was successful in public order policing.
29. The documents disclosed for T1 show that, for a large part of the era under consideration by this Inquiry, public disorder was on the wane. The memorandum of 19 March 1976, prepared for the 1975 SDS Annual Report by Chief Inspector Derek Kneale, notes that, "*there has, over the past years, been a decline in the disorders associated with political demonstrations*". This Annual Report states that the biggest demonstration in 1975 had been organised by the National Abortion Campaign, which attracted 15/20,000 supporters, but it was noted that, "*although this was a very emotive issue, there was no disorder*".⁵²

⁵⁰ *Investigation into links between Special Demonstration Squad and Home Office*, Stephen Taylor QC, dated January 2015, Page 20

⁵¹ MPS-0747658/11, para 32

⁵² MPS-0730099/8

30. The 1976 Annual Report, authored by Chief Inspector Geoffrey Craft, seeks to justify the continuation of the SDS not because it predicted and prevented significant public disorder in the previous year, but rather the exact opposite. The SDS had saved police time and numbers by showing that there was no threat to public disorder from planned demonstrations. Geoffrey Craft boasts to the Home Office that this proved that “*demonstration assessment has been turned into a fine art*”.⁵³ Establishing that there was no risk of public disorder to save police resources does not justify the gross and unlawful infringement of rights and the invasion of privacy perpetuated by SDS.
31. The targeting of the WRP by the SDS provides a perfect example of how far the SDS had drifted further into unlawful and shadowy work that posed no threat to public order.
32. How can managers giving evidence to this Inquiry be so sure that the SDS was making a positive and important contribution to public order policing during this T1 era? Is there any evidence that they were qualitatively assessing the usefulness of SDS reporting from a public order perspective? Is there any evidence that they sought and obtained feedback from their clients in public order divisions? The answer can only be ‘no’.
33. It is clear from the managers’ evidence to date that they are seeking to distance themselves from having any responsibility for assessing or questioning the qualitative value of undercover reporting. According to Barry Moss, who was a DCI in the SDS from 1980 – 1981, “*I did not assess the UCO reporting. The assessment of reporting requires a qualitative value. I would not be in a position to make a value assessment, and this would be a matter for the individual Squads who received the reporting...typical recipients of SDS intelligence were C Squad, the SB records (where the RF were kept), the Security Service and A8*”.⁵⁴ Angus McIntosh also emphasises, several times in his witness statement, that assessing the value and quality of intelligence was not part of his role. In short, he was not able to assess the intelligence as the information was *not* gathered for the SDS.⁵⁵ Geoffrey Craft

⁵³ MPS-0728980/5

⁵⁴ MPS/0747797/17, para 23(o)

⁵⁵ MPS-0747578

explains that *“the assessment of intelligence was done by C Squad. They produced the master assessment for upcoming demonstrations. They would word it as it was to go to the Uniformed Branch (A8). We never sent, and we did not often see these threat assessments. Similarly, they did not come back to us routinely for information... The SDS was the main contributor to the intelligence in these master assessments”*.⁵⁶

34. In terms of feedback, David Smith, the first office manager in the SDS between October 1970 and October 1974, does not recall ever getting any feedback from the recipients of the intelligence.⁵⁷ There is a rare document in the T1 disclosure from 1978, a memorandum from the then newly appointed Detective Chief Inspector of the SDS, HN135 ‘Michael Ferguson’, to the Detective Chief Superintendent of S Branch. This material is a defensive response to criticism apparently made by A Department’s Deputy Assistant Commissioner about the accuracy of SDS intelligence from an ANL Rally. The usefulness of the SDS to public order policing is best summed up by Roy Creamer when he states that, *“the idea that the SDS would find out and reveal plans was wishful thinking, I think”*.⁵⁸

35. In terms of MPSB institutional analysis of the SDS contribution to public order policing, the most significant attempt at a review in the T1 era occurred on 24 February 1976. This is when Commander Matt Roger tasked Chief Superintendent of S Squad, Rollo Watts, to set up a study group to assist in the forthcoming request for funding from the Home Office. Watts was asked to undertake a, *“complete review of the Squad...”* in light of the fact that, *“over the past 7 years, however, this form of political activity by minority extremist groups has dwindled considerably and with the exception of Red Lion Square conflict in 1974 and possibly one or two other incidents of deliberate confrontation, upsurges in violence on the streets have become less and less frequent”*.⁵⁹ Three questions were posed, one of which was, *“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?”*⁶⁰

