

Draft Module 2c Issues List For Tranche 1

Introduction

1. The purpose of this document is to communicate a draft list of issues for the Inquiry's Module 2c investigations, limited to the Tranche 1 era. Module 2c involves the gathering and admission of evidence relating to the terms of reference insofar as it relates to government bodies other than the police.
2. The material parts of the terms of reference are set out below with emphasis added to those parts which have particular relevance to Module 2c.

Purpose

To inquire into and report on undercover police operations conducted by English and Welsh police forces in England and Wales since 1968 and, in particular, to:

- *investigate the role and the contribution made by undercover policing towards the prevention and detection of crime;*
 - *examine the motivation for, and the scope of, undercover police operations in practice and their effect upon individuals in particular and the public in general;*
 - *ascertain the state of awareness of undercover police operations of Her Majesty's Government;*
 - *identify and assess the adequacy of the:*
 - *justification, authorisation, operational governance and oversight of undercover policing;*
 - *selection, training, management and care of undercover police officers;*
 - *identify and assess the adequacy of the statutory, policy and judicial regulation of undercover policing.*
3. To date the Inquiry has approached a number of official bodies for evidence about their role in undercover policing. These bodies have included:
 - 3.1. The Home Office
 - 3.2. The Security Service
 - 3.3. The Cabinet Office
 - 3.4. Her Majesty's Inspectorate of Constabulary (now Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services)
 - 3.5. The National Police Chiefs Council (including the National Undercover Working Group and (formerly) the Association of Chief Police Officers)
 - 3.6. The Office of the Surveillance Commissioners (as it then was)
 - 3.7. The Crown Prosecution Service

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- 3.8. National Police Improvement Agency / College of Policing
- 3.9. Independent Police Complaints Commission (as it then was)
- 3.10. National Crime Agency
4. Updated evidence about the current role of the bodies set out above (or, in relevant cases, their successors), in relation to undercover policing will be admitted in Module 3.
5. In preceding tranches (i.e. Tranches 1-5), the Inquiry's approach to Module 2c will take into account the need for the Inquiry to report as soon as reasonably practicable and will be influenced by the evidence it gathers in Modules 1, 2a and 2b. It is anticipated that this will mean that in its future investigation the Inquiry focusses on the role of official bodies in relation to particular episodes or incidents of significance revealed by evidence gathered as part of Modules 1, 2a & 2b. To that end, the Inquiry will request witness statements from persons selected by the Chairman, who will be informed by all relevant circumstances including the documents obtained by the Inquiry and evidence obtained from witnesses to date, as well as the relative importance to the Terms of Reference of the various issues that are identified in the course of examining the evidence in Modules 1, 2a and 2b.
6. This approach means that core participants should not expect evidence from each of the official bodies listed above in each of Tranches 1-5.
7. Investigations are not sufficiently advanced for a draft list to be produced for Tranches 2-5 at this stage. Draft issues for these tranches will be added and submissions sought from core participants about them in due course.
8. In relation to Tranche 1, the Inquiry has obtained and admitted evidence from the Security Service. It has also obtained and admitted some evidence from the Home Office. Further evidence is currently being sought from the Home Office to follow up that which has already been obtained. Evidence has also been requested, in relation to the Interdepartmental Working Group on Subversion in Public Life, from the Cabinet Office. None of the material disclosed to the Inquiry by Her Majesty's Inspectorate of Constabulary (as it was at the time of the request) relates to the Tranche 1 era.
9. Core Participants are invited to make submissions regarding the draft list of issues for Module 2c *limited to the Tranche 1 era*. The deadline for receipt of such submissions is 4pm on 22 July 2022.
10. Nothing in this document constrains the Inquiry from investigating any further issues that emerge from the documentary record or from witness evidence. Conversely, inclusion of an issue in this list does not mean that it will be investigated exhaustively.

Draft Module 2(c) Issues List for the Tranche 1 Era

The Home Office

1. What role did the Home Office play in the establishment, continuation, authorisation and funding of the SDS?
2. What role, if any, did the Home Office play in the way in which the SDS operated?
3. What influence did the Home Office have, either directly or indirectly, on the SDS?
4. What role did the Home Office have in relation to the Terms of Reference for Special Branch?
 - 4.1. How did the Home Office discharge this role insofar as it is relevant to the SDS?
5. What did the Home Office know about the operation of the SDS?
6. Did the Home Office act appropriately in relation to the SDS?

The Security Service

7. What was the working relationship between the SDS and the Security Service?
8. How and to what extent was the work of the SDS influenced by its role in relation to the Security Service?
9. Of what value was SDS intelligence to the Security Service?

The Cabinet Office

10. To what extent, if at all, was the Interdepartmental Working Group on Subversion in Public Life aware of the SDS and its operations.
11. What influence, if any, did the work of the Interdepartmental Working Group on Subversion in Public Life have on the operation of the SDS?

30 June 2022