

OPENING STATEMENT ON BEHALF OF CATEGORY F CORE PARTICIPANTS

FRANCIS BENNETT AND HONOR ROBSON
FAITH MASON
MR LEWIS AND MRS LEWIS AND MS LEWIS
LIISA CROSSLAND AND MARK CROSSLAND
EMMA RICHARDSON
A CORE PARTICIPANT WHOSE RELATIVE'S IDENTITY WAS USED BY A FULLY ANONYMOUS
UNDERCOVER OFFICER

FOR THE TRANCHE 1 PHASE 3 EVIDENTIAL PHASE

Introduction

1. This statement is made on behalf of families who became aware that the identities of their deceased loved ones were appropriated for the purposes of constructing the cover identities of undercover police officers ("the Category F CPs"), specifically:
 - (a) Liisa Crossland and Mark Crossland, the bereaved stepmother and brother of Kevin John Crossland who died on 1 September 1966 at 5 years of age.
 - (b) Frank Bennett and Honor Robson, the bereaved brother and sister of Michael Hartley who died on 4 August 1968 at 18 years of age.
 - (c) Mr, Mrs and Ms Lewis the father, mother and sister of Anthony Lewis who died on 31 July 1968 at 7 years of age.
 - (d) Faith Mason, the bereaved mother of Neil Robin Martin who died on 15 October 1969 at 6 years of age.
 - (e) Emma Richardson the daughter of Barbara Shaw who was bereaved of her brother, Rod Richardson on 7 January 1973 when he was two days old. Emma and Rod's mother, Barbara Shaw sadly passed away on 12 May 2021.
 - (f) The [relative] of a child who died at [number] years of age and who has been required to participate in this Inquiry anonymously by reason of an order restricting the cover name of [an undercover officer]; the officer who appropriated the identity of their deceased [relative].

2. In their opening statements to Tranche 1 Phase 1 ("T1P1") of 6 November 2020 and Phase 2 ("T1P2") of 14 April 2021 the bereaved families spoke of the devastating loss of the children and the horror they suffered upon learning that their identities had been appropriated by undercover police officers. Those statements also addressed the moral abhorrence and illegality of that practice.
3. This stage of the Inquiry including the forthcoming Tranche 1 Phase 3 ("T1P3") is of particular importance to the bereaved families as the evidence from this period concerns how the practice of using the identities of dead children started and how it came to be normalised within the practices of the SDS leading to its adoption by the NPOIU. The Phase 3 evidence of the early managers, those in post between 1968 and 1982, is the most pertinent to the families' pursuit of information and accountability. The evidence that the Inquiry heard during T1P2 in April and May 2021 has further crystallised for the families the absence of *any* necessity for adopting or maintaining this practice and indeed for the very existence of the entire SDS operation. The Inquiry also heard, and the families have taken particular note, that some junior officers *did* appreciate the moral implications of what they were being required to do, and that they were both mindful of the possibility that families would come to learn of what was being done in their loved one's names and that their grief would thereby be compounded. That evidence provides an important context for the evidence that the Inquiry will hear from the managers over the coming days. The evidence of the most senior officers - retired Chief Superintendent Geoffrey Craft, retired Commander Barry Moss, retired Chief Superintendent Angus McIntosh and retired Chief Inspector Trevor Butler - is to similar effect: the Special Demonstration Squad ("SDS") was a secret operation, operating in isolation from and far beyond the moral and legal norms of policing; and they had every confidence that its secrets, including the immorality and illegality at the core of its practices, would remain secret.
4. The Category F CPs have previously observed that the practice of relying on the identities of their deceased children was antithetical to the policing by consent model which has been the mainstay of policing in this jurisdiction for two centuries.¹ These senior officers were fully cognisant of the centrality of the principle that the police derive their legitimacy from public approval of their existence, actions and behaviour and from their ability to secure and maintain public respect. It is a recurrent feature of the evidence offered by these senior officers that they saw no difficulty in pursuing practices that those most directly affected by them, and the public at large, would obviously condemn. The reality was then, as it is now, that the public

¹ Category F Opening Statement dated 14 April 2021, T1P2 at §51.

would not extend approval for the SDS operation and its practices and these senior officers either failed to consider that reality or dismissed such concerns out of hand. They were at all times confident in the belief that they would not be found out. That misplaced confidence - itself derived from the exceptional secrecy that was gifted to the SDS by the most senior echelons of the Metropolitan Police Service ("MPS") and beyond - was the cause of the base illegality that became the hallmark of the SDS. Confidence that no-one would ever know was an extraordinary foundation for the decision making of these senior police officers judged by the standards of any decade.