⁵⁶ MPS-0747446/1, para 38

⁵⁷ MPS-0747443/14, para 29

⁵⁸ MPS-0747215/7, para 14

⁵⁹ MPS-0730658/1

⁶⁰ *Ibid*

36. Chief Superintendents R. Wilson, HN332 Chief Inspector Derek Kneale and Detective Inspector Geoffrey Craft, were all part of the group under Watts. In his report back, Watts vigorously made the case for the continuation of the SDS. However, what is notable is that his report does not answer the question posed above on how much SDS work was dominated by SYS/MI5. What is both clear and significant, however, is an emphasis by Watts on the importance of SDS intelligence for SYS.⁶¹ Watts dodged the public order question because no doubt he well understood that the vast majority of what the SDS was doing was deeply problematic and unjustifiable surveillance for SYS/MI5. This was a lost opportunity for senior managers to give an honest appraisal of the utility, justification, and indeed lawfulness of the SDS, and to face up to the precise extent to which their role had become dominated by intelligence collection for SYS/MI5.
37. The SDS managers insist that the SDS benefitted and improved the MPSB's attitude to public order policing. However, this also does not stand up to scrutiny. The significant public order events of this era, namely, Red Lion Square, Southall, and Lewisham were not pre-empted or policed successfully because of the work conducted by the SDS. The demonstration at Southall was undoubtedly a catastrophic failure of MPSB policing, which resulted in the death of the teacher, Blair Peach. HN41, who gave evidence in the secret hearings in T1P4, spoke of "*disastrous mistakes*" in the public order planning for Southall and that, "*there was a perception that the public order branch weren't perhaps as receptive to some of our ideas as we thought they might have been. That was the impression I got from the management because the Met, with [redact] and then with Southall, had had sort of significant problems that perhaps they needn't have had*".⁶²
38. The left wing and campaign groups the SDS targeted were an inevitable reaction to injustices in society, not the cause of 'public disorder'. The failure of the SDS operations at Red Lion Square, Southall, and Lewisham was the failure to recognise that the fundamental cause of 'public disorder' at such events was public revulsion against fascist mobilisations, and the police being seen to be protecting them.
39. The managers were ultimately responsible for the quality, accuracy and relevance of the reporting produced by the UCOs, whom they managed. There is evidence to

⁶¹ MPS-0730745

⁶² MPS-0748063/6

suggest that some managers were aware of this and either tailored the reporting or turned a blind eye to irrelevant reporting. Roy Creamer comments in his witness statement that, “*Conrad Dixon and I would discuss the information and I would then draft what I thought we should say in the report. I would put into words what I knew he ought to be saying. I was like Radar from M*A*S*H*”.⁶³ The reference to Radar from M*A*S*H is both significant and telling.

40. Derek Butler commented that this type of SDS deployment resulted in UCOs becoming embedded for long periods when there was no scope for public order reporting and hence, “*sub-consciously at least they felt obliged to ‘earn their keep’ by turning in reports on membership, start points for further enquiries and the internal dynamics of their group. This may have occasionally included gossip or irrelevance.*”⁶⁴
41. Despite appreciating that UCOs were reporting gossip and irrelevance, the managers giving evidence in T1 did not, by their own admission, undertake robust qualitative analysis of SDS reporting. They did not assess its value and usefulness in the public order field or, indeed, in countering subversion. They did not see the threat assessments produced (if indeed any were produced from SDS reporting) and they did not obtain regular feedback. This underscores a significant and systemic flaw at the heart of the SDS. Managers did not conduct a detailed cost benefit analysis, weighing up the collateral damage that might be caused against the true value of the intelligence being obtained. As a result, they failed to consider the threat to freedom of speech and democratic principles posed by the SDS. These were obvious matters that were being raised in public, in Parliament, and went to the heart of the lawfulness and justification of the activities of the SDS. The NPSCPs want to know why these issues were not considered at the time? Why was there such a fundamental lack of critical thinking?
42. These are important questions, because it was the duty of managers to write in an honest way to the Home Secretary to request an extension of funding for the continuation of the SDS. As Geoffrey Craft states, “*the Annual Reports were directed to the Home Office and pointing out the value of the SDS in terms of public order and*

⁶³ MPS-0747216/16, para 39

⁶⁴ MPS-0747658/12, para 33

seeking continuation for another year".⁶⁵ In signing off the Annual Reports, and the accompanying memorandum, a manager, as a senior police officer, must have known that they were confirming the contents as accurate. The suggestion by Trevor Butler that his role was merely 'editorial'⁶⁶ is not only a staggering admission of managerial failure but also a blatant attempt to create distance from documents that are obviously flawed and misleading.

Targeting and justification

43. The Inquiry is tasked to answer several fundamental questions on the targeting of infiltrated groups. This is vital to understanding what went wrong and why. The Inquiry must establish who was responsible for selecting the groups or individuals to be targeted, who authorised the targeting and on what grounds? On the face of existing evidence, these were unlawful, ideologically motivated, and profoundly undemocratic political policing operations. There was no reasonable policing purpose proportionate to the levels of intrusion involved. The answers to the above questions on targeting should have formed the bedrock of any possible justification of the lawfulness or necessity of these operations. Vague or non-existent answers are therefore damning in themselves, and only serve to confirm what the evidence already suggests, that these operations were unjustified and unjustifiable violations of people's privacy and political rights, and that they were unlawful and unnecessary in a democratic society.
44. The evidence from UCOs paints a mixed picture on targeting. As the SDS evolved following the Grosvenor Square demonstrations, some UCOs stated that they were tasked to infiltrate specific groups, while others described largely having free rein and often drifted around left wing or anarchist groups, reporting on whatever or whoever they came across. In terms of public order, the managers suggest that they were not fully responsible for targeting decisions. Both Barry Moss and Geoffrey Craft suggest that targeting came from C Squad – with references to daily discussions between the Commander of Operations and his operational Chief Superintendents.⁶⁷ The managers within the SDS did influence and control targeting to some extent. For example, Barry Moss admits that on his arrival he considered that the "*unit was a bit*

⁶⁵ MPS-0747446/27, para 68

⁶⁶ MPS-0747658/20, para 71

⁶⁷ MPS-0747446/28, para 69

heavy on the SWP and so when HN19 was recruited he was deployed to RCP and the Communist Party of Great Britain Marxist -Leninist".⁶⁸ However, what the managers are unified on is that direction to the SDS on targeting was coming from much more senior levels within the MPSB and the MPS. The managers must now explain what they know about political direction in SDS targeting decisions. This is particularly important to Category E - Trade unions and trade union members.

