

THE UNDERCOVER POLICE INQUIRY

SUBMISSIONS OF THE METROPOLITAN POLICE SERVICE ON THE PRELIMINARY DRAFT MODULE 2B ISSUES LIST SPECIAL DEMONSTRATION SQUAD

Introduction

1. These are the MPS's submissions on the Inquiry's 'Preliminary Draft Module 2B Issues List Special Demonstration Squad', which were published for consultation on 19 April 2022.
2. As with previous submissions on the Inquiry's draft issues lists, the MPS makes no concessions as to whether particular aspects of the evidence on these issues can safely be considered in public without damage to the public interest and/or to individuals, particularly in light of any anonymity decisions that have been or will be made during the course of these proceedings.

Submissions

3. The submissions below follow the headings and numbering of the Draft List.

The establishment of the Special Demonstration Squad and its continuation

4. **Question 2:** add wording to "...its creation, funding, and intended activities..." so that it reads "...its creation, funding, remit, intended activities, and continued existence..."
5. **Question 5:** remove in its entirety, as it does not materially add to Question 2 (see the suggested revision to Question 2 above).

Senior Management and supervisory structure and function - general

6. **New question after Question 7:** "To what extent were the SDS's procedures, targeting, operations, tactics, techniques and reporting methods directed, controlled or in any way influenced by organisations outside the Metropolitan Police Service, including (but not limited to) the Cabinet Office, the Home Office and the Security Service?" As set out in its written opening for T1P3, the MPS considers this to be an important issue, which requires consideration by the Inquiry.

7. **First new question after Question 13:** “What, if any, obligations of secrecy were imposed on senior management about the SDS’s procedures, targeting, operations, tactics, techniques and/or reporting methods?” This question is relevant to the understanding of senior management’s attitude to, discussions of, and interactions with the SDS during the relevant time periods.
8. **Second new question after Question 13:** “How, if at all, did senior managers assess (i) the performance of the SDS, and (ii) whether the SDS was achieving its objectives?” This question is relevant to the understanding of the justification and value of the SDS’s work.

Selection and Recruitment

9. **New question after Question 14:** “If senior managers did play such a role, what skills, attributes, qualifications and/or other indicators of suitability were senior managers looking for in candidates for the SDS?”
10. **Question 15:** replace current “How satisfactory” with “How effective in practice...”

Training and Guidance

11. **New question after Question 17:** “What guidance or advice, if any, was given by or on behalf of senior managers to those serving within the SDS on any ethical limitations applicable to the behaviour of undercover officers during deployments?”

Targeting and authorisation

12. **Question 22:** replace current “ranks and roles within senior management” with “ranks, roles and units within senior management...”
13. **First new question after Question 22:** “To what extent was the selection of groups or individuals to be targeted by the SDS directed or influenced by organisations outside the Metropolitan Police Service, including (but not limited to) the Cabinet Office, the Home Office and the Security Service etc.?” See the proposal and comments in respect of the proposed new question after Question 7, above.
14. **Second new question after Question 22:** “To what extent were senior managers aware of or involved in that external direction or influence?”

15. **Question 22.2:** replace current “gathered without authorisation” with “gathered without authorisation from any source ...”

Special Demonstration Squad Record Keeping

16. **New question after Question 30:** “What, if anything, were senior managers required, advised or expected to do in the event that undercover officers recorded information which should not have been recorded in SDS intelligence reports?”

Dissemination of SDS Reporting

17. **Question 32:** expand current “(b) other police forces, (c) other individuals or organisations (including private sector organisations)” to read “(b) other police forces and databases (including the Animal Rights National Index), (c) other individuals or organisations (including government departments/agencies and private sector organisations)?”
18. **New question after Question 32:** “What procedures were used to convert raw data received from SDS undercover officers into intelligence reports for onward dissemination?”
19. **New question after Question 35:** “Did the activities of the SDS facilitate the detection, prevention, control of and / or countering of subversion?”. See also the proposed new question after Question 87, below.

Senior Management knowledge of and attitudes towards relationships between undercover officers in their cover identities and those with whom they came into contact

20. The MPS observes that in this section the specific types of relationship being scrutinised are unclear. This ambiguity may prove confusing or unhelpful in dealing with any evidential issues arising from the Issues List. The MPS therefore suggests that the draft is revised to make clear whether the focus is on *all* relationships of any kind between undercover police officers and those with whom they came into contact, or specifically on *sexual* relationships.
21. **Question 37:** replace current question with “What, if any, policy, instruction, procedure, guidance, or advice (whether formal or informal) existed or was given concerning relationships between undercover officers in their undercover identities and those with whom they came into contact?” These additions are intended to elicit how guidance may have been given during this period.

Senior Management knowledge of and attitudes towards participation in, or encouragement of, crime by undercover officers

22. **Question 45:** replace current question with “What, if any, policy, instruction, procedure or guidance existed concerning any of the following: (i) participation in crime by undercover officers, (ii) facilitation of crime by undercover officers, (iii) encouragement of crime by undercover officers?”. The proposed revisions are intended to ensure that these distinct concerns do not become conflated with one another.
23. **Question 46:** replace current question with “Were senior managers aware of undercover officers either (i) committing crimes, (ii) participating in crimes, (iii) facilitating crimes or (iv) encouraging crimes?” See the comments on Question 45, above.
24. **Question 47:** replace current question with “Were undercover officers encouraged by senior managers to either (i) commit crimes, (ii) facilitate crimes or (iii) encourage others to commit crimes?” See the comments on Question 45, above.
25. **Question 48:** replace current question with “Did senior managers tolerate or condone either (i) unauthorised participation in crime by undercover officers, (ii) unauthorised facilitation of crime by undercover officers, or (iii) unauthorised encouragement of crime by undercover officers?” See the comments on Question 45, above.

Senior Management knowledge of and attitudes towards undercover officers' involvement in criminal proceedings

26. **New question after Question 52:** “What action, if any, was taken in these circumstances?”

Whistleblowing

27. **New question after Question 70:** “To what extent was the concept of “whistleblowing” part of police culture in the Metropolitan Police Service during the SDS’s operational existence? Has the Metropolitan Police Service’s attitude to the concept of “whistleblowing” changed during that period?” Consideration of this issue required an understanding of how whistleblowing was viewed during the index period.

Interaction with the Security Service

28. **First new questions after Question 87:** “What did senior managers understand the definition of subversion to be? Who set the definition?” These questions should be asked

in the early part of this section as they are important to the understanding of MPSB and SDS targeting and underpin the answers to the subsequent questions.

29. **Further new question after Question 87:** “Who identified which individuals or groups were considered to be subversive or potentially subversive?” This question is important to the understanding of MPSB and SDS targeting.
30. **Question 91:** remove this question as it is pejoratively phrased and is unnecessary considering the addition questions proposed after Question 87, above.

General points

31. The initialism “SDS” is used in Question 1, 3, 4 and 5, but the wording reverts to “Special Demonstration Squad” in Questions 6 and 7 and then intermittently throughout the Draft List. For consistency, it would be better to use one or the other throughout. Likewise in respect of the terms “senior officers” and “senior management”.

PETER SKELTON QC
1 Crown Office Row

NICHOLAS CROPP
7 Bedford Row

1 July 2022