5. The Category F CPs addressed the illegality of the resort to the tactic of reliance upon the identity of their deceased children at §§47 - 57 of their Opening Statement dated 6 November 2020. In summary, the practice resulted in gross, repeated and long-standing unlawful interference with privacy rights at common law and the rights protected by Article 8 of the European Convention on Human Rights. As to the operation of the criminal law it is material that on 27 May 2021 the Crown Prosecution Service ("CPS") concluded that there was a realistic prospect of securing a conviction against an undercover officer, EN32, in respect of an offence contrary to section 36 of the Criminal Justice Act 1925 (that is, making an untrue statement for the purposes of procuring a passport). It will be recalled that EN32 appropriated the identity of Barbara Shaw's infant son, Rod Richardson. The CPS concluded, however, that such a prosecution would not be in the public interest because EN32's actions were in accordance with his training and the working practices of the NPOIU at the time. Those working practices were as the Inquiry is aware inherited from the SDS.
6. In addressing the operational justification for reliance upon the practice Mr Craft states in his witness statement of 23 February 2022, "*I prosecuted someone who had used this method to create passports for members of the KGB, so we knew it was a pretty secure method*". This statement, made with the benefit of hindsight, referencing the workings of a security agency of the Soviet military as a basis for operational confidence in the practice of relying upon the identities of dead children, is highly significant from the perspective of the Category F CPs. Mr Craft further observes that the establishment of the officers' undercover identity was "*the key issue and first matter to be done*²"; immorality and illegality was at the core of the arrangements for the officers' deployments, and it set the tone for what followed.

² Second witness statement of Geoffrey Craft at §30 {MPS0747446/13}.

Barbara Shaw

7. The Inquiry will recall that Barbara Shaw has been a central figure in the bereaved families' pursuit of information and accountability for a decade. It was she who recorded a formal complaint to the Metropolitan Police Service ("MPS") in 2013 concerning the use of her son's identity and she pursued several appeals challenging the MPS reliance upon the policy of neither confirm nor deny ("NCND"). Shortly after her death her family were informed that the Crown Prosecution Service ("CPS") had concluded, following processes protracted over some 8 years, that there was in fact evidence sufficient to justify a criminal prosecution of EN32, the officer who appropriated her son's identity, but that such a prosecution had not been judged to be in the public interest. This is a topic to which we return at §53 below.
8. It is of course highly regrettable that Mrs Shaw has not lived to hear even the Inquiry's Tranche 1 conclusions. The delay in the resolution of this Inquiry is continuing to cause significant distress to the remaining Category F CPs many of whom are also of advanced years. They have clung to the hope of answers only to have those answers elude them through the pace of the Inquiry's work. They seek answers within their lifetimes about why their loved one's identities were appropriated and the extent to which their personal lives were violated. In the meantime, we reiterate the Category F CPs' plea to the State CPs not to further delay the discharge of their duty of candour³ and invite them to volunteer the full truth without any ambiguity and without any economy as to that truth in their Opening Statements to T1P3.

The circumstances of the family in respect of whom there is an order restricting the cover name of [an undercover officer]

9. The Inquiry will be acutely aware of the circumstances of a family in respect of whom a Restriction Order relating to their own identity was imposed on [date]; some [time period] after they were notified on [date] that their loved one's identity had been appropriated by an undercover officer ("UCO"). The consequence of that Order is that the family may only participate in this Inquiry anonymously. The Restriction Order binds not only those family members who were informed but those with whom they shared the information in the [time period] prior to the imposition of the Order. In common with other restriction orders, breach would place this family and those from whom they have sought support in jeopardy of imprisonment, fines, and asset seizures. The family have been informed that *no* reasons for the

³ Category F CPs' Opening Statement dated 6 November 2020 at §58.

imposition of the Restriction Order can be extended to them.⁴ [REDACTED]

[REDACTED] As the Inquiry is fully aware, this family has suffered the traumatic early death of a much-loved child, related family traumas of the most extreme character and re-traumatisation in [year] when they learned that their loved one's identity was appropriated by [an undercover officer]. The Inquiry Team met with family members on 11 April 2022 and no-one in attendance at that meeting can have been left in any doubt as to the impact of this Inquiry - charged as it is with investigating the misuse the identity of their loved one – itself imposing restrictions over the family's identity. Against a backdrop of unspeakable trauma, the family feel degraded, humiliated, debased and silenced both in the public domain and in their personal relations. The family have been shut out from the opportunity to scrutinise whether even the process that resulted in the imposition of the restriction took proper account of the ongoing gross interference with *their* rights. By an email to the Inquiry Team of 13 April 2022, the family set out their requests; chief among them, at this stage, is reassurance that the minimum interference principle has been rigorously applied to every aspect of the Restriction Order that applies to them and the process which led to it.

10. As to the Inquiry's request that family members select their own ciphers, it is inevitably an extremely distressing experience for family members to select names which will obscure their identity and history. Their solicitors rightly wish to take absolute care to consider with them whether that exercise is itself too demeaning, too traumatising to justify its purpose.
11. It is a matter of note that the full circumstances of this family's experience cannot be addressed in this Opening Statement nor currently form any part of the Inquiry's considerations in open session. The Inquiry's consideration of Category F issues is inevitably impoverished in consequence. Nevertheless, the bare facts that it is possible to set out in open session exemplify the legal and moral repugnance of the SDS operational practice of relying upon the identities of dead children.
12. In this Statement we seek to identify the important issues that have emerged in the evidence to date by reference to the following topics:
 - (a) The transition to a practice of relying upon the identities of dead children.
 - (b) The management of identity creation.

⁴ [REDACTED]

- (c) Perspectives upon the practice.
- (d) Concluding observations.