45. In terms of the targeting of so called 'subversives', we can see that this targeting direction clearly came from SYS/MI5. The NPSCPs invite the Inquiry to explore with the managers whether they shared the concerns of Commander Gilbert. Did managers query whether it was in fact lawful and appropriate in a democratic society for police officers to target groups and individuals engaged in *lawful* activities?⁶⁹ We know that Barry Moss, for example, accepts that whilst he was undercover, he did not ever witness anything that was subversive.⁷⁰ This echoes the evidence of many of the other UCOs who have already given evidence to this Inquiry. It then begs the obvious question as to why the SDS continued in its unlawful surveillance of lawful democratic activities and why more questions weren't asked?

Welfare and supervision

46. As this Inquiry has already heard, the T1 era marks the emergence of inappropriate and abhorrent behaviour by UCOs, whilst they were being actively managed and where managers were visiting the safe houses approximately twice a week. It is shocking to the NPSCPs that all of the managers who are due to give oral evidence in T1P3 (and those who have provided written statements for this phase) deny having any knowledge of both inappropriate sexual relationships and any of the deeply sexist and misogynistic banter that it is now clear took place in the safe house, when managers were present.⁷¹ This is particularly so in light of the evidence that has recently emerged from the T1P4 secret hearings, where UCOs also talk about sexist banter and joking about sexual conquests when undercover. Unfortunately, the NPSCPs could not explore this evidence further as it was given in secret.

⁶⁸ MPS-0747797/30, para 44

⁶⁹ UCPI0000004715/4, para 11(a)

⁷⁰ MPS-0740354

⁷¹ HN304 witness statement MPS0742282/43 and T1P2 transcript of evidence

47. The managers are at pains to point out that their primary duty was the welfare of the UCOs. This was recognised as a vital function, given the unique stress of undercover work.⁷² Almost every SDS Annual Report to the Home Office emphasises the close supervision of officers and managerial attention to their welfare. The 1975 SDS Annual Report, signed off by Chief Inspector Derek Kneale states, “*Over the past eight years since the inception of the SDS, security has been of paramount importance, not only to prevent embarrassment to the Commissioner should any leakage of our activities occur, but also to protect the field officers themselves. This is achieved primarily through supervision, and it is probably true that no other unit of police officers is so regularly or so strongly supervised.*”⁷³ The 1978 Annual Report signed off by Detective Chief Inspector Mike Ferguson states, “*it will readily be appreciated therefore that although the field officers work is by definition totally unsupervised, there is constant contact with their immediate supervisors which leads to very close monitoring of an extremely delicate operation.*”⁷⁴

48. It is shocking for the NPSCPs that, despite the evidence this Inquiry has already heard, Geoffrey Craft still maintains in his witness statement that, “*I do not think any police officers were more carefully monitored than this lot*”.⁷⁵ Despite this bold assertion, Geoffrey Craft and Angus MacIntosh both deny knowing that HN297 Rick Clark and HN300 ‘Jim Pickford’ engaged in sexual relationships with activists, with the latter falling in love and leaving his wife⁷⁶. We know from the gisted evidence disclosed in preparation for the secret hearings in T1P4 that an UCO reports Geoffrey Craft specially advising against sexual relationships stating, “*it would be beyond stupid, and cause all sorts of problems*”.⁷⁷ This Inquiry must get to the bottom of the managers’ attitudes to sexual relationships and pin down exactly what is meant by “*all sorts of problems*”. The judgment of the Investigatory Powers Tribunal (IPT) in the case of *Kate Wilson v Commissioner of the Metropolis and National Police Chiefs Council (NPCC)* [2021] UKIPTrib IPT 11 167 H specifically concluded that violations of Article 3 ECHR (and miscarriages of justice) were

⁷² MPS-0724119

⁷³ MPS-0730099/4

⁷⁴ MPS-0728964/10

⁷⁵ MPS-0747446/48 paragraph 113

⁷⁶ Angus Mcintosh MPS-0747578/47 paragraph 135; Geoffrey Craft MPS-0747446/43 & 50

⁷⁷ MPS-0748061/38, see also UCPI0000034307, para 19

ignored because managers put first the maintaining of the secrecy of the undercover operation and ensuring a continuation of funding.⁷⁸

49. The NPSCPs have also recently learnt that Rick Clark had a reputation for being “*a bit of a lad*”, which included “*womanising*”. However, again the NPSCPs discover in the gisted material from the secret hearings in T1P4 that HN300 was “*a sexual predator*” and “*was confined to the office because he was an alcoholic*”.⁷⁹ An UCO in the secret hearings in T1P4 also clearly states that it was Angus McIntosh who dealt with HN300 falling in love when undercover.⁸⁰ This is conspicuously absent from Angus McIntosh’s witness statement.
50. Geoffrey Craft continues to claim no knowledge of the activities of HN13 ‘Barry Desmond Loader’, who was arrested twice in 1977 and 1978. The documents disclosed to date highlight other managers interfering in the court process, with an update being given to the Commissioner of the Metropolitan Police.⁸¹ It is simply inexplicable to suggest that such matters would be hidden from Geoffrey Craft, who was a DCI in the SDS.
51. This Inquiry must press the managers to explain these glaring contradictions in the evidence. Were managers deliberately overstating their monitoring and supervision of UCOs, or did they know what was going on and wilfully turn a blind eye? Or was it the case that they positively sanctioned such conduct to maximise the product for their “customers”?
52. Finally, a glaring omission in relation to welfare in the Annual Reports and witness evidence, is any suggestion that efforts were made to check and protect the welfare of those targeted and reported on, including any consideration for the welfare of the families of the deceased children whose identities were being used. As we can see from the T1P4 secret hearings, UCOs attended weddings and funerals of those being targeted, spent time in their private homes, and babysat young children when undercover.⁸²

⁷⁸ Paras 343 - 345

⁷⁹ MPS-0748061/44

⁸⁰ MPS-07408061/49

⁸¹ MPS-0526784/5

⁸² MPS-0748061/17

SDS annual reports

53. In terms of significant management failures and the accuracy and honesty of the SDS Annual reports, certain UCOs and deployments stand out. HN155 'Phil Cooper', was deployed between 1979 – January 1984, when the following managers were in post: Barry Moss, Mike Ferguson, Trevor Butler, Nigel David Short, HN68 'Sean Lynch', and HN45 'Dave Robertson'. HN155 infiltrated the Waltham Forest Anti-Nuclear Campaign ('WFANC'), the SWP, and the Right to Work Campaign (RTW). He gained two notable positions of responsibility - as a treasurer in the WFANC and then in the RTW. Reporting signed off by the manager Dave Short notes that in the RTW, Ernie Roberts MP was nominally the treasurer, while HN155 signed the cheques and controlled the account – a significant position of responsibility and control.⁸³
54. There came a time when managers realised that HN155 was a problematic officer. On 29 June 1982, it is recorded by SYS/MI5 that the managers HN68 'Sean Lynch' and Dave Short reported that there were serious doubts about the performance of HN155, that his "days were numbered" due to other "misdemeanours" and that he was soon to be withdrawn. Incidentally, it is in the same note that reference is made to HN106 'Barry Tompkins' having bedded [blank] – and been warned off by his bosses.⁸⁴ On 30 July 1982, HN68 'Sean Lynch' told the SYS/MI5 that, "*despite his misdemeanours, Cooper has not been withdrawn as an SDS source.*" There is a further reference in this document to the manager HN68 being, "*slightly worried by the case because Cooper's position in the Right to Work Movement gives him regular access to Ernie Roberts MP and meetings at the House of Commons*".⁸⁵ It is clear that HN68 'Sean Lynch' was in fact really concerned about the lawfulness of HN155's actions. It seems that he understood the potential scandal that would erupt in Parliament, if it came to light that the MPSB/SDS were conducting covert surveillance in close proximity to, and quite possibly on, an MP and in Parliament itself. SYS/ MI5 didn't appear to raise an eyebrow.⁸⁶ HN155 remained in post.

⁸³ UCPI0000018091/1

⁸⁴ UCPI0000027446/1

⁸⁵ UCPI0000027515/1, 30 July 1982

⁸⁶ Ernie Roberts MP – elected in 1972 - had a registry file the numbering of which (RF402/61/1619) suggesting he was a person of interest to MPSB since 1961 and his file remained open after he was elected as it is reference in MPS-0728759/6

55. HN155 initially admitted to a risk assessor that he had engaged in two, three or possibly more sexual relationships when undercover,⁸⁷ but he then later denied this.⁸⁸ Julia Poynter – a witness to this Inquiry – met HN155 in WFANC. Julia refers to HN155 regularly getting stoned and, on one occasion, being so inebriated he fell off his chair and broke it.⁸⁹ HN155 said in a risk assessment interview that he “*lived a full alternative life*.”⁹⁰ In a medical interview on 12 November 2020, HN155 admitted that he was a “*heavy drinker during UC deployment years with occasional drug taking as ‘part of the scene’*.”⁹¹ UCO drug taking is also referenced in the T1P4 closed officer gist.⁹² UCO drug taking will feature in Tranche 2.
56. Trevor Butler signed off the 1979 and 1981 Annual Reports to the Home Office. In both reports he was at great pains to emphasise the close supervision that he and his fellow managers exercised over all UCOs, stating in the 1979 Annual Report that, “*the nature of the delicate and difficult duty performed by SDS operational officers renders it imperative that close supervision and attention to welfare are continuously maintained*”.⁹³ The 1981 Annual Report (written in 1982, by Trevor Butler) also stressed on the issue of welfare that, “*the close supervision exercised is essential*”.⁹⁴
57. The RTW March occupies 7 lines in the 1981 SDS Annual Report and is described as the SWPs ‘*noteworthy adventure*’.⁹⁵ There is no reference to public disorder and indeed we know that the march itself – in which HN155 played a key role – was not even considered a public order risk by manager Barry Moss.⁹⁶ The events were of such limited importance that they did not even feature in the 1981 MPSB Annual Report. What is conspicuous by its absence in the 1981 SDS Annual Report is any mention of HN155 acting as treasurer alongside an elected MP, that HN155 was drinking to excess, drug taking, and having sexual relationships when undercover. There is also no mention that HN106 was bedding a woman, which was tarnishing his intelligence. Why is it that the Home Office was not being told about this UCO