The transition to a practice of relying upon the identities of dead children

Fictitious identities

13. The disclosure to date informs that officers deployed prior to 1974 relied upon fictitious identities.⁵ A partial exception was HN298/'Michael Scott' who derived his cover name from a birth certificate he accessed at Somerset House. This appears to have been an anomaly: it was an initiative of his own; he did not consider it relevant whether the person was alive or deceased relevant;⁶ he saw "*no reason*" to rely on the identity of a dead child;⁷ and UCOs who deployed contemporaneously did not follow his example.
14. The evidence of UCOs relying upon fictitious identities does not disclose operational imperatives for a change of tactic. Officers were able to obtain official documents relying upon fictitious identities: HN299/342/'Dave Hughes' and HN301/'Bob Stubbs' obtained driving licenses in their fictitious cover names.⁸ HN347/'Alex Sloan's evidence was that the availability of employment documents and a rent book were sufficient; not having a driving licence, library card or payslip had not presented any difficulty.⁹ The compromise of his identity was unrelated to the nature of his cover name. Conrad Dixon referred to the UCOs obtaining "*necessary papers*" long before the practice became to exploit the identities of the deceased.¹⁰
15. The Regional and National Crime Squads who deployed undercover officers from the 1960s until 1998 did so without reliance upon the identities of deceased children.¹¹

Identities based on dead children

16. The evidence establishes that many of the officers deployed between 1974 and 1982 relied upon the identities of dead children (the first of them appear to be HN351/'Jeff Slater',

⁵ Officer deployed between 1968 and 1971: HN218/Barry Moss, HN321, HN326, HN333, HN339, HN349, HN343, HN45/'Dave Robertson', HN299-342/'David Hughes', HN301/'Bob Stubbs', HN344/'Ian Cameron' and HN347/'Alex Sloan'.

⁶ {MPS-00746258/7} at §21.

⁷ {MPS-00746258/8} at §23.

⁸ {MPS-0745773/10} at §41; {MPS-0742600/33} at §99.

⁹ Transcript Day 5 T1P2, 27/04/21 at p 97.

¹⁰ Penetration of Extremist Groups by Conrad Dixon {MPS-0724119/6}

¹¹ NCA Opening Statement informed the inquiry that the NDA never had a policy of encouraging undercover officers to use identities of deceased children nor was one in place within the RCS, NCS or SOCA.

HN200/'Robert Harris' and HN353/Gary Roberts who were recruited in the Spring of 1974).¹² The position in respect of the majority of UCOs deployed between 1968 and 1982 remains unclear. We note that in their Opening Statement dated 28 October 2020 at §8.2.1, the Designated Lawyers ("The DL T1 Opening Statement") assert: "*Roughly half of the DL officers deployed undercover by the SDS used information from the birth certificates of children who had died in childhood when creating their cover identities. This was adopted as standard practice by the SDS from c. 1973 until computerisation of the registers made it unnecessary in the mid-1990s*". The evidential basis for dating the adoption of the practice from c. 1973 is unclear and is not revealed by the Tranche 1 disclosure to date. The Category F CPs have requested a statistical breakdown from the Inquiry.¹³

17. It is significant that although between 1974 and 1982 many officers deployed with the identities of dead children others continued the historical practice of reliance upon fictitious identities without a single known instance of their deployment being compromised in consequence.

Compromise and cover identities

18. The compromise of UCOs' cover in the early years of the SDS arose independently of their reliance upon fictitious or real identities: HN304/'Graham Coates' cover was compromised when he was stopped by police and "*foolishly told the officer my real name by mistake*" which conflicted with a driving licence in his cover name and which resulted in the immediate termination of his deployment;¹⁴ HN80/'Colin Clark's' cover was compromised when he was recognised by three members of the Social Workers' Party while he was off duty and in the company of his wife (which conflicted with his cover story)¹⁵; and it was HN354/'Vince Miller's' evidence that his undercover identity was tested "*all the time*" through being recognised by other officers.¹⁶
19. Richard Clarke (HN297/'Rick Gibson') was one of the first UCOs to deploy using a deceased child's identity when he deployed in 1974 and he was confronted by activists with the birth and death certificate of that child in 1976.¹⁷

¹² See also officers deployed between 1974 and 1978: HN12/Desmond/Barry Loader, HN200 Roger Harris, HN353/'Gary Roberts', HN304/'Graham Coates', HN96/'Michael James'.

¹³ Email from Bindman & Partners, 13 April 2022 at 13:13.

¹⁴ {MPS-0742282/38} at §128.

¹⁵ {UPCI0000033626/15} at §46.

¹⁶ Transcript Day 14 T1P2, 11 May 2021 at p 36 l 22 – p 37 l 10.

¹⁷ See for example, witness statement of David Bicknell {MPS-0726608}.

20. Contemporaneous UCOs admit to having been aware of this event including HN200/'Roger Harris',¹⁸ HN126/'Paul Gray',¹⁹ and HN21.²⁰ HN21's evidence also revealed appreciation of the risks within the SDS back office arising from the reliance upon real identities as he made reference to a "committee" of 2 or 3 individuals which assisted with the construction of his cover identity. HN21 has identified the individuals involved but this information has not been disclosed.²¹
21. It is also clear that the compromise of Rick Clarke's identity was reported to superior officers at the time.²² It came to be referenced in the Tradecraft Manual created many years later and must have been known within the SDS and Special Branch.²³ The reality, acknowledged by HN126/'Paul Gray', was that Rick Gibson alone bore the responsibility for the compromise of his cover.²⁴

Lack of explanation for the transition

22. The managerial priorities between 1968 and 1974 were stated to be the maintenance of a good cover story and address and maintaining distance from those whose conduct was being reported upon. Minute sheets dating from 1973 and 1974 set out reviews of SDS operations by senior officers including Acting Commander Watts through 1973 and 1974²⁵ and reflect confidence in the security arrangements of UCOs relying upon discipline in their conduct and close supervision but there is no suggestion that the reliance upon fictitious identities had proven problematic.
23. In July 1974, the governance of the SDS was transferred from C Squad to S Squad with the stated intention of increasing oversight through the allocation of a dedicated Chief Superintendent and Superintendent. Significant recruitment of UCOs occurred alongside those governance changes.²⁶ The change in the SDS practice in the creation of cover identities from fictitious to

¹⁸ Transcript Day 10 T1P2 5 May 2021 at p 158 l 19 – p 159 l 8.