⁸⁷ MPS-0746378; MPS-0747533

⁸⁸ MPS-047546/33-35

⁸⁹ UCPI0000034801/11, para 38

⁹⁰ MPS-0746378/4

⁹¹ UCPI0000034361/1

⁹² MPS-0748061/18

⁹³ MPS-0728963/9

⁹⁴ MPS-0728985/6

⁹⁵ MPS-0728985/9, para 18

⁹⁶ UCPI0000014264 “*this part of the project is not seen as a great threat to public order*” – report signed off by Barry Moss

activity by Trevor Butler? Was it because Trevor Butler knew he was the one who had placed HN155 into the RTW Campaign?⁹⁷

Racism

58. In the T1 era, and beyond, the SDS/MPSB were fixed in their own deeply politicised, racist, and misogynistic narratives which saw public order as inextricably linked to organised groups on the left. The MPSB/SDS seemed incapable of appreciating that, in a democratic society, citizens could campaign against injustice and demand social change on matters of social and public importance, such as racism, without being subversive. This is classically exemplified by the comments of Rollo Watts, recorded on 15 October 1976, where he told SYS/MI5 *“that there has been a build-up of racial tension in Brixton and the MPSB are undertaking a study of the problem to commence in Brixton and one of its most important aspects was to discover to what extent left-wing extremists were influencing the coloured population in this area.”*⁹⁸

59. The review section of the 1981 SDS Annual Report clearly shows that 1981 was a deeply unsuccessful year for the SDS – they were focussed on peaceful marches and rallies on wage poverty and the Campaign for Nuclear Disarmament. The Brixton Riots in April 1981 were amongst the most significant public order events of the period. They were not caused by left wing campaign groups but were spontaneous and uncoordinated uprisings against racist policing. This was not understood or honestly reflected upon by the SDS in their 1981 Annual Report, despite the findings of the Scarman Inquiry.⁹⁹ The SDS seemed incapable of honestly appraising the roots and cause of public disorder in the T1 era.

Misogyny

60. In the same way that racism and political bias undermined the MPSB/SDS response to popular protests in Brixton, there were parallels in the way in which women were perceived and treated. It is clear that a pernicious culture of misogyny contributed to highly inappropriate policing decisions affecting women. The NPSCPs know that,

⁹⁷ UCPI0000028840

⁹⁸ MPS-0735776/2

⁹⁹ Lord Scarman in The Brixton Disorders 10-12 April 1981 {Cmnd.8427, November 1981}

from the evidence disclosed to date, the SDS considered it was appropriate to target women campaigning around reproductive rights and fair pay, which were deemed to be "subversive". Managers thought nothing of belittling these women in sexist and derogatory ways, such as the comment that "*500 women, many patently emotionally unstable and quite paranoically opposed to men,*" attended The Women's Liberation spring conference.¹⁰⁰ Throughout this time, there is strong evidence to suggest that managers repeatedly either condoned or turned a blind eye to increasingly frequent incidents of inappropriate sexual behaviour by their officers, as well as misogynistic banter. The fact that such banter was considered harmless and not worthy of managerial challenge is evidence itself of deep-seated institutional misogyny. This managerial attitude is perfectly illustrated by the following comment in the witness statement of HN368 Richard Walker, who, on sexist safe house banter stated, "*men who say things about women don't always mean it, or follow through with what they say.*"¹⁰¹

61. Ironically, managers and indeed the MPSB hierarchy were more than willing to keep an extremely close eye on some UCO relationships with women but, it seems, only when it suited their interests. When the MPSB received an anonymous letter about UCO HN126 'Paul Gray' having a sexual relationship with another police officer in police accommodation, Barry Moss paid a visit to the wife of HN126 'Paul Gray'. Barry Moss subsequently described the wife as a "*strong woman and not in need of any welfare support*"¹⁰² which may give the Inquiry an indication of the tone of the meeting. The wife's handwriting was obtained and sent for analysis. This outcome (which was that she probably wrote the anonymous letter) was presented to her by Barry Moss.¹⁰³ Presumably, the objective was to intimidate her into remaining silent about the concerns she had about the sexual activity of her husband, HN126 'Paul Gray'. Concerns which, it seems, were not investigated.

62. It is telling that managers and the MPSB senior hierarchy thought it appropriate and lawful to use police resources in such an illegitimate and corrupt manner to cover-up potential UCO misdeeds, rather than consider the substance of the allegations that were being made – i.e., serious police misconduct. It seems that protecting the SDS

¹⁰⁰ MPS-0747796/2 paragraph 122, 1972 SDS Annual Report

¹⁰¹ MPS-0747527/45

¹⁰² MPS-0747797/15, para 23 (l)

¹⁰³ MPS-0726912/7

took precedence over all other considerations. It seems that no action was off limits, no matter how unlawful.

63. The NPSCPs draw a parallel here between the unlawful use of police resources against an innocent woman to protect the SDS and the approach taken by the SDS management to justice campaigns also considered to pose a threat to the MPSB/SDS – such as the Friends of Blair Peach Committee and the Stephen Lawrence campaign.
64. Managers justified the use of the identities of deceased children with reference to the fact that they thought that the families of such children would never find out or know. This is also another example illustrative of a pervasive belief within the SDS that no one would ever find out about their operations. It gave UCOs licence to act unchecked and outside the parameters of the law.