¹⁹ Transcript of HN126 ('Paul Gray's) evidence Day15 T1P2 at p.54 l8 – l.21

²⁰ Transcript of HN21's evidence {MPS-0748062/6}.

²¹ HN21 {MPS-0748062/6-7}

²² Chief Superintendent Bicknell sent a memo to his superior officer informing him of the compromise and reassured him that both him and Superintendent Kneale were keeping a close eye on it. The compromise was considered to give rise to extreme safety concerns. HN304 {MPS-0742282/40} at §135

²³ {MPS-052759/8} and §3.2.8 at {/12} and §5.10 at {/27}.

²⁴ Transcript of HN126 ('Paul Gray's) evidence Day15 T1P2 at p.56 l.14 – p. 57 l. 7

²⁵ {MPS-0730219/22} 19 February 1973; {MPS-0730219/26} 11 March 1974; 18 March 1974 {MPS-0730219/26}

²⁶ {MPS-0728975/4}

real identities appears to have been contemporaneous with those events and related²⁷. The DL T1 Opening Statement asserts at §8.2.2 that reliance upon fictitious cover identities was “reviewed and abandoned after a number of undercover officers were compromised or ‘outed’” and at footnote 23 that the practice of relying upon the identities of dead children was formalised in c.1973. Again, the evidential basis for this assertion is unclear and is not revealed by the disclosure to date. The SDS Annual Reports following the transition reflect the same prioritisation that had been identified in previous years – discipline in operational conduct and supervision - but again, there is no reference to any concern arising from the prior practice of relying upon fictitious cover names.²⁸

24. The evidence of the first UCOs to rely upon the identities of dead children has not clarified the responsibility or reasons for the change of tactic. Rather it was their evidence that this was directed practice and one that they understood to be the convention.²⁹
25. Similarly, the managers’ statements do not reveal why there was a change in practice and/or who took responsibility for the change:
 - (a) HN357/David Bicknell Superintendent at the Special Branch who oversaw the SDS move from C Squad to S Squad over 4 – 6 months in 1974, said that the use of deceased children’s identities to create cover identities was already in place by this period. It is his account that the appropriation of deceased children’s identities “*was a practical solution to the problem which we faced in creating plausible identities. The birth certificate is the root document used in order to obtain other identity documents.*”³⁰
 - (b) Mr Craft states that by the time of his arrival in 1974 reliance upon the identity of a child who had died shortly after birth was the “*preferred method*” but that he did not know “*where the tactic ... began. It was the norm when I arrived on the SDS in 1974 ... I did not authorise the use of the practice.*”³¹

²⁷ The 1974 recruits HN353 Gary Roberts, HN 351 Jeff Slater, HN 200 Roger Harris relied upon the identities of dead children. The position of HN303 is unclear.

²⁸ See for example the 1976 SDS Annual Report {MPS-0728980/1} in which Geoffrey Craft/ HN34 states “*Security of the operation has rested always upon close supervision of officers as individuals and as a group, back up by ‘safe’ premises, in which meetings can take place, and the provision of the strongest possible cover backgrounds comparable with the modern computer age.*” And also, SDS Annual Report 1979 {MPS-0728963}; 1980 SDS Annual Report {MPS-0728962}.

²⁹ {MPS-0740332/5}; {MPS-0740413/3-5}; {MPS-0740968/6}

³⁰ {MPS-0726608/5}

³¹ {MPS-0747446/50}

- (c) HN 3378/Derek Brice who served as Detective Inspector within the SDS between January 1974 to October 1974 states that he had no awareness of the practice of relying upon the identity of deceased children and did not know what considerations were given to the adoption of that tactic.³²
- (d) Mr Moss, who was deployed as a UCO in 1968 relying upon a fictitious identity without incident³³ returned to the SDS as a Detective Chief Inspector and Number 2 to Mr Craft in 1980. It is his account that by that time reliance upon the identities of dead children was the conventional practice and, on his account, this was necessitated by the need to procure identity documents.³⁴
- (e) Mr McIntosh, a Detective Inspector within the SDS between 1976 and 1979 also stated that the practice had been established before his arrival and also justified the reliance by the need to procure identity documents: *"a UCO with no birth certificate or entry in the register of births would be vulnerable to compromise"*³⁵.
- (f) HN307/Trevor Butler, a Detective Inspector who succeeded Mr McIntosh and who served in the SDS between 1979 and 1981 states that at the time he had *"no idea that was how they established their cover identities, although I now believe that the tactic was firmly established by that time"*. He admits to tacit approval of the practice once he had become aware of it and believed it to be necessary for the UCOs protection and the protection of the SDS. He does not elaborate as to the basis for those beliefs³⁶.

Origins of the practice

26. At §14 of the Opening Statement for T1P1 of 6 November 2020 the Category F CPs considered the potential cultural and media origins of the practice. In T1P2 the Inquiry heard from HN126/'Paul Gray' who explained that they had *"all watched 'The Day of the Jackal' a couple of years earlier, when it came out, and that's how the identity was done in that. And obviously it had been adopted by the SDS"*³⁷ and he confirmed that it was his understanding that the idea of using the identity of a deceased person had sprung from that film; he considered this to be

³² {MPS-0747802/26}

³³ {MPS-0740354/7}

³⁴ { MPS-0747797/13}

³⁵ {MPS-0747578/55}

³⁶ {MPS-0747658/29}

³⁷ Day 15 T1P2, 12/05/21 p 53

the most likely explanation³⁸. Evidence in this phase from Mr Craft and Mr Moss supports the conclusion that the practice originated from the Frederick Forsyth book or film. Mr Craft offers that explanation.³⁹ Mr Moss states “*I would not be surprised if the person [who devised the tactic] took the idea from the book*”.⁴⁰

Issues for T1P3 that arise

27. The origins, responsibility, and operational drivers for the reliance upon the identities of dead remain obscure.
28. It strains credulity that no living witness can assist the Inquiry as to why in about 1974 there was a significant departure from the historical reliance upon fictitious cover identities; a tactic which had proven both effective and secure, which had not resulted in compromise, and which did not in itself offend societal norms or the fundamental principles of policing. The obvious conclusion is that the real driver was in fact publication of the novel, *The Day of the Jackal* in 1971⁴¹ or perhaps more significantly the release in cinemas of the movie in May 1973.⁴² There is certainly is a temporal relationship.
29. Two of the senior officers who give evidence in T1P3 *should* be able to assist the Inquiry’s conclusions as to origin. They are Mr Craft who led the SDS between 1974 and 1979 (and who oversaw the SDS as the dedicated Chief Superintendent within S squad between 1981 and 1983) and Mr Brice⁴³ who was responsible for supervising undercover officers during 1974.
30. The compromise of Rick Clarke’s cover was clearly a talking point within the SDS including among the managers of the unit. That event exposed the obvious risks associated with relying upon an identity in respect of which there existed a death certificate and similarly, the justification based upon the need to acquire identity documents is not born out by the evidence; HN304/‘Graham Coates’ deployment had to be terminated *because* he held a driving licence in his undercover identity and officers relying on fictitious identities were able to acquire identity documents. Former Chief Superintendent Angus McIntosh *should* be able to offer particular assistance to the Inquiry in its scrutiny of the SDS’ response to the compromise of Rick Clarke’s undercover identity and its aftermath including his response as a manager and the committee

³⁸ Ibid at p 56.

³⁹ {MPS-0747446/49}

⁴⁰ {MPS-0747578/55}

⁴¹ https://en.wikipedia.org/wiki/The_Day_of_the_Jackal

⁴² [https://en.wikipedia.org/wiki/The_Day_of_the_Jackal_\(film\)](https://en.wikipedia.org/wiki/The_Day_of_the_Jackal_(film))

⁴³ Mr Brice’s rank at the time of his retirement is not disclosed by his statement {MPS-0747802}.

that HN21 describes. Notably his statement is silent on the topic although he admits to an “*advisory role*” in the process of officers acquiring cover identities. More generally, the Category F CPs invite scrutiny of the extent to which the obvious and inherent risks of relying upon a real identity and the role that the UCOs were playing in their own compromise were considered by the early managers of the SDS.

31. The Category F CPs note that the Designated Lawyers Group’s submissions appear to rely upon a different evidential foundation to the disclosure extended by the Inquiry. That is a situation that we invite the Inquiry to remedy whether through provision of the statistical information the Category F CPs have requested or otherwise.

The management of identity creation

The UCOs perspective

32. The evidence of the deployed officers is clear that the creation of their cover identities was overseen by their managers and in many cases, managers actively assisted in or directed the steps to be taken. SDS officers were often placed in the back office for several months before their deployment during which time they were tasked with building a cover identity.
33. UCOs including HN200/“Roger Harris”⁴⁴ in their evidence described being instructed by senior managers to go to Somerset House to identify a child with an appropriate name and date of birth:
 - (a) A more experienced UCO would usually accompany them to show them the ropes.
 - (b) The UCO would start by looking in death registers for a child with an appropriate name and date of birth before looking for the birth certificate of the same child.
 - (c) Some were told to choose the identities of children who i) were of a similar age to them and ii) who were not too old when they died. Others opted to use the identities of children who were older when they died as they thought it would be harder for someone to check the death certificates as well as the birth certificate.⁴⁵

⁴⁴ Transcript Day 10 T1P2, 05/05/21 Evidence of HN200 p 155 | 6 – p 158 | 18.

⁴⁵ See for example, HN354/“Vince Miller”.

- (d) Officers used the name, date of birth and sometimes the locality of the child to form their cover identity. They used the birth certificate to obtain other official documents in that name.
- (e) Some officers researched the child's family by checking if they still lived at the address on the birth certificate. HN96/'Mike James' and HN304 'Graham Coates' visited the family's hometown.