Blacklisting

65. The Chair will recall the comments made on behalf of the Metropolitan Police Service ('MPS') in their opening statement for T1P2 on 'so called blacklisting organisations' and the upset that this caused amongst those NPSCPs, who have suffered so acutely as a result of blacklisting.¹⁰⁴ The latest disclosure in T1P3 sheds more light on blacklisting by the SYS/MI5 in government departments and certain public corporations (including the BBC) and firms (which have not been disclosed). The documents show the tension between the SYS/MI5 and MPSB on who controls the passing of intelligence / vetting, with SYS/MI5 indicating that the, "*Security Service is the normal channel for passing security information*".¹⁰⁵ In an emphatic response to the SYS/MI5 dated 10 November 1975, the MPSB makes clear that they will continue to pass security information, as the MPSB has built up contacts in the Civil Service, Armed Forces and other organisations which employ former police officers and with whom there exists a "*close and mutually profitable relationship*".¹⁰⁶ The MPSB were clear that they were going to continue facilitating blacklisting; the managers of the

¹⁰⁴ MPS opening statement T1P2 https://www.ucpi.org.uk/wp-content/uploads/2021/04/20210414_-Opening-Statement_MPS_CL-AMENDED.pdf

¹⁰⁵ MPS-0735755

¹⁰⁶ MPS-0735757

SDS now need to explain which of their intelligence was collected or used for this abhorrent and devastating purpose.

66. In terms of specific examples of blacklisting, we know that the SDS were tasked to spy on the WRP and, in particular, Roy Battersby. That 'intelligence' was provided to SYS/MI5 who were expressly given the task of collating files in order to vet those seeking posts in sensitive / government bodies, including the BBC.¹⁰⁷ Indeed, the BBC have confirmed and described this process.¹⁰⁸ As is clear from Roy Battersby's statement, there is clear evidence that, as a BAFTA winner, he was one of those blacklisted. He was, by no means, the only one.¹⁰⁹ This creates a very clear paper trail of blacklisting directly implicating the SDS. As Roy Battersby makes clear in his own statement, this practice was an attack on the democratic process (elections), privacy and freedom of political and artistic expression, in particular the plurality of voices and standpoints on our national broadcaster, the BBC.¹¹⁰

C. PROCEDURAL ISSUES

67. On behalf of the NPSCPs, the following procedural issues are raised in relation to delay, witness selection, questioning on later Tranches, Core Participant status, wider disclosure from the MPS (including full disclosure of the MPSB Annual reports) and closed hearings. In this published statement, the issues to be raised are set out in full but will be summarised in the oral statement.

Delay

68. The NPSCPs continue to remain extremely concerned about the delay that has bedevilled this Public Inquiry and call for the Inquiry to publish a timetable for all future hearings, as a matter of urgency.

¹⁰⁷ MPS-073575; MPS-0735757

¹⁰⁸ <https://www.bbc.com/news/ampstories/the-vetting-files/index.html>, The vetting files: How the BBC kept out 'subversives', 2018

¹⁰⁹ UCPI000003471/3, para 8

¹¹⁰ UCPI0000034741/44, para 152

Witness selection

69. As indicated above, it is of concern to the NPSCPs that the following managers and administrators are *not* being called to give evidence to this Inquiry: HN2152 Dick Scully, HN2401 Anthony Greenslade, HN308 Christopher Skey, HN3095/3969 William Furner, HN350 Paul Croyden, and HN368 Richard Walker. Given the number of officers who are now deceased, the NPSCPs fail to understand why the Inquiry would not want to take this opportunity to hear from all of the surviving managers and administrators who were involved in the SDS. No explanation has been given as to why a number of officers who have provided witness statements are 'Not required by (the) Chairman' to give oral evidence. There are important questions that the NPSCPs would like to ask all of these witnesses on crucial issues. These include management style, knowledge of inappropriate relationships, participation in crimes, directing or targeting, the utility of SDS work, the flow of intelligence, the role of SYS/MI5, and insights into important managers who are now deceased, such as HN135 Mike Ferguson. There are also questions to be raised about high-level political contact, including with the Home Secretary. HN3095 William Furner, for example, refers to meetings between Conrad Dixon and the Home Secretary.¹¹¹ A number of these officers also had important discussions with UCOs of particular interest to this Inquiry, such as HN2152 meeting HN106 'Barry Tompkins' at the safe house.¹¹²

Questioning on later tranches

70. The NPSCPs understand that the managers will not be questioned in T1P3 about matters falling after 1982. The NPSCPs are concerned about a blanket approach to questioning being taken in relation to managers who went on to hold very senior positions, and who have potentially relevant evidence to give on issues of central importance to this Public Inquiry. As the Chair will be aware, Barry Moss gave evidence to Mark Ellison QC on his state of knowledge of the dissemination of N81's undercover intelligence to DI Walton. Barry Moss denied having detailed knowledge of the operational side of the SDS when he was the Head of Special Branch, at the time of the Stephen Lawrence Public Inquiry:

¹¹¹ MPS-0747104/19

¹¹² MPS-0747155/16

*“As part of the process of notifying individuals who may be the subject of direct or implied criticism, we wrote to Barry Moss, who confirmed to us that he was the Head of Special Branch at the time of the Public Inquiry **but emphasised that he had little detailed knowledge of the operational side of the SDS.** As regards the dissemination of N81’s undercover intelligence to DI Walton, he said: “I had no knowledge of any meeting between DI Walton and any member of the SDS... My permission for this meeting was not requested, nor was I told about it after the event... had my permission for this meeting been sought, it would not have been given, and I would have brought the matter to the attention of my senior officer, AC Veness... I agree with your comments that ‘there was no proper justification for intelligence... regarding the Lawrence family... being provided to an MPS officer working on the MPS case to be presented to the Inquiry... I was not aware of any SDS deployment close to the Lawrence family... or any suggestion that any disclosure regarding SDS deployment should be made to Sir William Macpherson.’ (Our emphasis).”¹¹³*

71. The Chair will no doubt appreciate the questions that Duwayne Brooks OBE and the family of Stephen Lawrence would ask to be put to Barry Moss on this deeply sensitive and important issue. It would be extremely unfortunate if the Inquiry lost the opportunity to question Barry Moss on this discrete topic due to delay and the passage of time.

Core Participant status

72. The NPSCPs request that the Inquiry keep under review all of the decisions to refuse Core Participant status. This is particularly important now that further disclosure has been made. In particular, given the impact on the WRP and the matters raised in this opening statement, it is disappointing that they have not been granted CP status. As Liz Leicester states in her witness statement, *“I feel that we have been caught in a ‘catch22’. We have not been allowed access to all relevant SB material because we have not been designated as ‘core participants’ (‘CP’s) and the Inquiry has not sought out that material because we were not CPs.”¹¹⁴*

¹¹³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/293108/SLIndepReviewVol1.pdf, p.223

¹¹⁴ UCPI0000034740, para 116

Wider disclosure from the MPS (including full disclosure of the MPSB Annual reports)

73. The witness statements of certain managers indicate that documentation relevant to this Inquiry's understanding of the public order aspect of SDS policing lies outside the SDS, namely in the respective Squads who used and relied on UCO reporting, in particular C Squad and A8.¹¹⁵ The Chair will be aware that the NPSCPs raised the issues of missing threat assessments and risk assessments in the T1P2 opening statement.¹¹⁶ The Chair will also recall references in the Designated Lawyers Opening Statement for T1P1 on R Squad (Research and Administration) producing MPSB reviews, surveys and reports that may shed light on MPSB's fulfilment of its public order and threat assessment functions.¹¹⁷
74. The NPSCPs ask the Inquiry to seek clarity on what efforts have been made to obtain any analysis of public order threats relying in whole or in part on SDS reporting, including from outside the SDS, in the wider MPSB and from provincial police forces. Such documents are highly relevant to the issues that this Inquiry must determine. It is not sufficient to simply locate the threat assessments for certain major public order events.¹¹⁸ The NPSCPs request that the Inquiry obtains: (i) all relevant threat assessments created by C Squad and disseminated on Thursdays to A8¹¹⁹ including, but not limited, to the demonstrations of public order significance such as those that took place in Lewisham, Red Lion Square, and Southall; (ii) any minutes of the morning meetings between Commander MPSB and Chief Superintendents which set out the intelligence priorities, particularly for the SDS.¹²⁰
75. The NPSCPs welcome the Inquiry's recognition that evidence relevant to the SDS lies within the wider MPSB. The NPSCPs note the proposal to obtain witness statements from senior MPSB managers from outside of the SDS, who can give evidence about or connected to the dissemination of information reported by SDS officers.¹²¹ This is now essential in light of the evidence of the managers. Further clarity is sought on which senior officers will be approached. The NPSCPs submit

¹¹⁵ MPS-0730658/1

¹¹⁶ T1P2 NPSCP opening statement, para 11

¹¹⁷ T1P2-2 DL Lawyer opening statement, para 3.3.8

¹¹⁸ See Counsel to the Inquiry's Second Addendum Disclosure Note Regarding T1, 14 April 2022. para 20

¹¹⁹ MPS-0747443/10, para 18

¹²⁰ MPS-0747446, para 69

¹²¹ Preliminary DRAFT Module 2b Issues List Special Demonstration Squad, 19 April 2022

that all Chief Superintendents and Superintendents within C Squad, who had responsibility for dissemination of SDS intelligence should be identified, including those currently referred to by 'TN' nominals. The NPSCPs do not accept that anonymity for these officers is appropriate, given their level of seniority.

76. Richard Scully addresses, in his written statement, the monitoring of the 'ordinary special branch files' and the end user of the reporting. He states that, "*I think files had review dates on them and they would be sent to governors for review to decide what to do with them. The files were constantly monitored.*"¹²² The NPSCPs ask the Inquiry to identify who was monitoring the MPSB/registry files and to identify whether such reviews fed into the justification for targeting. Individuals should be properly identified by name and asked to provide witness statements. There were, for example, several visits by A Division to the SDS in this era.¹²³ The NPSCPs query, furthermore, whether the Inquiry looked more widely into the MPSB records for evidence of any feedback to the SDS.

77. The Inquiry has disclosed the MPSB's Annual Reports, however, only one has been provided in full. The MPSB's Annual Reports are fundamentally important documents containing highly relevant evidence for the Inquiry. For all of the reasons set out above, the NPSCPs assert that the Inquiry cannot divorce itself from an exploration of the broader MPSB perspective. The reports provide a vital historical perspective to policing in this era and should be disclosed in full. It is understood that the reason this has not already been done is related to the Inquiry's resources. However, it cannot be disproportionate to disclose relevant material. The NPSCPs request full disclosure of these documents (subject only to redactions under the Restriction Order Protocol) as a matter of urgency.