SDS managers

- 34. Mr Craft describes an active role in the oversight of the invention, development and assessment of cover identities.⁴⁶ It is his evidence, consistent with the evidence that has been heard from the UCOs, that the back-office staff were also actively involved in discussions with the UCOs regarding the formulation of their cover names and undercover legends.⁴⁷
- 35. Mr Moss/ by contrast would have it that in his senior management roles within the SDS between 1980 and 1982, he had no involvement in the creation, development and assessment of SDS UCO cover identities.⁴⁸ Individual UCOs were in his words, *"left to work out their own cover identities."*⁴⁹
- 36. Mr McIntosh/HN244 took an advisory role in the process of identity creation but had no involvement in the assessment of the suitability of the approach taken by UCOs who on his account were instructed simply to *"devise their identity"*.⁵⁰
- 37. In keeping with the evidence of Mr Moss and Mr McIntosh, Mr Butler states, *"I had no role ... they found their own way just as they did when finding cover accommodation"*.⁵¹
- 38. The statements of the back-office administrators either do not address or deny any involvement in or knowledge of reliance upon real identities:

⁴⁶ {MPS-0747446/11}

⁴⁷ Ibid.

⁴⁸ {MPS-0747797/13}

⁴⁹ {MPS-0747797/13}

⁵⁰ {MPS-0747578/14}

⁵¹ {MPS-0747658/12}

- (a) Roy Creamer/HN3093, a Detective Sergeant in the back office between 1968 and 1969 states that he had no involvement in the creation of cover identities but has not addressed the role of others or the practice within the SDS at that time.⁵²
- (b) Anthony Greenslade/HN2401, a Detective Inspector in the back office between 1973 and 1974 and who retired from the Metropolitan Police Service in 1987 at the rank of Chief Superintendent states that he had no awareness of the practice of relying upon real identities and no involvement in identity creation or its management.⁵³ Although his service within the SDS appears to have coincided with the transition to reliance upon real identities, he does not address that transition nor express a view as to the drivers for or responsibility for that change.
- (c) Richard Walker/HN368 who served in the SDS between 1974 and 1978 as a Detective Sergeant performing a role equivalent to that of quartermaster explains that he was not involved in developing the approach of relying upon real identities. He states that *“people were already doing this at the time I started in the SDS.”*⁵⁴
- (d) David Smith/HN103,⁵⁵ a Sergeant discharging the first office manager role within the SDS back office between 1970 and 1974 does not offer any evidence as to the practice and his own role, if any, is unclear by reason of redaction.

39. Richard Scully/HN2152,⁵⁶ Christopher Skey/HN308,⁵⁷ Paul Croyden/HN350,⁵⁸ sergeants responsible for report collation in the period 1974 to 1982, state that they had no involvement in identity creation and their statements do not disclose whether they were aware of the practice nor express their opinions in relation to it. Similarly, William Furner/HN3095, a constable employed in the back office between 1968 and 1970, does not express a view save to state that he was not involved.⁵⁹

⁵² {MPS-0747215}

⁵³ {MPS-0747760/8}

⁵⁴ {MPS-0747527}

⁵⁵ {MPS-0747446/11}

⁵⁶ {MPS-0747155/16}

⁵⁷ {MPS-0747952/43}

⁵⁸ {MPS-0747192/9}

⁵⁹ {MPS-0747104/5}

40. Contemporaneous reports⁶⁰ indicate that at least in so far as the procedures were reported beyond the confines of the SDS itself, managers were playing close interest in the development of cover identities in recognition of this being critical to the security of the SDS operations.⁶¹ Mr Butler reported in 1979 that *"careful attention is paid to establishing the background of officers..."*⁶² and in the 1980 Report he stated: *"The security of the operation is an ever-present concern because a slip in this area could not only endanger the future of the Squad but could also cause embarrassment to the Commissioner. Supervisory staff place great emphasis on the need to ensure that an officer's cover is as secure as possible before he enters the 'field'."*⁶³ In 1983, Dave Short/ HN99 reported in the SDS 1982 Annual Report *"... security precautions are continually reviewed. Each new operational officer is carefully selected, thoroughly schooled in a 'cover story' [redacted] provided with appropriate documentation to substantiate his 'new' existence. Improvements over the years have catered for most, if not all, loopholes or anomalies save the human error."*⁶⁴

Oversight beyond the SDS

41. There was acute awareness of the potential embarrassment to the MPS from the cover of UCOs being blown and the existence of the SDS becoming known. The use of deceased children's identities was a core element in the building of cover identities by UCOs and it appears to have been unique to this secret and isolated unit.
42. In reports prepared for the chain of command, close supervision of SDS operations was repeatedly emphasised as the key to maintaining secrecy in relation to the SDS project.⁶⁵ The 1975 SDS Annual Reports noted that *"[security] is achieved primarily through supervision, and it is probably true that no other unit of police officers is so regularly or so strongly supervised. In addition to normal supervisory visits, the field officers have been seen by Commander*

⁶⁰ 1980 SDS Annual Report {MPS-0728962}; 1982 SDS Annual Report {MPS-0730904/7}; Minute Sheet from Special Branch File {MPS-0731858/1,4}; 1974 SDS Annual Report {MPS-0730906}; 1975 SDS Annual Report {MPS-0730099}; 1976 Annual Report {MPS-0728980}; 1978 SDS Annual Report {MPS-0728964}; 1979 SDS Annual Report {MPS-0728963}; 1980 SDS Annual Reports {MPS-0728962}; 1982 SDS Annual Report {MPS-0728985}

⁶¹ SDS Annual Report 1979 {MPS-0728963}

⁶² SDS Annual Report 1979 {MPS-0728963}

⁶³ 1980 SDS Annual Report {MPS-0728962}

⁶⁴ 1982 SDS Annual Report {MPS-0730904/7}

⁶⁵ Minute Sheet from Special Branch File {MPS-0731858/1,4}; 1974 SDS Annual Report {MPS-0730906}; 1975 SDS Annual Report {MPS-0730099}; 1976 Annual Report {MPS-0728980}; 1977 SDS Annual Report {MPS-0728981}; 1978 SDS Annual Report {MPS-0728964}; 1979 SDS Annual Report {MPS-0728963}; 1980 SDS Annual Reports {MPS-0728962}; 1982 SDS Annual Report {MPS-0728985}

*“operations”, DAC and the ACC.*⁶⁶ The Assistant Commissioner reported to the Home Office that both the Commissioner and he took a close interest in the SDS activities including regular visits to the headquarters flats.⁶⁷ Such assurance is repeated throughout the SDS Annual Reports.⁶⁸

43. Consistent with this evidence is the account of Mr McIntosh who describes the Special Branch as *“formal, hierarchical and slow to accept change”* during this period; where *“officers of his rank followed directions as to the way the organisation worked.”*⁶⁹ Further, in 1974, a Chief Superintendent and Superintendent were re-allocated from other tasks to provide *“a further degree of control”* over SDS operations.⁷⁰
44. We note that the T1P3 witness statements from managers are silent on the topic of oversight by Special Branch and beyond in relation to the practice of reliance upon the identities of dead children.

Issues arising for T1P3

45. The Category F CPs note the evidence of a lack of consistency in the approach to cover identity creation which speaks to a lack of managerial oversight and control. They further note the inconsistencies in the evidence between and among managers and back-office staff. They consider it inevitable that knowledge of the practice extended far beyond the confines of the SDS and must have included ACPO level officers⁷¹ and the Home Office.
46. The Category F CPs seek critical examination of the probity of the managers’ evidence in these respects.

Perspectives upon the practice

The UCOs

47. In T1P2 HN200/’Roger Harris’ told the Inquiry that he had challenged the instruction to rely upon the identity of a dead child. He stated: *“I can’t remember at all who told me, because I*

⁶⁶ 1975 SDS Annual Report {MPS-0730099/4}. Emphasis added.

⁶⁷ Letter from the Assistant Commissioner to the Home Office dated 26 April 1977 {MPS-0730719/2}

⁶⁸ 1974 SDS Annual Report {MPS-0730906/3}; 1975 SDS Annual Report {MPS-0730099}; 1976 SDS Annual Report {MPS-0728980}; 1977 SDS Annual Report {MPS-0728981};

⁶⁹ Angus McIntosh/HN244 {MPS-0747578/13}

⁷⁰ 1974 SDS Annual Report {MPS-0730906/3}

⁷¹ Commanders and above.

was a bit upset, and I actually said 'Why is that necessary? ... Because it wasn't something that sat comfortably with me. The reason I was given was that we needed to have a birth certificate to obtain subsequent documentation for myself, such as obtaining a car – car insurance, and that sort of stuff ... and driving licence".⁷² It was his evidence that he assumed that he had no alternative. It was his belief that "anyone from the left" would more easily connect a birth and death in close temporal proximity and therefore he chose the identity of a teenager.⁷³ He was aware that reliance upon the identity of a dead child created the possibility of being confronted with a death certificate in his own identity.⁷⁴

48. HN80/'Colin Clark' was deployed as a UCO between March 1977 and March 1982. He was managed by Mr Craft and Mr Ferguson. He stated: "While some UCOs used the identity of a deceased child, I refused to do so. It distressed me to consider using the details from a dead child's birth certificate and I knew that it would necessarily cause distress to that child's family if it was discovered."⁷⁵ He was nevertheless issued with a passport.⁷⁶

The managers

49. David Bicknell/ HN357 states that the use of deceased children's identities chimed with his experience of World War II and said that "we had an unsentimental attitude of getting on with the job, no matter what."⁷⁷
50. Geoffrey Craft/ HN34 reflects, "The only potential harm of using the deceased child's identity was to renew the grief of bereaved parents that had suffered the worst loss anyone could suffer. Looking back on it, that is the way I see it. I am not aware of what thought was given to the issue by more senior individuals."⁷⁸ As to justification, he comments, "I prosecuted someone who had used this method to create passports for members of the KGB so we knew it was a pretty secure method."⁷⁹ He considered it "inconceivable that the bereaved families would become aware."⁸⁰

⁷² Transcript Day 10 T1P2, 05/05/21 p 155 l 6 – p 158 l 18.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ {UPCI000033626/4} at §21.

⁷⁶ {UCPI0000033625}

⁷⁷ David Bicknell/ HN357 {MPS-0726608/5}

⁷⁸ {MPS-0747446/50}

⁷⁹ Ibid.

⁸⁰ Ibid.