Tranche 1 Phase 4 (T1P4) secret hearings

78. Shortly before submission of opening statements, the NPSCPs were provided with disclosure of some of the T1P4 evidence that was heard in closed session, which includes redacted transcripts and a composite thematic gisted document. As the

¹²² MPS-0747155/15, para 36

¹²³ HN126 'Paul Gray' describes a visit from Assistant Commissioner 'A' Division (John Mastel); visit from DAC 'A' Department 1983, SDS Annual Report {MPS-0730903/9} (The Police Almanacs mention DAC 'A' Ops George Rushbrook); meeting between DAC 'A' Ops, D. Helm, who oversaw A8, with some SDS UCOs following the Battle of Lewisham {MPS-0732885}

Inquiry will be aware, the NPSCPs have consistently expressed their deep concerns over the use of closed hearings in this Public Inquiry. Any departure from open justice must be exceptional and strictly justified. The NPSCPs are extremely concerned that closed hearings may come to dominate later Tranches, thus fundamentally undermining this Public Inquiry and further insulating the MPSB/SDS/NPOIU from public scrutiny. The NPSCPs have requested, on numerous occasions, that the Inquiry engage in a dialogue with the NPSCPs to establish a closed material protocol. The current approach to T1P4 evidence raises several concerns but, fundamentally, it is clear that the evidence heard in T1P4 went to the heart of why this Public Inquiry was set up. Hearing this evidence in secret, with limited redacted disclosure, merely allows the MPS to continue to avoid public scrutiny. The NPSCPs affected by the evidence have been prevented from applying to ask further questions of the closed officers. Further, there are significant concerns around the manner of the redactions. This is a matter that the NPSCPs wish to resolve with the Inquiry.

79. The NPSCPs will provide an Annex A to this T1P3 Opening Statement to set out the division of the various MPS unit sections, for ease of reference.

D. CONCLUDING OBSERVATIONS

80. The wrongdoing engaged in by the SDS was not an exception to an otherwise lawful and justified policing operation. Rather, the SDS, from its very inception, was unlawful, in contravention of basic policing principles and a threat to democracy. However, this was no accident. Mark Ellison QC and Operation Herne were right to suggest that the failures of SDS management were in part caused by secrecy and the lack of external scrutiny.¹²⁴ The SDS was not simply a rogue unit, operating in hiding and insulated from internal MPSB and Home Office scrutiny. The SDS was specifically designed to remain a secret from the public and from Parliament. It was only by remaining under a cloak of secrecy that the SDS could carry out the type of

¹²⁴*The Stephen Lawrence Independent Review - Possible corruption and the role of undercover policing in the Stephen Lawrence case - Volume One ('Mark Ellison QC Review') March 2014 "The operational details and authorisations of individual undercover deployments within the SDS were, it appears, kept firmly within the unit as part of maintaining total secrecy. The SDS adopted an ad hoc approach towards assessing the benefit potential to its customers, rather than conducting a detailed 'cost-benefit analysis' weighing up the collateral damage that might be caused against the true value of the intelligence being obtained"* assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/293108/SLIndepReviewVol1.pdf; Operation Herne Report 3 dated July 2014 at para, 1.1.

surveillance activities that were not, and are not, permitted in a democratic society. Other than a select few, many in the Home Office were simply not aware.¹²⁵ Those in power who did know, sanctioned the evolution of the SDS and took every opportunity, on behalf of the governments of the day, to ensure the SDS remained a secret.

81. The judgment of the Investigatory Powers Tribunal in *Wilson* puts beyond doubt that undercover policing operations of the SDS and later units violated fundamental human rights, including the right not to be subjected to inhuman and degrading treatment, the right to private and family life, and the rights to the freedoms of expression, assembly, and association. The NPSCPs endorse and adopt the opening statement made on behalf of Category H Core Participants for T1P3, which sets out the way in which SDS operations failed to comply with basic requirements of the common law, international human rights law and administrative law, and broke the public trust inherent in the Peelian policing principles.
82. Many of the managers giving evidence in T1P3 make reference to the fact that the SDS practices went on over fifty years ago and should be considered in their historical context. However, that is simply not correct. The illegitimate surveillance, political policing and abhorrent and unlawful tradecraft and misogyny which was allowed to become embedded in T1 (1968 - 1982), set the course for the future of undercover policing operations. These abhorrent practices survived and even flourished following legal reforms, such as the introduction of the Regulation of Investigatory Power Act 2000. This will be explored in later Tranches.
83. A fundamental purpose of this Inquiry is to identify why there was such a catastrophic failure of policing at the heart of British democracy and such identification must be rigorously pursued during the T1P3 hearings.
84. The NPSCPs and the public are demanding answers. These can only be obtained by a thorough and effective investigation in public, and with full disclosure. This Inquiry should not cut corners for reasons of political or financial expediency. This is the only way that the victims of unlawful state surveillance can achieve truth and justice and

¹²⁵ *Investigation into links between Special Demonstration Squad and Home Office*, Stephen Taylor QC, dated January 2015, Page 18, section 7 and MPS-0737347/9 HO knew the SDS was, “*something which had been allowed to drift on after having been set up for a specific purpose in 1968*” {1984}

the only way to ensure that these fundamental breaches of human rights never happen again.

**Kirsten Heaven
Garden Court Chambers**

25 April 2022