51. Mr Moss states, *“with hindsight [reliance on this practice was] regrettable ... [there was] no other option ... I think the SDS believed the operation would remain secret and that families would not be caused distressed by learning about this practice.”*⁸¹ We have referenced above at §15 that there were in reality options; those relied upon by the Regional and National Crime Squads and the SDS prior to and after 1974.
52. Mr McIntosh states, *“I made no attempt to stop the practice as I did not think it was wrong. It was not against the law. ... as far as I was aware no consideration was given by the management of the SDS to the impact on the surviving family of the deceased child ... there was a general feeling that it would not cause damage to the families as in the ordinary course of events no individual would know about the use of the deceased person’s name. I appreciate that as a result of the inquiry and related revelations the practice is now known, some of the relatives have been informed, and therefore the impact which was not considered at the time is now being felt.”*⁸²
53. Mr Butler states, *“Once I was aware of the practice ... I tacitly approved it ... I do not believe the potential impact on the families of the deceased children was ever discussed. The SDS was a top-secret unit carrying out highly sensitive work and the assumption was that relatives would never become aware of the practice ... revelation of this practice has caused hurt to a number of families, and I greatly regret that hurt, I nonetheless still believed that it was necessary for the UCOs to protect themselves and the SDS in this way.”*⁸³
54. Mr Brice does not even address the harm that has been caused to the bereaved families nor does he provide any evidence by way of purported justification for the tactic.⁸⁴

Issues for T1P3

55. The managers were each aware of the practice of exploiting dead children’s identities but offer inconsistent evidence as to the degree of their involvement. There is a marked reluctance to accept contemporaneous appreciation of the risk of harm to the bereaved families although the moral dimension of what they were requiring the UCOs to do was brought to their attention by UCOs such as HN200/‘Roger Harris’ and HN80/‘Colin Clark’ and the risks of exposure of the SDS operation and its practices were ever present. None opposed the practice.

⁸¹ {MPS-0747797/43}

⁸² {MPS-0747578/55}

⁸³ {MPS-0747658/29}

⁸⁴ {MPS-0747802}

56. There is an obvious tension between the evidence of Mr Craft who derived reassurance as to the operational effectiveness of the tactic from his experience of prosecuting someone who had assisted members of the KGB and Mr McIntosh's assertion that the practice was not against the law. The Category F CPs invite the Inquiry to conclude that the practice was in fact clearly unlawful both at common law and by reference to international human rights standards. Further as the decision of the CPS in relation to EN32 makes plain (see §7 above) and the experience of Mr Craft confirms there was every prospect of criminal law infringements.
57. None of the managers admit to any knowledge of consideration of the tactic by those above them in the chain of command nor do they assist the Inquiry with the identity of the individual or individual(s) who authorised the practice (see further at §28 above).
58. There is now significant evidence available to the Inquiry that senior officers either appreciated the very real harm to bereaved families and chose nevertheless to run those risks or were callously oblivious to the very obvious risks. In either respect those managers were in dereliction of their duties when they authorised and/or condoned the practice with any critical reflection upon the risk of real harm and the lack of any reasonable justification for the change in practice. The belief that they would not get caught out in this practice is no justification at all.
59. The Category F CPs invite challenge to the probity of the managers' evidence in each of these respects.

Concluding observations

60. It was the managers' responsibility to ensure that the workings of the SDS were ethically driven and consistent with the norms of policing practice; a responsibility that was all the more acute given the extraordinary level of secrecy within which the unit operated. The very nature of the operations of the SDS carried obvious risks to the public perception of the MPS and those risks are repeatedly acknowledged within the contemporaneous records. The unique features of the unit increased the need for probity; they do not provide a justification for its absence. The managers' reliance upon secrecy was in any event misplaced. There were of course multiple ways in which the bereaved families could find out: through the compromise of the UCO's cover; through publicity; by accident; and in the manner in which the families did ultimately come to find out, that was as a result of the exposure of the broader unlawful actions of the UCOs who were permitted by these very same managers to conduct themselves in a manner wholly inconsistent with policing ethics by deceiving women into sexual relationships, obstructing legitimate protest and organisation, engaging in criminality and acting as agents provocateur.

61. The SDS was an entirely misguided enterprise targeted as it was at civil society without any reasonable justification. It operated in secrecy and in isolation. It developed practices that were the stuff of spy novels and movies, and the managers presided over that operation without regard for morality or legality. In the post 1974 period the UCOs were compelled by their superiors - in their very first steps towards deployment - to place policing ethics and legality to one side. The requirement to appropriate the identity of dead children set the tone for everything that followed. Illegality was compelled by the very individuals whose duty it was to uphold ethical standards. Those managers bear the responsibility for the development of a toxic culture that pervaded the unit and became its internal fabric.
62. The temporary MPS Commissioner has recently acknowledged that failures of leadership within the MPS have permitted toxic cultures to fester within certain units with the result that extreme misconduct has permeated them, and which is not a matter of a *"few bad apples"*⁸⁵. The Inquiry's work remains of critical relevance to modern policing. The Category F CPs encourage the Inquiry to identify the malpractice that permeated every layer of the SDS operation *and* where the responsibility lay. In their view the Inquiry will be compelled to conclude that the SDS managers - officers who went on to hold the most senior positions within the MPS over a further two decades – not only failed to challenge and expose the heinous goings on within the SDS but actively encouraged and compelled the UCOs to exceed the moral and legal norms which it was their responsibility to enforce.

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SHANTHI SIVAKUMARAN

DOUGHTY STREET CHAMBERS

25 April 2022

⁸⁵ Evidence of temporary Commissioner of the MPS, Sir Stephen House to the Home Affairs Select Committee 20 April 2022.